

## SUPPORTING STATEMENT FOR STANDARD FORM 83-I

### PART A OF THE SUPPORTING STATEMENT

#### 1. IDENTIFICATION OF THE INFORMATION COLLECTION

##### 1(a) TITLE AND NUMBER OF THE INFORMATION COLLECTION

Regulation of Fuel and Fuel Additives: Removal of Oxygen Content Requirement. Current OMB control number is 2060-0277. The EPA number for this modification is 1591.19. The docket number is EPA-HQ-OAR-2005-0170.

##### (b) SHORT CHARACTERIZATION/ABSTRACT

Section 211(k) of the Clean Air Act (“Act”) mandates that reformulated gasoline (RFG) which meets various requirements be exclusively sold in nine statutory control areas and in other ozone nonattainment areas that “opt-in” to the reformulated gasoline program. The Act also requires EPA to regulate the production and sale of conventional gasoline (non-RFG) throughout the rest of the country. Refiners and importers of gasoline are required to demonstrate compliance by conducting sampling and testing of the gasoline and reporting the results to EPA’s Office of Transportation and Air Quality. See 40 CFR Part 80, subparts D through F. Previous ICRs in this 1591 series have covered start up costs and other record keeping, reporting, and testing requirements associated with the final rule. This ICR covers burden and cost reductions associated with removal of the oxygen content requirement.

In the Energy Policy Act of 2005, Congress removed the oxygen content requirement for reformulated gasoline (RFG). We are issuing a direct final rule that removes the oxygen content requirements from our regulations and that removes provisions (including recordkeeping and reporting) designed to implement and ensure compliance with the oxygen content requirement.

#### 2. NEED FOR AND USE OF THE COLLECTION

##### (a) NEED/AUTHORITY FOR THE COLLECTION

The basic need and authority for the collection of information have been established in the ICR for the RFG final rule. The Act specifically provides that recordkeeping and reporting requirements are among the tools EPA may use in enforcement of the provisions of § 211(k) and also provides that EPA must develop an enforceable scheme. Sections 114 and 208 of the Act authorize EPA to require recordkeeping and reporting regarding enforcement of the provisions of Title II of the Act. The direct final rule and this ICR modification remove the requirement for certain recordkeeping and reporting related to oxygen content.

##### (b) PRACTICAL UTILITY/USERS OF THE DATA

The practical utility and use of the collection of information under the RFG rule

generally have been established in the ICR for the RFG final rule.

The EPA's Office of Enforcement and Compliance Assurance and EPA's Office of Air and Radiation, Office of Transportation and Air Quality, will be the governmental users of the information contained in this information collection.

### 3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

#### (a) NONDUPLICATION

The direct final rule and this ICR modification will eliminate certain information collection burdens and does not require any new burdens.

#### (b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB

The proposed information collection changes are included in the direct final rule. A copy of the direct final rule is available in this docket and it will be submitted for publication in the Federal Register.

#### (c) CONSULTATIONS

No representatives from the affected industry participated in the development process regarding the specific modification included in this action; however, industry was consulted in making the assumptions related to the original information collection burden. The direct final rule and the ICR modifications are necessary to carry out the intent of the Energy Policy Act.

#### (d) EFFECTS OF LESS FREQUENT COLLECTION

The direct final rule and this ICR modification eliminate certain information collection burdens under the RFG/anti-dumping rule. This reduction in burden will not result in any lack of assurance that parties are in compliance with the applicable standards for RFG and conventional gasoline.

#### (e) GENERAL GUIDELINES

The general guidelines for the collection of information pursuant to the RFG and anti-dumping rule are approved in the ICR for the final RFG and anti-dumping rule.

#### (f) CONFIDENTIALITY AND SENSITIVE QUESTIONS

##### (i) Confidentiality

Any information submitted to EPA for which a claim of confidentiality is made will be safeguarded according to EPA regulations at 40 C.F.R. 2.201 et. seq.

(ii) Sensitive Questions

This section is not applicable as this ICR does not involve matters of a sensitive nature.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

(a) RESPONDENTS/NAICS and SIC CODES

Respondents are gasoline refiners and importers (324110 / 2911), marketers (442710 / 5171), distributors (422720 / 5172), and carriers (484220, 484230 / 4212, 4213).

(b) INFORMATION REQUESTED

(i) Data Items, Including Recordkeeping Requirements

There are not data items associated with this modification.

(ii) Respondent Activities

There are no respondent activities associated with this modification.

5. THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY AND INFORMATION MANAGEMENT

(a) AGENCY ACTIVITIES

The Agency will no longer collect information covered by this ICR modification.

(b) COLLECTION METHODOLOGY AND MANAGEMENT

There are no significant changes to the collection methodologies in the ICR for the RFG final rule anticipated as a result of this modification.

(c) SMALL BUSINESS FLEXIBILITY

There is no burden to small businesses and burden for all businesses is reduced.

(d) COLLECTION SCHEDULE

There is no collection schedule related to this modification.

6. ESTIMATING THE REDUCTION IN BURDEN AND COST OF THE COLLECTION

(a) ESTIMATING THE REDUCTION IN RESPONDENT BURDEN

We drew upon experience implementing similar regulations among the same entities to develop estimates of the reduction in burden associated with this modification.

(b) ESTIMATING THE REDUCTION IN RESPONDENT COST

Three labor categories are involved: managerial (includes legal and professional review), technical, and clerical. According the Bureau of Labor Statistics, "Employer Costs for Employee Compensation - Table 12 - Private Industry, Manufacturing, and Non-Manufacturing Industries by Occupational Group (December 2003), the following wages and benefits apply by category:

Wages and Benefits

Managerial	\$49.30 per hour
Technical	\$32.31 per hour
Clerical	\$22.42 per hour

Doubling for company overhead beyond wages and benefits, and for convenience, rounding to the dollar, gives the following rates for this ICR:

Total Employer Cost

Managerial	\$99.00 per hour
Technical	\$65 per hour
Clerical	\$45 per hour

The labor mix for the activities estimated will be about the same for each and is consistent with prior ICRs in this series. It is assumed that for each hour of activity the mix will be about 0.1 hour managerial, 0.7 hour technical, and 0.2 hour clerical. This gives an average labor cost of \$65 per hour, which will be used in this ICR modification.

(c) ESTIMATING AGENCY BURDEN AND COST

There is no measurable change in the Agency burden and cost associated with this modification.

(d) ESTIMATING THE RESPONDENT UNIVERSE

We were able to estimate the number of regulated entities drawing upon our experience regulating the same entities.

(e) BOTTOM LINE REDUCTION IN BURDEN HOURS AND COSTS

The annual estimates for reduction in burden hours and costs associated with this direct final rule are as follows :

**Reduction in Annual Respondent Burden Hours & Costs  
(Including Capital and Maintenance - O&M)<sup>1</sup>**

Collection Activity to be Eliminated	# Respondents	# Responses per Respondent to be Eliminated	Total # of Responses to be Eliminated	# Hours per Response	Total Hours and Total Costs @ \$65/hour	Total O&M
Annual oxygen averaging reports	100	(1)	(100)	1	(100 hours) --- (\$6,500)	0
RFG batch reports (oxygen blenders)	25	(100)	(2500)	1	(2,500) --- (\$162,500)	(\$600,000)
RFG annual reports (oxygen blenders)	25	(1)	(25)	1	(25) --- (\$1,625)	0
RFG survey reports (oxygen blenders)	25	(1)	(25)	20	(500) --- (\$32,500)	(\$1,200,000)
RFG attest engagement (oxygen blenders)	25	(1)	(25)	120	(3,000) --- (\$195,000)	(\$250,000)
TOTALS					(6,125) --- (398,125)	(\$2,050,000)

<sup>1</sup> Please note that costs are not expressed in thousands of dollars as is the usual custom for supporting statements, but in actual dollars. Because some amounts are relatively small, it is easier in this case to use actual dollars. Values that represent a reduction are shown in parenthesis.



(f) REASON FOR CHANGE IN BURDEN

The removal of the oxygen content requirement was required by the Energy Policy Act. We are removing related recordkeeping and reporting provisions that are no longer necessary via the direct final rule. This ICR modification reflects removal of those provisions.

(g) BURDEN STATEMENT

This direct final rule eliminates 6,125 total burden hours of information collection. There is no additional collection of information burden associated with this action.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this and comments may be submitted to the attention of this docket number: EPA-HQ-OAR-2005-0170. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the docket number in any correspondence.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This section is not applicable because statistical methods are not used in the data collection associated with the reformulated and anti-dumping regulations.