STATEMENT SUPPORTING THE **RENEWAL** OF THE INFORMATION COLLECTION REQUIREMENTS FOR RISK MANAGEMENT PROGRAM REQUIREMENTS and PETITIONS TO MODIFY THE LIST OF REGULATED SUBSTANCES UNDER SECTION 112(r) OF THE CLEAN AIR ACT

EPA # 1656.13

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection Request

Risk Management Program Requirements and Petitions to Modify the List of Regulated Substances under section 112(r) of the Clean Air Act (CAA) (Renewal).

1(b) Short Characterization

This information collection request (ICR) renews a previously approved ICR (1656.12), OMB Control No. 2050-0144, expiring January 31, 2009.

This information collection request (ICR) addresses the following information requirements:

(1) Documenting sources' risk management programs and submitting a source risk management plan (RMP) under CAA Section 112(r)(7)

The regulations include requirements for covered sources to implement and maintain documentation for a risk management program and submit a RMP (including information on a source's hazard assessment, prevention program, and emergency response program) to EPA. EPA has assumed responsibility for maintaining a database of submitted RMPs, which will be made available electronically to the implementing agency, states, local governments, and (except for the Offsite Consequence Analysis data) to the public.

(2) Collecting and submitting information to support petitions to modify the list of regulated substances under CAA Section 112(r)(3)

The regulations include requirements for a petitioner to submit sufficient information in support of a petition to scientifically support the request to add or delete a chemical from the list of regulated substances. The Agency will use this information in making the decision to grant or deny a petition. All the information collected requesting modification of the chemical listings is stored in a docket created for that purpose.

CAA section 112(r)(7) required EPA to promulgate regulations and appropriate guidance to provide for the prevention and detection of accidental releases and for responses to such releases. EPA issued the final rule on June 20, 1996 (61 FR 31668). The regulations include requirements for submittal of an RMP, including source registration, to EPA. The RMP includes information on a source's hazard assessment, prevention program, and emergency response program. The RMP requirements have been amended few times since the 1996 final rule. The regulations are codified in 40 CFR part 68. The rule requires sources to submit their RMPs every five years beginning June 21, 1999.

The final rule establishing the list of regulated substances and threshold quantities under CAA

section 112r was published on January 31, 1994 (59 FR 4478), which also includes provisions and procedures for submitting a petition to add or delete a substance.

Part 68 provides for tiering of the regulatory requirements to take into consideration differences between various types and classes of sources, as well as the risk posed by the different sources. The regulatory program consists of three tiers of risk management programs. Sources are classified into program tiers based on the degree of risk posed by potential releases and coverage by OSHA's Process Safety Management (PSM) standard. Sources with processes classified as Program 1 pose little risk and face minimal compliance requirements. Sources with processes classified as Program 2 must implement a streamlined list of prevention program requirements. Sources with processes classified in Program 3 must complete a prevention program identical to that required by the OSHA PSM Standard (29 CFR 1910.119).

The compliance schedule for the Part 68 requirements, established by rule on June 20, 1996, requires the implementation of the source risk management programs and the submission of initial RMPs by June 21, 1999, and every five years after the initial submission. After the initial submission, few sources re-submitted their RMPs because they had some changes to their processes or changes in the thresholds. These sources were then assigned a five-year compliance deadline based on the date of their revised plan submission. The remaining sources submitted their second submissions on June 21, 2004. Some sources submitted their revised RMP after the second submission deadline for various reasons and therefore EPA assigned a new compliance deadline. The remaining sources' next submission is June 21, 2009. Because of different anniversary (compliance deadline), only a portion of the RMP regulated universe have submission deadline specified in Part 68 (June 21).

Other than the costs for gathering information and filling out the RMP form, the regulations require sources to maintain on-site documentation, perform compliance audit every three years, provide refresher training to employees, perform hazard analysis atleast every five years, etc. Some of these activities are expected to occur annually or on-going. Some are required every three years or every five years, unless there are some changes at the facility. Therefore, the burden and costs incurred by sources vary from ICR to ICR. The five-year compliance deadline set by the regulations or assigned by EPA based on the revised RMP submission also will cause the burden to vary from ICR to ICR.

This ICR period is from January 2009 to January 2011. The first year of this ICR period consider the burden for the majority of sources submitting their RMP with the compliance deadline in calendar year 2009. The remaining two years covered by this ICR will account for burden for sources that have RMP compliance deadline. These sources that will submit RMP in this ICR period will also comply with prevention program activities and on-site documentation of their prevention program. For those sources that have submitted their RMPs prior to this ICR period will have to comply with updating certain parts of their prevention program, which will also be accounted for in this ICR period This ICR will also estimate new sources that may be required to comply with RMP requirements. For new sources, this ICR will account for rule familiarization, program implementation as well as the submission of the risk management plan. The burden for currently covered sources for initial rule compliance, including rule familiarization and program implementation have taken place prior to the period covered by this ICR. Also, there are some sources that did not submit their RMPs on their scheduled deadline. The burden for these sources will be accounted in this ICR.

For the past two submissions, sources used RMP*Submit which was available on the EPA website which sources were able to download, fill the form and mail the diskette. For the June 2009 submission and on, this will no longer be available. Instead, sources will be required to submit RMPs online (RMP*eSubmit) via EPA's secure website. The RMP*eSubmit will be available in early 2009.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

Risk Management Plans

Information collection for on-site documentation is authorized by CAA sections 112(r)(7)(B)(i) and (ii), which state that "The Administrator shall promulgate reasonable regulations and appropriate guidance to provide ... for the prevention and detection of accidental releases of regulated substances...." and "The regulations ... shall require the owner or operator ... to prepare and implement a risk management plan to detect and prevent or minimize accidental releases..." Information collection for submitting an RMP is authorized under CAA section 112(r)(7)(B)(iii), which states in relevant part that "The owner or operator of each stationary source...shall register a risk management plan...with the Administrator before the effective date of the regulations...in such form and manner as the Administrator shall, by rule, require...and shall be available to the public under section 114(c)." Information collection for on-site documentation and submittal of RMPs is also authorized by CAA 114(a)(1). The list and thresholds promulgated under CAA section 112(r)(3) determine which sources must comply with the accident prevention regulations; a source must comply with the CAA section 112(r)(7) regulations if it holds more than a threshold quantity of a listed substance in a process. State and local authorities will use the information in RMPs to modify and enhance their community response plans. The agencies implementing RMP rule will use RMPs to evaluate compliance with part 68 and identify sources for inspection because they may pose significant risks to the community. Citizens may use RMPs to assess and address chemical hazards in their communities.

Petitions

This information collection is authorized under CAA section 112(r)(3), which states in relevant part that "The Administrator shall establish procedures for the addition and deletion of substances from the list established under this paragraph consistent with those applicable to the list in subsection (b)." The information collected during the petition process will provide the primary basis for EPA to determine if it is appropriate to add or delete a chemical. To be consistent with the petition process under CAA section 112(b), EPA is required to consider and respond to petitions to modify the list of regulated substances within 18 months of submission of the petition; complete data supporting the petition are necessary to allow EPA to finish its review within that time period.

2(b) Use/Users of the Data

Risk Management Plans. The information collected in the RMP is critical for assisting government agencies in assessing the quality and thoroughness of a source's hazard assessment, prevention program, and emergency response program. The information also would be used by state and local emergency planners to prepare or modify community response plans and to identify hazards to the

community and provide a basis for working with sources to prevent accidents.

Risk Management Programs. Documentation of the implementation of risk management programs is necessary to assist government agencies in determining whether a source has complied with the regulations. In some cases (e.g., safety information and operating procedures), the documentation is a critical requirement of the rule, providing the basis for other rule elements.

***Petitions*.** The information collected in support of a petition to modify the list of regulated substances is to be used by EPA to determine whether to grant or deny a petition to add or delete a chemical from the list.

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Nonduplication

***Risk Management Plans*.** Some sources may have submitted information to EPA Headquarters or Regions under other regulations (i.e., Form R or RCRA Biennial Reports) that is similar to the information requested in the registration form under these regulations. For example, EPCRA Section 312 Tier II forms, which include similar information, are submitted only to states and local planning authorities, not EPA. For EPA to best comply with the Act, it is most beneficial if the information requested for registration is submitted in a concise and organized format, using the RMP form.

***Confidential Business Information*.** Some sources may have submitted substantiation of CBI claims for chemical identity or other information to EPA Headquarters or Regions under other regulations that is similar to the information requested under these regulations. For EPA to best comply with the Act and most effectively evaluate such claims, it is most beneficial if the CBI substantiation accompanies the submission of the RMP.

3(b) Consultations

Prior to developing this ICR, the Agency contacted a few sources to obtain information on the number of hours sources spend on collecting data and submitting RMP. Some of the sources contacted have re-submitted the RMP between the two reporting periods (June 21, 1999 and 2004) for changes in their processes or changes in their worst-case scenario or alternative scenario. Others had re-submitted only minor changes to their previous RMP. The following sources were contacted.

Arkema, Inc.
Piffard, NY

Hill Brothers Chemical Co.
Phoenix AZ

Dow Chemical
Plaquemine, LA

Exxon Mobil
Baytown, TX

The Valvoline Company
Hernando, MS

TVA – Paradise Fossil Plant
Drakesboro, KY

Dow Chemical
Freeport, TX

Occoquan Water Treatment
Fairfax, VA

Daiken America
Decatur, AL

The sources that were contacted were in various sectors, waste water treatment plant, chemical manufacturers, petroleum refinery etc. of different sizes (small, medium and large). The number of hours reported by these sources ranged from 8 hours for small manufactures to 200 hours for large manufacturers. These hours are spent to comply with prevention program activities, preparing and submitting an RMP. Although currently covered sources already have a prevention program in place, these sources are expected to review and update any changes as well as submit the RMP on their compliance deadline.

3(c) Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Agency notified the public through the *Federal Register* notice on the renewal of this ICR on August 14, 2008 (73 FR 47594). EPA did not receive any comments.

3 (d) Effects of Less Frequent Collection

Sources are required to register and submit an RMP only once every five years, unless there are significant changes in the information provided. There is a statutory requirement for sources to register, submit, and update an RMP.

3(e) General Guidelines

CAA section 112(r)(7)(B)(iii) requires that sources update their RMPs periodically. To maintain consistency with OSHA PSM requirements, EPA's implementing rule requires sources to update PHAs and hazard assessments every five years. Thus, sources are required to maintain such documentation for five years, which is greater than the three years specified in OMB's general guidelines.

3(f) Confidentiality and Sensitive Questions

(i) Confidentiality

Some of the elements mandated in the regulation for the risk management plan may require the submittal of data viewed as proprietary, trade secret, or confidential. As described above, EPA has adopted procedures for sources to claim certain information as confidential business information.

(ii) Sensitive Questions

No questions of a sensitive nature are included in any of the information collection requirements. The information submitted in an RMP includes information on a source's hazard assessment, prevention program, and emergency response program, and the information submitted in support of a petition to modify the list of regulated substances includes toxicity data and accident history data. The information collection requested under the EPA rulemaking is in compliance with the Privacy Act of 1974 and OMB Circular A-108.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

Risk Management Programs and Plans

The accidental release prevention program under the CAA was developed for sources that manufacture, react, mix, store, or use regulated substances in processes that require equipment designed, constructed, installed, operated, or maintained in specific ways to prevent accidental releases and ensure safe operations. The CAA requires sources to comply with the regulations if they have more than a threshold quantity of a listed regulated substance. Based on submissions of RMPs, the rule applies to manufacturers (i.e., sources categorized in North American Industry Classification System (NAICS) codes 31-33), as well as some non-manufacturers, including federal sources, utilities (NAICS code 221: electric utilities, drinking water systems, wastewater treatment works), warehouses, large ammonia refrigeration systems (e.g. food processors and distributors), wholesalers, ammonia retailers, and gas processors.

As of June 2008, approximately 13,640 sources are currently subject to 40 CFR part 68 requirements. RMPs are due every five years. The first submission was June 21, 1999. The second submission was received in June 2004. The third five-year compliance deadline is June 21, 2009, which is the first year covered by this ICR. As mentioned in the previous section of this document, some of the sources re-submitted their RMPs for various reasons specified in 40 CFR 68.190 after the second submission deadline (June 21, 2004), therefore, EPA assigned a five-year deadline, which is not the deadline specified in part 68 (June 21). So, for these sources, their next five-year compliance deadline may fall in the last two years of this ICR period. Approximately 8,005 sources of the total universe (13,700**)** have a compliance deadline in the first year of this ICR period (Jan to Dec 2009). The remaining sources, 1,456 sources have compliance deadline in the second year and 1,234 sources have compliance deadline in the third year covered by this ICR. The remaining of the universe have compliance deadline beyond the period covered by this ICR. Of the total universe, 645 sources are out of compliance since June 2004 compliance deadline. Based on the number of new sources that reported between 2004 and 2006, EPA estimates that approximately 384 new sources may come into compliance each year covered by this ICR period.

During the period covered by this ICR, approximately 16 State and local agencies obtained delegation to implement the RMP program. These 16 agencies are expected to carry out their implementing functions each year covered by this ICR.

As mentioned above, although only 10,695 sources have a compliance deadline in the three years covered by this ICR, 2,300 sources (compliance deadline beyond this ICR) will be subject to maintaining on-site documentation and conducting some or most of the prevention program activities. EPA also assumes that atleast 323 sources (out of total of 646 sources out of compliance) may submit their RMP during the three year covered by this ICR.

Total number of annual respondents for this ICR is 4573 (13,718 for three years), which includes currently covered facilities with compliance deadlines for this ICR period and those sources required to comply with prevention program activities, new sources expected to be in compliance, sources that are out of compliance but may be in compliance in this ICR period and the implementing agencies. Exhibit 1 shows the number of sources that have compliance deadlines from January 2009 to December 2013. Exhibit 2 shows the number of new sources expected to be in compliance this ICR period.

Petitions

Any person may petition EPA to modify, by addition or deletion, the list of regulated substances.

Potential petitioners are likely to include environmental groups, industry, and state and local agencies. Due to the nature of their activities, the chemical manufacturing sector is likely to be the primary industry producing, using, or storing listed regulated substances affected by the petition process. Since the list rule was promulgated in January 1994, however, only one petition has been submitted to EPA; this petition was withdrawn. Based on this record, EPA assumes that no additional petitions will be submitted in the period covered by this ICR.

4(b) Information Requested

Data requirements and respondent activities vary by program level. Program 1 requires the least amount of data and time from respondents, while Program 3 requires the most. Sources with Program 3 processes are those that do not meet Program 1 but subject to OSHA's PSM standard, or those with any of the nine NAICS codes listed in section 68.10(d)(1). Program 2 processes are those that do not meet Program 1 or 3 eligibility requirements. See section 68.10 for more detailed description of each Program.

All sources are required to update and submit every five years an RMP that includes basic facility data, an executive summary, five-year accident history, data on the worst-case release scenarios (at least one for toxics and one for flammables), and data on emergency response regardless of their program classification. In addition, Program 2 and 3 sources must also submit data on alternative release scenarios (one for each toxic and one for flammables) and their prevention programs (by process). If a change at the source (e.g., a substantial change in the quantity held, a major modification of a source) leads to a change in certain data submitted in the previous RMP or requires an update to add a new process, the RMP must be revised and resubmitted. Depending on the event that triggers the need for an update, the source must resubmit the revised RMP either before the change is implemented (e.g., the addition of a new regulated substance) or within six months of the change (e.g., a major process modification).

(i) Data Items

Risk Management Plans

***Registration*.** Sources must submit the following information to EPA in the registration section of the RMP:

- Name and location of the stationary source, and latitude and longitude, as well as the method used to determine the latitude and longitude and an indication of the specific location at the source that it represents;
- The name, telephone number, and mailing address of the owner/operator of the source;
- Name and title or position of the person responsible for RMP implementation at the source;
- Name, title, phone number, 24-hour telephone number and the email address of the emergency contact at the source;
- Name, the mailing address, and the telephone number of the contractor who prepared the RMP (if any);
- The source's (and parent company's, if applicable) Dun and Bradstreet number, which is a common identifier for sources and would allow EPA to cross-reference the data with

other EPA databases;

- For each covered process, the names, CAS numbers, and quantities (to two significant digits) of all regulated substances and the applicable NAICS code(s);
- Number of full-time employees at the source;
- Whether the source is covered under the OSHA PSM program and EPCRA 302;
- The sources CAA Title V permit number (if applicable); and
- The type of and reason for any changes being made to a previously submitted RMP;

Voluntary data elements that may be provided as part of the registration include the LEPC for the planning district in which the source is located and, to support communication with the public, a public contact phone number for the source, the www homepage address of the source or its parent company, and the e-mail address of the source.

Program 1. Sources with Program 1 processes are required to prepare an executive summary and include a five-year accident history and emergency response data in their RMP. In addition, for Program 1 processes, owners/operators are required to document the worst-case release in the RMP and certify that:

(1) Their worst-case release would not reach any public receptors;

(2) The process has had no accidents in the previous five years that resulted in certain impacts offsite; and

(3) Public emergency responders will not enter within certain distances except as previously arranged.

Programs 2 and 3. Sources with Program 2 and Program 3 processes are required to submit an RMP that includes the following information:

- An executive summary;
- A five-year accident history for each incident that caused specific on-site or offsite impacts from a release of a regulated substance held above its threshold in a covered process;
- The results of the offsite consequence analysis (OCA) (worst-case and alternative release scenarios);
- Information concerning the prevention program and process hazards, controls, mitigation systems, and detection systems identified during the PHA or hazard review for each covered process;
- Information concerning emergency response steps and coordination with the LEPC plan; and
- Certification of the accuracy of the information submitted.

The requested information in the RMP is critical in assisting government agencies in assessing the quality and thoroughness of a source's prevention, detection, and response program. The information will assist agencies in identifying sources that should be visited to ensure safe source operations.

Deregistration. Sources that are no longer subject to Part 68 are required to notify EPA in writing within six months of the date on which they are no longer covered.

Risk Management Programs

Prevention Program Documentation

All covered sources with Program 2 or 3 processes will need to conduct and document a compliance audit within the three-year period of this ICR. All previously covered sources are assumed to incur costs for accident investigation. Other on-going costs for documentation for Program 2 processes are for keeping the safety information and operating procedures up-to-date. For Program 3 processes, the on-going costs include keeping Process Safety Information (PSI) and Standard Operating Procedures (SOPs) up-to date, documenting refresher training, training of new employees, maintenance, and management of change. Any source that has an emergency response plan is subject to OSHA HAZWOPER; all costs for updating the plan accrue to the OSHA rule. Only chemical wholesalers are expected to change their OCAs over the three-year period. The documentation for those costs is considered in the RMP costs.

Program 1. New Program 1 sources will need to maintain only on-site records of their worst-case release analysis, and their simplified RMP. Maintaining copies of these submissions is expected to require no additional effort by these sources.

Program 2. New Program 2 sources will need to maintain on-site records supporting the contents of their RMP and compliance with other rule requirements. These sources must also maintain records of any compliance audits performed and any accident investigation reports.

The on-site documentation associated with the risk management program for Program 2 sources consists of information that will be generated automatically during the development of the hazard assessment, the SOPs, compliance audits, and safety information. Each required data item is an integral element of a good program; maintenance of these data on site will allow EPA or state or local authorities to conduct effective source audits without requiring submittal of sensitive business information. Under the requirements, Program 2 sources must maintain the following specific on-site documentation:

- Records of the hazard assessment, including data and assumptions used, and descriptions of alternative and worst-case release scenarios (updated once every five years);
- Applicable parameters and other documentation associated with the safety information requirements;
- Written operating procedures for each Program 2 process;
- Hazard review report using models, checklists, or What Ifs (updated once every five years);

- Compliance audit reports;
- The emergency response plan, including procedures for warning employees and the public, a list of response personnel and equipment, and response action procedures.

Program 3. EPA's risk management program identifies specific information that Program 3 sources are required to maintain on site, as well as specific information to be included in the RMP. Most Program 3 processes are covered by OSHA's PSM program. Therefore, these sources are expected to incur the costs of maintaining on-site documentation for only those activities performed for processes and substances not already covered under OSHA's PSM program.

The on-site documentation consists of information that will be generated automatically during the development and performance of the hazard assessment, the PHA, safety information, the SOPs, the maintenance and training programs, compliance audits, management of change, accident investigations, and emergency response. On-site documentation for Program 3 sources will include the following:

- Records of the hazard assessment, including data and assumptions used, and descriptions of alternative and worst-case release scenarios (updated once every five years);
- Chemical and process information, including equipment specifications, and diagrams of equipment, piping, pumps, valves, controls, and instrumentation (P&IDs) f or each Program 3 process;
- Process hazard analysis report and management steps to address identified hazards (updated once every five years);
- Written operating procedures for each Program 3 process;
- Records of all training programs;
- Records of the maintenance program, including inspection and testing schedules;
- Procedures for conducting pre-startup reviews;
- Procedures used for managing changes in processes, operations, and procedures;
- Compliance audit reports;
- Accident investigation procedures.
- The emergency response plan, including procedures for warning employees and the public, a list of response personnel and equipment, and response action procedures.

All information cited above is integral to an efficient and effective risk management program. Sources and processes covered by OSHA's rule are already required to maintain all of this information (except the hazard assessment) on site and are assumed to incur only the additional costs to maintain on-

site records of the hazard assessment. For example, there are assumed to be no additional costs associated with developing pre-startup review and management of change procedures because all Program 3 sources are already required to have such procedures in place under the OSHA PSM program. Any source that has an emergency response plan is subject to 29 CFR 1910.120, all costs for updating the plan accrue to the OSHA rule.

Confidential Business Information

Section 68.210 provides that information will be available to the public under CAA section 114(c), which provides for protection of trade secrets. To clarify procedures for submitting RMPs that contain confidential business information (CBI), EPA added two sections to the rule. In general, however, the rules governing CBI that already exist in 40 CFR part 2 will also apply and provide procedures for determining the appropriateness of CBI claims as well as the substantive criteria that must be met to assert such claims. Based on the CBI claims that we received for the reporting year 2004, we expect only 35 CBI claims for the three years covered by this ICR.

To qualify for CBI protection, the substantive criteria set forth at 40 CFR 2.301 must be met. These criteria generally require that the data not be available to the public through other means, that the source take appropriate steps to prevent disclosure, and that disclosure of the data would be likely to cause substantial harm to the source's competitive position.

To assert a CBI claim, a source is required to submit a sanitized version of its RMP, which would then become part of the RMP database. The sanitized version will identify each data element, except chemical identity, claimed as CBI by the notation "CBI" in the data field. For chemical identity, the source is required to provide a generic chemical category or class name in lieu of the actual chemical name. At the same time, the source is also required to submit to EPA the data claimed as confidential on a separate, paper form. The source must also substantiate why each item claimed as CBI meets CBI criteria. Substantiation information may be claimed as CBI; if all or part of the substantiation is claimed as CBI, a sanitized version of substantiation must also be filed with EPA. Review of the CBI claims will be handled as provided for in 40 CFR part 2.

Claiming data as CBI must be done at the time of submittal. The source's owner, operator, or senior official is required to certify the accuracy of the CBI substantiation claims.

Petitions

Any person may petition the Administrator to modify, by addition or deletion, the list of regulated substances in 40 CFR 68.130. Based on the information presented by the petitioner, EPA may grant or deny a petition. Under § 68.120(g), all petitions must contain the following information:

- Name and address of the petitioner and a brief description of the organization(s) that the petitioner represents, if applicable;
- Name, address, and telephone number of a contact person for the petition;
- Common chemical name(s), common synonym(s), Chemical Abstract Service (CAS) number(s), and chemical formula and structure;
- Action requested (addition or deletion of a substance);
- Rationale supporting the petitioner's position — how the substance meets the criteria for

addition or deletion. A short summary of the rationale must be submitted along with a more detailed narrative; and

- Supporting data — the petition must include sufficient information to scientifically support the request to modify the list. EPA believes that the information required to be submitted in support of a petition is the minimum information that would enable the Agency to determine whether to grant or deny a petition within the 18-month time frame. The information must include:

  -- A list of all supporting documents;

  -- Documentation of literature searches conducted, including, but not limited to, identification of the database(s) searched, the search strategy, dates covered, and printed results;

  -- Effects data (animal, human, and environmental test data) indicating the potential for death, injury, or serious adverse human and environmental impacts from acute exposure following an accidental release. Printed copies of the data sources, in English, should be provided; and

  -- Exposure data or previous release accident history data indicating the potential for serious adverse human health or environmental effects from accidental releases. These data might include, but are not limited to, physical and chemical properties of the substance (such as vapor pressure); modeling results (including data and assumptions used and model documentation); and historical accident data, citing data sources.

(ii) Respondent Activities

Rule Familiarization

All newly affected sources are expected to spend time to read and understand the requirements when they first become subject to part 68. Burden for currently covered sources for rule familiarization was included in previous ICRs.

Risk Management Programs and Plans

Deregistration. Any source that is no longer subject to Part 68 is required to notify EPA in writing within six months of the date on which they are no longer covered.

Program 1. Burden for new sources to prepare and submit a RMP is included in this ICR. Burden for existing program 1 sources that will be resubmitting their RMP by June 21, 1999 is included in this ICR. New and existing sources are required to maintain records supporting the implementation of the risk management program.

Program 2. Program 2 sources incur the burden of preparing or revising an RMP and maintaining specific on-site documentation of the items listed in the previous section. The burden estimates for preparing the RMP and maintaining on-site documentation for sources with Program 2 processes are presented in section 6(a) of this ICR.

Program 3. Program 3 sources will incur the burden of assembling information for the purpose

of maintaining on-site documentation and preparing and submitting an RMP.

Confidential Business Information

Based on the CBI claims received for reporting years 1999 and 2004, EPA believes that sources with processes in Program 2 and Program 3 may seek to claim certain RMP information as confidential business information during the June 21, 2009 compliance deadline. The activities required for such sources include the preparation of a sanitized RMP (estimated as described above for all sources) and a substantiation of the claim for each data element (and potentially the substantiation itself) claimed as confidential, the list of unsanitized data elements and the submission of these documents to EPA at the time of the submission of RMP. Burden estimates for these activities are presented in section 6(a) of this ICR.

Petitions

To submit a petition to modify the list of regulated substances, a petitioner would be expected to perform the following activities:

- Read EPA guidance document and consult with EPA;
- Plan activities;
- Prepare literature search;
- Conduct literature search;
- Process information;
- Review and focus information;
- Write petition;
- Review and edit petition; and
- Submit petition to EPA and file.

The burden estimates developed for these activities are presented in section 6(a) of this ICR.

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

5(a) Federal, State, and Local Government Activities

Burden to State and Local Agencies and Others

The burden and cost estimates developed for the following state and local government activities are presented in section 6(b) of this ICR.

Program Management

Approximately 16 State and local agencies have been approved to serve as the implementing agencies for part 68. We do not expect any more agencies seeking delegation to implement the program during the period of this ICR. These states will be required to implement and enforce the program for all or some of the sources in their states. Implementing agencies will need to keep records of reviews, audits, and inspections conducted, any administrative and legal actions taken, and other correspondence between the agency and sources, other agencies, EPA, and the public. Implementing agencies will also need to document their budgets, for internal purposes, and any agreements they reach with other state, local, or federal agencies. To receive delegation of the program from EPA, a state must be able to show that it has the personnel and other resources to perform these tasks.

During the period covered by this ICR, we expect that all 16 agencies will be implementing the program each year.

Burden to the Federal Government

The burden estimates developed for the following federal government activities are presented in section 6(c) of this ICR.

Federal Program Management

EPA will serve as the implementing agency for any state that does not seek or is not granted delegation. EPA will need to keep records of reviews, audits, and inspections conducted, any administrative and legal actions taken, and other correspondence between the agency and sources, other agencies, and the public. EPA will also need to document its budgets, for internal purposes, and any agreements it reaches with other state, local, or federal agencies.

Risk Management Plans

In 1999, at the RMP program's inception, EPA developed and made available a software suite of applications which perform various functions to assist with the RMP program. They include RMP*Submit, the software application that creates an electronic file for submission. RMP*Submit includes pick lists for certain data elements, chemical names, LEPCs from which a source may choose. EPA has posted the software and accompanying documentation on its web site. EPA also accepts RMPs on a paper form, although fewer than 3 % of RMP facilities file on paper.

Other RMP software applications allow processing of the RMPs and creation of a database, functions to be performed by contractors who operate the RMP Reporting Center to which facilities mail their RMPs. The suite of applications also includes RMP*Info, a database formerly on the EPA website, with extracts from the main RMP database and query functions; and RMP*Review, software to assist in querying the database.

The Agency performs the following activities:

- Make the RMP software and forms available;
- Process the RMPs submitted by sources into a database and make the information available through various means;
- Answer any questions from sources concerning the process;
- Process any claims of confidential business information;
- Notify each submitter of the status of their RMP (complete or incomplete);
- Store RMP submissions and retrieve information;
- Provide technical assistance to sources; and
- Maintain the RMP database.

RMPs are mailed on disks or CDs to a contractor operating the reporting center that EPA has established. The reporting center processes RMPs submitted on disks and CDs and manually enters RMPs submitted on paper. The center also responds to questions from sources and handles any CBI information.

At the first five-year reporting anniversary in 2004, EPA added a limited number of new administrative requirements for RMP reporting. To accommodate these requirements, EPA made available a web-based application in its Central Data Exchange (CDX). The CDX web tool, RMP*WebRC, allows facilities who need only to correct a limited number of RMP data elements to do so easily through the web.

EPA is developing a new web-based submission tool, RMP*eSubmit, to replace both RMP*WebRC and the original RMP*Submit downloadable application which allows mailed diskettes. EPA plans to make the new web application available in early calendar year 2009, in time for the second five-year reporting deadline for RMPs. The web-based system will reduce burden for facilities by simplifying the process. It will also improve data quality and security.

EPA has also provided web-based access to the database by state and local officials and by the facilities themselves through RMP*Info now available on CDX.

Petitions

We do not expect any petition during this ICR period. However, for any petition submitted under 40 CFR 68.120, EPA would perform the following activities:

- Answer respondent's questions;
- Review petition for completeness;
- Publish notice of petition receipt and request for comments;
- Review data submissions;
- Record or enter the data submissions;
- Store the data; and
- Prepare and publish the final decision.

5(b) Collection Methodology and Management

Respondents complete an RMP electronically or on paper. EPA manages the data as discussed above.

5(c) Small Entity Flexibility

The rule includes several measures to reduce the burden to small entities. Most sources subject to Program 3 requirements are already required to comply with the OSHA PSM program. These sources therefore have already completed the prevention program elements specified in Subpart D of 40 CFR part 68.

All other small sources face reduced requirements under Programs 1 and 2. In addition, the quantity of information submitted in the RMP and the associated burden varies with the size of the source (i.e., smaller sources would have a lower burden). EPA has developed industry-specific guidance documents to help smaller sources comply with the rule. Therefore, the RMP regulations do not impose a disproportionate burden of compliance on small sources.

Also, as mentioned in the end of section 1 of this document, the RMP online reporting (RMP*eSubmit) will be available from January 2009. This will also reduce burden for small entities since the information reported will be available to make any changes and submit on-line rather than printing and/or mailing in diskette with the changes.

5(d) Collection Schedule

***Risk Management Plans*.** Sources with more than a threshold quantity of a listed substance in a process are required to be in compliance with the risk management program beginning June 21, 1999, and every five years after. After submitting an RMP, a source must update it by the time it adds a new (to the source) listed substance in a process above threshold quantity or for any other reasons specified in 40 CFR 68.190. Also, if certain other information provided in the RMP becomes inaccurate at any time after submission, the source is required to submit an amended RMP within six months of the change. Otherwise, sources are required to resubmit their RMP within five years of their last submittal even if other RMP data change during the five-year period (e.g., RMPs need **not** be updated in cases such as change in number of employees, contact names etc.).

***Petitions*.** Each petitioner need only submit information once in support of a petition.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

The unit burden applied to various sectors is based on the complexity of the processes at the sources. Exhibits 3 to 6 show the unit burden for currently covered and new sources.

6(a) Respondent Burden

Because of the schedule for certain activities established in Part 68, some costs do not occur in the three-year time period covered by this ICR. In this ICR period, most of the currently covered sources (approx. 10,695 sources) will be submitting their RMPs according to their scheduled compliance deadline. These sources will update their process hazard analyses, hazard reviews, offsite consequence analyses etc. The burden incurred by sources that submit their RMPs in the two years after this ICR period (2,300) will be complying with some of the prevention program elements in this ICR period. The reason for this is that, these sources submitted their RMPs, either three or five years prior to this ICR period. Therefore, some of the prevention program elements (compliance audits, refresher training for their employees etc.) will be conducted three years or five years after their RMP submission. Also, as mentioned in section 1 of this document, this ICR will also include burden incurred by any new facilities that may become subject to the regulations. The record keeping and reporting costs for Part 68 will fluctuate considerably from ICR to ICR.

Respondent Burden for Rule Familiarization (New Sources)

The burden associated with rule familiarization was estimated in previous ICRs for those sources that are currently subject to the regulations. This ICR only estimates rule familiarization burden for any new sources that may become subject to the regulations during the period covered by this ICR. Based on the data of the new sources submitted from 2004 (reporting year) to 2006, EPA estimates that the number of new sources in this ICR period will be 384 annually. Exhibit 2 shows the number of new sources expected to be in compliance in this ICR period. The number of new sources estimated in each category (manufacturers/non-manufactures, PSM/non-PSM) is calculated based on the number of new sources that submitted RMPs from 2004 to 2006.

The new sources are estimated to be mainly in the non-manufacturing sectors (small to medium size facilities). The distribution of new sources among various sectors is similar to the previous ICR,

therefore the unit burden is applied the same to these sectors as in the previous ICR. The unit burden for rule familiarization for new sources is estimated to range from 12 to 32 hours for the various sectors covered by the regulations. The total annual burden for all new sources to become familiar with the rule is estimated to be 6,430 hours at a cost of $273,746.00 dollars (19,288 hours at a cost of $821,240.00 for three years) (Exhibits 8 and 12).

Respondent Burden for Initial RMP Preparation and Submission (New Sources)

Exhibit 3 presents the estimated unit burden hours for preparing and submitting an RMP for new sources that may be subject to the regulations during the period covered by this ICR. As stated above, based on the RMPs submitted between 2004 and 2006, about 384 new sources will submit RMPs annually. Based on the information provided by some of the sources that EPA contacted and the estimates developed in previous ICRs, the average unit burden to prepare and submit an RMP range from 8.25 to 33 hours for the various sectors covered by the regulations. The total annual burden for new sources for preparing and submitting an RMP is estimated to be 4,947 hours at a cost of $232,040.00 dollars (14,840 hours at a cost of $696,121.00 dollars for three years) (Exhibits 8 and 12).

Respondent Burden for Prevention Program (New Sources)

New sources also have costs for developing documentation for prevention program elements. Estimates of the respondent burden hours for maintaining on-site documentation vary, depending on the size of the source and the complexity of the on-site processes as well as on whether the source is already covered by OSHA PSM rule. As stated in section 4(b)(i) of this document, these sources are expected to incur the costs of maintaining on-site documentation for only those activities performed for processes and substances not covered under OSHA's PSM program. EPA developed an estimate based on the ratio of the PSM/non-PSM sources currently subject to the regulations to estimate how many new sources will be in these categories. The estimated unit burden for prevention program for the new sources range from 7 to 188 hours (see Exhibit 4). The total annual burden for the new sources to comply with prevention program is estimated to be 19,150 hours at a cost of $848,740.00 dollars (57,452 hours at a cost of $2,546,222.00 dollars for three years) (Exhibits 8 and 12).

RMP Submission, Prevention Program Documentation (currently covered sources with compliance deadline this ICR period)

Initial RMPs were submitted in June 1999 and second submission deadline was 2004 (five year after the initial submission as specified in the regulations) for most facilities. As mentioned in the previous sections of this document, many sources re-submitted their RMP in-between the two regulatory compliance deadline. Therefore, these sources were assigned a new five-year submission deadline. Adding new processes or other activities at these sources were the result of the revision and the re-submission of the RMP. Although, the total RMP universe is 13,640, only 10,695 sources have to submit their RMPs during this ICR period.

As mentioned earlier in this document, EPA contacted few sources that resubmitted RMP for the reporting years 1999 and 2004 on the burden imposed to revise and re-submit RMP. See Section 3(b) of this document. EPA contacted small, medium and large sources in various sectors. Since sources submitted their RMPs previously electronically on diskettes, there is no additional burden for entering information on the RMP form. For the upcoming reporting deadline, June 21, 2009, the Agency has developed an on-line submission system, RMP*eSubmit, via EPA's secure website which manages thousands of data submissions from States and industry. On-line submission saves time, improves data quality and security. If after the June 21, 2009 submission, if these sources have to revise their RMP anytime, EPA believes that the administrative costs in submitting their RMPs will be reduced. The unit

burden for RMP submission and prevention program documentation are shown in exhibit 6.

The total number of hours for 10,695 sources for RMP submission in this ICR period is 33,267 hours annually at a cost of $1,549,924 (99,802 hours at a cost of $4,649,774 for three years). The total number of hours for 10,695 sources to comply with prevention program documentation is 15,835 hours annually at a cost of $5,198,069 (47,507 hours at a cost of $15,594,209 for three years) (Exhibits 9 and 13).

Prevention Program Documentation (currently covered sources with compliance deadline in 2012 and 2013)

These sources have submitted their RMPs prior to this ICR period since they were assigned a five-year compliance deadline based on the re-submission date. So, these are only required to conduct certain activities of their prevention program (compliance audits, refresher training, etc) in this ICR period. Some of the prevention program elements must be conducted annually or every three years. EPA encourages sources to review all the prevention program elements and update them periodically although not required by any dates.

As above, estimates of the respondent burden hours for conducting prevention program activities and maintaining on-site documentation vary, depending upon the size of the source and the complexity of on-site processes as well as on whether the source is already covered by the OSHA PSM rule. However, EPA assumes that these sources may only use half of the time than the sources that will be complying with all the elements of the prevention program.

For the 2,300 sources that have the compliance deadline in 2012 and 2013, the total number of hours for prevention program documentation is 2,651 hours annually at a cost of $1,212,025 (7,954 hours at a cost of $3,636,077 for three years) (Exhibits 9 and 13).

Overdue Sources (expected to be in compliance this ICR period)

There are 646 sources that have not submitted their RMPs on their assigned compliance deadline since 2004. EPA assumes that some of these may be no longer subject to 40 CFR part 68 requirements to submit RMPs or some other reasons. EPA assumes that atleast half of these sources (323) may submit their RMPs in this ICR period.

The total number of hours estimated for 323 sources to submit RMP is 907 hours at a cost of $40,322 annually (2,721 hours at a cost of $120,967 for three years). The total number of hours estimated for 323 sources to comply with prevention program and documentation is 802 hours at a cost of $125,999 (2408 hours at a cost of $377,998 for three years) (Exhibits 9 and 13).

Respondent Burden for Confidential Business Information (CBI) Claims

The requirement that substantiation for CBI claims be submitted with the claims will impose costs on those sources making the CBI claims.

Previous ICRs estimated that the time required to develop and submit CBI substantiation is 9.5 hours per claim. There have been no changes to these requirements, so the same estimates are used for this ICR. Exhibit 5 shows the unit burden for this activity. EPA received 50 claims for the reporting year 2004 for about 16,000 sources that submitted RMP. EPA assumes the same for this reporting year although the number of sources that will be submitting the RMPs will be lower. For the estimated 50 sources preparing and submitting CBI claims, the estimated industry annual burden is 158 hours at cost of

$10,683 (475 hours at a cost of $32,050.00 for three years) (Exhibit 14).

Respondent Burden for Petitions

Since the list of chemicals was published in 1994, EPA only received one petition to remove a chemical from the list. The Agency do not expect to receive any petition during the period covered by this ICR. Therefore, we did not account any burden for filing petitions.

De-registration

Based on the number of letters we received in the last three years, we estimate that approximately 580 sources may submit de-registration letters to EPA annually. Most of the sources were in the small/medium non-manufacturing sectors. The form letter is available on the RMP information website that sources will be able to download or sources can create their own letter to be sent in to EPA. We estimate that it takes 1 hour for the technical staff to produce the letter. The total annual burden for this activity is 580 hours at a cost of $15,660 annually (1,740 hours at a cost of $46,980 for three years).

6(b) Estimating Respondent Costs (Sources & State Implementing Agencies)

(i) Estimating Labor Costs

Sources

The estimated unit costs for private firms were based on three categories of labor (legal, managerial, and technical) and wage rates reported by the Bureau of Labor Statistics (BLS), in its June 2007 edition of Occupational Employment and Wages. The wage rates include benefits, based on BLS data. Exhibit 7 provides the wage rates for various industries affected.

The estimated labor and wage rates for state and federal employees were based on three categories of labor (attorney, environmental engineer, and clerical) and wage rates as reported by BLS's, *Employer Cost for Employee Compensation*, June 2007 costs for state employees and the Federal Office of Personnel Management (OPM) Salary Table, effective January 2008.

Implementing Agency Costs

Although EPA does not require states to obtain delegation to implement part 68 program, to date, there are 16 state and local agencies that obtained delegation to implement the program. Since EPA will not be granting funds to states as part of the delegation process, the burden and cost that the states will incur is added to the respondent burden in this ICR. For the states that do not obtain delegation of the program, EPA will be the implementing agency.

The Agency does not expect any new delegation for this ICR period. These 16 state and local agencies are expected to carry out the implementation duties during each year covered by this ICR. EPA will serve as the implementing agency for all other states. Implementing agencies are expected to review RMPs, audit RMPs, inspect sources, provide technical assistance, and conduct standard program management activities (e.g., developing budgets, filing administrative orders and enforcement actions). Initial reviews, which are first checks of the RMPs to identify any problems (e.g., clear inconsistencies in reported data, failure to list obvious hazards such as flammability for a listed flammable) are estimated to require one to five hours, depending on the number and complexity of processes covered in the RMP.

Audits are assumed to be detailed reviews of the RMPs, requiring from two to twelve hours per RMP; audits require technical staff capable of identifying data that may indicate safety problems (e.g., failure to report chemical or process hazards, which could indicate an inadequate PHA, or lack of normal process controls, which could indicate either an incomplete RMP or inadequate safety practices). Audits may be totally off-site or may include a site visit to review documentation and other aspects of the program. The results of the audits will help select sources that may require inspection to determine whether the source is in compliance with the rule and operating safely. Initial reviews are expected to take 1 to 5 hours, audits of the RMPs are expected to take 2 to 12 hours. Inspections are site visits to review the activities and documentation. Inspections are estimated to take 8 to 50 hours. Report writing is assumed to take 12.5 percent of the inspections and recordkeeping related to this is assumed to take 10 percent of the inspection. There are a total of 2,235 sources under these 16 agencies, averaging each to have 140 sources. The implementing agencies are expected to complete the inspection in five years which means each will have approximately 28 sources to review RMPs, inspect the facility etc. This ICR account for any reporting and recordkeeping burden and costs related to inspection. For each agency, it will take 580 hours annually at a cost of $17,384. The total annual hours for the 16 agencies is 9,253 hours at a cost of $278,158 (27,759 hours at a cost of $834,476 for three years).

(ii) Estimating Capital and Operations and Maintenance Costs

Capital Costs (State and Local agencies)

Because RMPs will be available electronically and EPA will provide to anyone who does not have Internet access, state and local agencies are expected to incur no capital costs related to RMPs. Implementing agencies will incur limited capital costs to maintain documents on program implementation. The paper files associated with these programs will be limited and will vary with the size of the regulated community overseen. Previous ICRs have calculated the required amount of file cabinets for the states. File cabinets are expected to last for at least 15 years. Therefore, the Agency will not be accounting costs for any file cabinets in this ICR.

Operating & Maintenance Costs (Sources)

This section considers capital or startup costs, annual operating and maintenance costs, or costs for services, such as consultant services, incurred by respondents for the collection of information.

Sources are not required or expected to use consultants to prepare and submit their RMP or their on-site documentation. The RMP program has been specifically designed, by simplifying the requirements and allowing sources to use prepared forms and models, to eliminate the need for sources to use consultants to meet the requirements of this program.

Sources are required to submit the data electronically on disk. EPA has developed an on-line reporting system to submit the RMP which will be available in January 2009, at no cost to the regulated community. All sources already may have access to the Internet; therefore, the connection charge associated with Internet access is not applied to this ICR.

In previous ICRs, EPA estimated mailing costs as part of the operating costs. However, there are no such costs associated with this ICR since EPA requires all sources to submit their RMP on-line.

6(c) Estimating Agency Burden and Cost

EPA developed a software system for submission of RMPs (RMP*Submit) at the inception of the RMP program in 1998. This software could be downloaded from the agency's website; facilities created a

file and mailed it on diskette or CD to the contractor-operated reporting center. This software was refined in 2004 at the first five-year reporting anniversary of the program, to accommodate regulatory changes introduced for that year. In 2009, for the second five-year reporting deadline, EPA plans to introduce a web-based reporting application, RMP*eSubmit. Other parts of the suite of applications for the RMP system (SRMP) include RMP Maintain, an oracle application maintaining a secure database with complete RMP data. (RMP*Review) allows queries and program management for federal, state and local agencies and the public. RMP*Info is a user-friendly version of the database now available on the agency's Central Data Exchange (CDX) that makes RMPs available to the government officials. Extramural costs for the software maintenance and development for the RMP program over the three year period FY 09-11 are estimated to be $3,347,272 ($1,115,272 annually).

To operate the records center, including answering questions from the public, entering paper submissions (if any) into the system etc, is estimated to be $3,536,000 over three years ($1,178,667 annually).

As stated in section 6(b) of this document, for those states that are not delegated to implement the program, EPA will be the implementing agency for those sources in those states. Of the RMP universe, approximately 11,406 sources will be managed by EPA. Of these, EPA expects to audit and inspect only 5 percent of the sources for this ICR period. For reviewing an RMP, inspecting the source and preparing report, it takes an average of 20.7 hours per source. Total annual burden for all 10 Regions to inspect and prepare reports in this ICR period is estimated at 11,799 hours (or 35,397 hours for three years) at a cost of $424,758 annually (or $1,274,274 for three years).

The total Agency burden is thus $2,719,182 annually (or $8,157,546 total over the three-year period).

6(d) Estimating the Respondent Universe and Total Burden and Costs

For this ICR period, there are a total of 13,702 sources and 16 implementing agencies. The number of sources change weekly and sometimes daily depending on how many new sources come into compliance, the number of RMP revisions and on how many sources de-register. Since the compliance deadline is every five years since 1999 and the next deadline is June 2009, the number of annual respondents during this ICR period only include new sources, sources that have assigned five-year compliance deadline during the period of this ICR, and sources that have compliance deadline two years after this ICR period since these sources will be complying with certain prevention program activities in this ICR period and the implementing agencies. The total number of annual respondents for this ICR period is 4,573.

Although 13,702 sources do not submit their RMPs annually during this ICR period, they are required to comply with prevention program documentation. The burden hours and costs are developed for new sources to get familiar with the regulations, prepare and submit RMPs, develop prevention program documentation, and CBI submissions. For existing sources, we have estimated burden hours and costs for revising their RMPs (some of the sources) and to maintain documentation for prevention program. The total annual burden for sources is 84,729 hours at a cost of $9,507,213 (or 254,187 hours at a cost of $28,521,638 for three years). See Exhibit 14.

During the period covered by this ICR, there are 16 state and local agencies to implement the RMP program in their states. We assume that these 16 agencies will carry out their functions every year covered by this ICR. The total annual burden for 16 agencies to implement the program is 9,253 hours at a cost of $278,158 (or 27,759 hours at a cost of $834,476 for three years). See section 6(b)(i) of this document.

6(e) Bottom Line Burden Hours and Costs

Exhibits 8, 9, 12 and 13 presents the estimated total hours and costs for all sources for the three years covered by this ICR. The summary is presented in Exhibit 14.

Annual Respondent Burden & Cost

	Sources	**State Agencies**	**TOTAL**
Responses	4,573	16	4,589
Hours	84,729	9,253	93,982
Costs	$9,507,213	$278,158	$9,785,371

The total annual estimated cost to EPA for all activities is estimated to be $2,719,182. Most of the burden incurred by EPA is for managing RMPs.

6(f) Reasons for Change in Burden

There is a decrease of 4,617 hours for all sources and states from the previous ICR. There are two primary reasons for this decrease in burden. First, as explained in section 1 of this document, the burden varies from ICR to ICR due to different compliance deadlines based on the sources' RMP re-submission deadline and other regulatory deadlines. Therefore, the burden increases or decreases each year depending on how many sources have to submit their RMP and comply with certain prevention program requirements. Second, as mentioned in section 6(d), the number of sources subject to the regulations fluctuates regularly, and is lower than in the previous ICR (16,634 in the previous ICR vs. 13,718 sources in this ICR period).

6(g) Burden Statement

The public reporting burden will depend on the size of the sources complying with 40 CFR part 68 requirements. In this ICR, the public reporting burden for rule familiarization for new sources is estimated to range from 12 to 32 hours per source. The public reporting burden to prepare and submit a RMP for new sources is estimated to range from 8.25 to 33 hours. The public reporting burden for new sources to develop a prevention program is estimated to range from 7 to 188 hours per source. The public reporting burden for those sources that claim CBI is estimated to be 9.5 hours per source. The public reporting burden for currently covered sources to prepare and submit RMP is estimated to range from 5 to 28 hours. The public record keeping burden to maintain on-site documentation for currently covered sources is estimated to range from 4.5 to 124 hours. The total annual public reporting burden for all sources is 84,729 hours (254,187 hours over three years). The total annual burden estimated for 16 implementing agencies is 9,253 hours (27,759 hours for three years). Therefore, the total annual burden for all sources and states is estimated to be 93,982 hours (281,946 hours for three years).

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 ICR under Docket ID Number EPA-HQ -OAR-2003-0052, which is available for online viewing at www.regulations.gov, or in person viewing at the Air & Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air & Radiation Docket is (202) 566-1742. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2003-0052 and OMB Control Number 2050-0144 in any correspondence.

APPENDIX

EXHIBIT 1

Currently Covered Sources with submission deadlines January 1, 2009 to December 31, 2013

	Manufacturers				**Non-Manufacturers**				
	PSM		**Non-PSM**		**PSM**		**Non-PSM**		
Year	***Large***	***S/M***	***Large***	***S/M***	***Large***	***S/M***	***Large***	***S/M***	*Total*
2009	1156	688	96	122	139	2049	243	3512	8005
2010	216	134	17	35	40	397	53	564	1456
2011	198	133	8	25	36	340	72	422	1234
2012	214	162	14	12	56	424	50	346	1278
2013	151	125	4	13	27	282	48	372	1022
Total									**12995**

EXHIBIT 2

Number of New Sources expected to be in compliance <u>this ICR Period</u>

	Manufacturers				**Non-Manufacturers**			
	PSM		**Non-PSM**		**PSM**		**Non-PSM**	
Year	***Large***	***S/M***	***Large***	***S/M***	***Large***	***S/M***	***Large***	***S/M***
2009	63	79	5	14	19	98	32	167
2010	44	44	3	11	13	79	17	112
2011	39	54	2	10	12	96	23	118
Total	**146**	**177**	**10**	**35**	**44**	**273**	**72**	**397**

Note: These estimates are based on the number of sources submitted in calendar year 2004 (reporting year) to 2006. This ICR period also includes a reporting year (2009).

EXIHIBIT 3
RULE FAMILIARIZATION and RMP SUBMISSION – *Unit Burden*
New Sources

	Rule Familiarization		**RMP Preparation and Submission**	
	Management	Technical	Management	Technical
Small/Medium Manufacturers	4	8	0.25	16
Large Manufacturers	8	24	1	32
Small/Medium Non-Manufacturers	4	8	0.25	8
Large Non-Manufacturers	8	24	0.5	12

EXIHIBIT 4
PREVENTION PROGRAM DOCUMENTATION – *Unit Burden*
New Sources

	Management	Technical
Small/Medium Manufacturers	2	48
Large Manufacturers	8	180
Small/Medium Non-Manufacturers	1	6
Large Non-Manufacturers	2	24

EXHITBIT 5
CONFIDENTIAL BUSINESS INFORMATION – *Unit Burden*

Legal	Management	Technical
1	3	5.5

EXHIBIT 6
RMP SUBMISSION, PREVENTION PROGRAM DOCUMENTATION - *Unit Burden*
Currently covered sources

	RMP Preparation and Submission		**Prevention Program Documentation (Non-PSM sources)**	
	Management	Technical	Management	Technical
Small/Medium Manufacturers	1	9	1	32
Large Manufacturers	4	24	4	120
Small/Medium Non-Manufacturers	1	4	0.5	4
Large Non-Manufacturers	2	6	1	16

Note: Prevention program documentation burden for sources that are covered by the OSHA PSM program is accounted for under OSHA PSM.

EXHIBIT 7
WAGE RATES
(including benefits)

	Management	Technical
Large Manufacturers	$74.00	$58.00
Small/Medium Manufacturers	$60.00	$54.00
Large Non-Manufacturers	$41.00	$41.00
Small./Medium Non-Manufacturers	$27.00	$27.00
State/Local	$55.50	$28.70

Source: Bureau of Labor and Statistics, June 2007

EXIHIBIT 8
TOTAL BURDEN – Three Years
(Hours)
New Sources

		New Sources			
		Rule Familiarization	**RMP Preparation & Submission**	**Prevention Program Documentation (non-PSM)**	
Manufacturers					
	Small/Medium	2,544	3,445	10,600	
	Large	4,992	6,996	39,856	
Non-Manufacturers					
	Small/Medium	8,040	1,749	1,484	
	Large	3,712	2,650	5,512	
Total		**19,288**	**14,840**	**57,452**	**91,580**

EXHIBIT 9
TOTAL BURDEN – Three Years
(Hours)
Currently Covered Sources, Overdue Sources

		Currently Covered Sources (compliance deadline 2009 to 2011)		***Overdue Sources (expected to be in compliance this ICR period)***		***Currently Covered Sources (compliance deadline 2012 and 2013)***	**Total**
		RMP Preparation & Submission	*Prevention Program documentation (non-PSM)**	*RMP Preparation & Submission*	*Prevention Program documentation (non-PSM)**	*Prevention Program and documentation (non-PSM)**	
Manufacturers							
	Small/Medium	11,370	6,006	410	462	825	
	Large	47,348	15,004	1,008	1,116	2,232	
Non-Manufacturers							
	Small/Medium	36,420	20,241	1,115	711	3,231	
	Large	4,664	6,256	188	119	1,666	
Total		**99,802**	**47,507**	**2,721**	**2,408**	**7,954**	**160,392**

Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM program.

EXHIBIT 10
Costs - Unit Burden
New Sources

		New Sources		
		Rule Familiarization	**RMP Preparation & Submission**	**Prevention Program and Documentation (non-PSM)***
Manufacturers				
	Small/Medium	$672.00	$879.00	$2,712.00
	Large	$1,984.00	$1,930.00	$11,032.00
Non-Manufacturers				
	Small/Medium	$324.00	$222.75	$189.00
	Large	$1,312.00	$512.50	$1,066.00

Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM program.

EXHIBIT 11
Costs – Unit Burden
Currently Covered Source, Overdue Sources

		Currently Covered Sources (compliance deadline 2009 to 2011)		***Overdue Sources (expected to be in compliance this ICR period)***		***Currently Covered Sources (compliance deadline 2012 and 2013)***
		RMP Preparation & Submission	*Prevention Program and Documentation (non-PSM)**	*RMP Preparation & Submission*	*Prevention Program and Documentation (non-PSM)**	*Prevention Program and Documentation (non-PSM)**
Manufacturers						
	Small/Medium	$546.00	$1,788.00	$546.00	$1,788.00	$1,788.00
	Large	$1,688.00	$7,256.00	$1,688.00	$7,256.00	$7,256.00
Non-Manufacturers						
	Small/Medium	$135.00	$121.50	$135.00	$121.50	$121.50
	Large	$328.00	$697.00	$328.00	$697.00	$697.00

Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM program.

EXHIBIT 12
TOTAL COSTS – Three Years

		New Sources			
		Rule Familiarization	**RMP Preparation & Submission**	**Prevention Program and Documentation (non-PSM)***	
Manufacturers					
	Small/Medium	$142,464	$186,348	$574,944	
	Large	$309,504	$301,080	$1,720,992	
Non-Manufacturers					
	Small/Medium	$217,080	$149,243	$126,630	
	Large	$152,192	$59,450	$123,656	
Total		**$821,240**	**$696,121**	**$2,546,222**	**$4,063,583**

Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM program.

EXHIBIT 13

TOTAL COSTS – Three Years

Currently Covered Sources, Overdue Sources

		Currently Covered Sources (compliance deadline 2009 to 2011)		***Overdue Sources (expected to be in compliance this ICR period)***		***Currently Covered Sources (compliance deadline 2012 and 2013)***	**Total**
		RMP Preparation & Submission	*Prevention Program and Documentation (non-PSM)**	*RMP Preparation & Submission*	*Prevention Program and Documentation (non-PSM)**	*Prevention Program and Documentation (non-PSM)**	
Manufacturers							
	Small/Medium	$620,802	$2,032,956	$22,386	$73,308	$557,856	
	Large	$2,854,408	$12,269,896	$60,768	$261,216	$2,779,048	
Non-Manufacturers							
	Small/Medium	$983,340	$885,006	$30,105	$27,095	$173,016	
	Large	$191,224	$406,351	$7,708	$16,380	$126,157	
		$4,649,774	**$15,594,209**	**$120,967**	**$377,998**	**$3,636,077**	**$24,379,025**

Note: Prevention program documentation burden for sources covered by PSM is accounted for in OSHA PSM program.

EXHIBIT 14
SUMMARY – TOTAL BURDEN and COSTS (Three Years)
Sources and Implementing Agencies

	New Sources	***Currently Covered Sources (compliance deadline 2009 to 2011)***	***Currently Covered Sources (compliance deadline 2012, 2013)***	***Overdue Sources expected to be in compliance this ICR period***	***CBI Claims***	***De-Registration***	***Implementing Agencies***	***Total***
Total Burden (Hours)	91,580	147,309	7,954	5,129	475	1,740	27,759	281,946
Total Costs ($)	$4,063,583	$20,243,983	$3,636,077	$498,965	$32,050	$46,980	$834,476	$29,356,114.00