

**STATEMENT SUPPORTING THE RENEWAL OF INFORMATION COLLECTION
FOR THE DISTRIBUTION OF OFFSITE CONSEQUENCE ANALYSIS INFORMATION
UNDER SECTION 112(r)(7)(H) OF THE CLEAN AIR ACT
EPA #1981.04**

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection Request

Distribution of Offsite Consequence Analysis Information under Section 112(r)(7)(H) of the Clean Air Act (CAA), as amended – EPA No. 1981.04, OMB Control Number 2050-0172.

1(b) Short Characterization

This ICR is the renewal of the ICR developed for the final rule, *Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7); Distribution of Off-Site Consequence Analysis Information*. CAA section 112(r)(7) required EPA to promulgate reasonable regulations and appropriate guidance to provide for the prevention and detection of accidental releases and for responses to such releases. The regulations include requirements for submittal of a risk management plan (RMP) to EPA. The RMP includes information on offsite consequence analyses (OCA) as well as other elements of the risk management program.

On August 5, 1999, the President signed the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act (CSISSFRA). This Act requires the President to promulgate regulations on the distribution of OCA information (CAA section 112(r)(7)(H)(ii)). The President delegated to EPA and the Department of Justice (DOJ) the responsibility to promulgate regulations to govern the dissemination of OCA information to the public.

The final rule which was published on August 8, 2000 (65 FR 48108) imposed minimal information collection requirements and record keeping. The federal government established 55 reading rooms at federal facilities geographically distributed across the United States and its territories. At these reading rooms, members of the public are able to read, but not mechanically copy or remove paper copies of OCA information for up to 10 stationary sources per calendar month. At these reading rooms, the members of the public may also have access to OCA information that the Local Emergency Planning Committee (LEPC) in whose jurisdiction the person lives or works is authorized to provide.

At most of the reading rooms, access is available by appointment only. There are few walk-in reading rooms. The requestor will need to display photo identification issued by a federal, state, or local government agency, sign a sign-in-sheet, and certify that the individual has not received access to OCA information for more than 10 stationary sources for that calendar month. Persons requesting access to OCA information at the federal reading rooms for local stationary sources will also be asked to sign-in and to display documentation demonstrating that he or she lives or works in the LEPC jurisdiction for which the OCA information is requested. Requestors will be limited to access to paper copies of OCA information for a total of 10 stationary sources during a calendar month, regardless of how many reading rooms they visit

during a single month.

EPA also established an indicator, Vulnerable Zone Indicator System (VZIS) that informs any person located in any state whether an address specified by that person might be within the vulnerable zone of one or more stationary sources, according to the data reported in RMPs. The indicator is available on the Internet. Members of the public who do not have access to the Internet are able to obtain the same information by calling an EPA toll-free number or by regular mail request to the Administrator of EPA.

The final rule authorizes and encourages LEPCs and related local government agencies (such as police, fire, emergency management and planning departments) to provide read-only access to OCA sections of RMP for sources located within the jurisdiction of the LEPC and for any other stationary sources that has a vulnerability zone that extends into the LEPC's jurisdiction. These local agencies would receive OCA information upon request for all the sources in the LEPC jurisdiction and for any sources whose vulnerable zones extend into the LEPC's jurisdiction. They are authorized to make the OCA information available for reading, but not copying mechanically, to members of the public. These agencies that provide read-only access are not required to limit the number of stationary sources for which a person can gain access, ascertain a person's identity or place of residence or work, or keep records of public access provided. Local agencies are authorized and encouraged, but are not required to provide public access to OCA sections of RMPs.

State agencies and related state government agencies (such as emergency management, environmental protection, health, and natural resources departments) can receive OCA data upon request for all facilities in the state. They are authorized to make the OCA information available for reading, but not copying mechanically, to members of the public for the same stationary sources as the LEPC in whose jurisdiction the person lives or works. If the states choose to give this information, they need to verify the person's address or place of employment. State agencies are not required to provide public access to OCA information.

CSISSFRRA allows any member of an LEPC, State Emergency Response Commission (SERC) and any other state or local government official to convey to the public any OCA data elements orally or in writing, provided that the data elements are not conveyed in the format of sections 2 through 5 of an RMP or any electronic database that EPA has developed that includes OCA data elements.

State and local government officials can also have access to OCA information for their official use. These officials must send a request on their official letterhead to certify that they are covered persons under P.L. 106-40, and that they will use the data for official use only.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

The information collection for disseminating OCA information is authorized under the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act (CSISSFRRA). From the members of the public wishing to view OCA information at federal reading rooms, this ICR collects signature and a certification stating that the requestor has not received access to OCA information for more than 10 stationary sources during that calendar month. The federal reading room staff will view photo identification of the requestor and view documentation demonstrating where he or she lives (for those who are requesting local stationary sources at

federal reading rooms.) Members of the public contacting the central office will be asked to give their name, telephone number, residential address, and names of the stationary sources for which they wish to view the OCA information. This ICR also covers the collection of written requests from state and local officials for OCA information. In addition, it governs the maintenance and disclosure of the OCA information by state and local entities for public use, as authorized and encouraged by CSISSFERRA and codified in 40 CFR Part 1400.

2(b) Practical Utility/Users of the Information

The information collected from the public under 40 CFR Part 1400 will be collected to assure compliance with 40 CFR 1400.3 (“Public access to paper copies of off-site consequence analysis information”). Signature and certification will be collected to ensure that members of the public are in compliance with 40 CFR 1400.3(c), which provides that a reading room may not provide a person access to OCA information for more than 10 stationary sources in a calendar month. This limitation on access is consistent with CSISSFERRA section 3(a), which states in relevant part that the regulations promulgated thereunder “[allow] access by any member of the public to paper copies of [OCA] information *for a limited number of stationary sources* located anywhere in the United States . . .” [emphasis added].

The person wishing to view OCA information at federal reading rooms must show a photo identification to the reading room staff prior to obtaining OCA information. This requirement is a reasonable means of accomplishing the statutory requirement that individuals have access “to a limited number” of paper copies of OCA information. The photo identification will significantly reduce the risk that someone will attempt to use identification that is not his or her own.

At federal reading rooms, the members of the public also have access to OCA information that the LEPC in whose jurisdiction the person lives or works is authorized to provide. These individuals will be asked to sign-in and to display documentation demonstrating that he or she lives or works in the LEPC whose jurisdiction for which the OCA information has been requested. This requirement is to assure that the individual will only get the OCA information to which he is entitled.

If an individual calls the central office to obtain OCA data, he/she will be asked to give his/her name, telephone number, and the names of the stationary sources for which OCA information are being requested. This information will enable the central office to schedule an appointment for the requestor at a reading room, relay the requested copies of OCA information to that reading room, and, if necessary, contact the requestor.

This collection also covers the letters of request sent by state and local agencies for OCA information either for their own use such as emergency planning and/or to provide read-only access to the public. State and local officials who decide to obtain OCA information for their official use must send a request on their official letterhead to EPA certifying that they are covered persons under P.L. 106-40 and that they will use the information for official use only.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

The information being collected under this rule are signature, certification and personal

identification data and names of the stationary sources for which the individuals would like to view OCA data (for those who call the central office to view OCA data). The letters from state or local officials to EPA requesting OCA information are also collected. This information does not duplicate any other federal collection as it is specific to this rule and necessary to ensure that the rule can be implemented.

3(b) Public Notice

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Agency notified the public through a *Federal Register* notice on the resubmission of this ICR on June 25, 2009 (74 FR 30290). No comments were received.

3(c) Effects of Less Frequent Collection

This section is not applicable. The only data being collected are the signatures and self-certification; these are only collected at the time of visit.

3(d) General Guidelines

This section is not applicable.

3(e) Confidentiality

The only data being collected are signatures and self certification, neither of which are confidential. EPA and DOJ have not created or will not be creating a tracking system according to individual's names to enforce the limit on access to paper copies at the reading rooms.

3(f) Sensitive Questions

This section is not applicable.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents/NAICS Codes

The respondent universe for this rule is state and local officials and members of the public. The most significant users are likely to be state and local agencies (NAICS code 92111).

4(b) Information Requested

Members of the public are required to give their names, telephone number, and the names of the stationary sources for which OCA information is being requested, when they contact the central office to schedule an appointment to view OCA information. Individuals visiting the reading rooms are required to sign-in and self certify that they have not viewed OCA information for more than 10 stationary sources during that calendar month. Individuals wishing to view OCA information that the LEPC in whose jurisdiction the person lives or works is authorized to provide will also be asked to sign-in and display documentation demonstrating that he or she lives or works in the LEPC jurisdiction for which the OCA information has been requested.

State and local agencies are required to send a written request to EPA for OCA

information. State and local officials must send the request on their official letterhead certifying that they are covered persons under P. L. 106-40 and that they will use the data for official use only.

(i) Data Elements

Members of the public requesting to view OCA information at federal reading rooms are required to sign in and self certify. If asking for OCA information from federal reading rooms for the stationary sources in the area where they live or work, they would be required to provide proof that they live or work in that area. Members of the public are required to give their names, telephone number, and the names of the stationary sources for which OCA information is being requested, when they contact the central office to schedule an appointment to view OCA information.

(ii) Respondent Activities

The respondent activities for state and local agencies include:

- Reading and understanding the Security Notice to Federal, state, and local officials and researchers;
- Submitting a written request to EPA for OCA information;
- Providing a location for the public to review OCA information for local stationary sources;
- Ensuring that members of the public do not remove or copy OCA information they review;
- Operate the VZIS indicator system, and
- Making OCA information available in formats other than sections 2 through 5 of the RMP.

The respondent activities for members of the public include the following:

- Calling the central office to make an appointment at a reading room, provide name, phone number, and the names of the stationary sources for which OCA information is requested;
- Displaying a photo identification (e.g., driver's license) at reading rooms and proof of place of residence or employment (when seeking to view OCA information for stationary sources located near place of residence or employment); sign-in and certify that they have not viewed OCA information for more than 10 stationary sources during that calendar month.
- Submitting a request for information from the vulnerable zone indicator system (VZIS) (by Internet, phone, or mail); and
- Making follow-up calls or contacts to obtain additional information on stationary sources that may affect them.

Members of the public are permitted to read and take notes from the OCA information, but not to remove or mechanically reproduce it. The regulation imposes no limit on the number of local stationary sources (within the LEPC district or affecting the LEPC district) for which members of the public may review paper copies of OCA information made available by local agencies. The regulation does not require local agencies to ask members of the public to show any identification to gain access to the information. State agencies are permitted to provide a person the same access to paper copies of OCA information to a member of the public as that

person would receive at his or her local agency. State agencies will need to verify that a person seeking information for an area lives or works in the area.

The burden estimates for documentation and reporting are discussed in section 6 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

State and local officials who decide to obtain OCA information must send a written request on their official letterhead to EPA certifying that they are covered persons under P.L. 106-40, and that they will use the information for official use only. EPA will also provide paper copies of RMPs to these agencies on request.

The rule authorizes and encourages state and local agencies to set up public reading rooms. The local reading rooms would provide read-only access to OCA information for all the sources in the LEPC's jurisdiction and for any source where the vulnerable zone extends into the LEPC's jurisdiction.

These agencies are not required to carry out these activities. However the costs and burden are detailed in section 6.

Burden to the Federal Government

The federal government is operating the reading rooms. The federal government is maintaining the VZIS software. The federal government also supplies the state and local agencies with OCA information, VZIS software and provides technical support. The government may also engage in other activities to provide access to OCA information.

5(b) Collection Methodology and Management

The federal reading rooms will maintain records of reading room use and certifications in accordance with procedures established by the Administrator and the Attorney General. These records shall be retained for no more than three years.

The federal reading room staff will view the photo identification of requestors to ensure that the identification belongs to the person requesting OCA information. Requiring an individual to show identification may decrease the likelihood that OCA information would be obtained by individuals seeking it for criminal purposes.

The reading room staff will also view proof of residence and employment to ensure that the requestor only receives access to the local OCA information to which he or she is entitled. The requirement for signature and self-certification is to prevent individuals from obtaining OCA information more than their limit (10 stationary sources per calendar month national limit). To further deter individuals from attempting to exceed their allotment by visiting more than one federal reading room in a month, reading room personnel will be instructed to provide access to OCA information only to individuals who have signed a certification that they have not exceeded

their allotment. The certification will inform members of the public that they may be subject to criminal penalties under federal law for falsely certifying that they have not received OCA information for more than 10 stationary sources that month. The information recorded on sign-in sheets may be used by law enforcement in the event of a duly authorized investigation of a violation of civil or criminal law. Therefore, these sign-in sheets shall be retained for three years.

The information collected during telephone call received by the central office from a requestor of OCA information will enable the central office to schedule an appointment for the requestor at a reading room, relay the requested copies of OCA information to that reading room, and, if necessary, contact the requestor. This information would not be retained beyond the requestor's appointment date.

The requests from state and local officials for OCA information would also be retained for three years.

5(c) Small Entity Flexibility

The rule does not require small entities, such as local emergency planning committees or related local government agencies, to provide public access to OCA information, hence no special requirements are needed for small entities.

5(d) Collection Schedule

The information collected at the federal reading rooms occurs only when an individual requests OCA information.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Respondent Burden

State/Local Agencies

During the previous ICR period, EPA mailed OCA data to 240 states and local agencies each year. These agencies submitted their letter of request of OCA data in the previous years. Therefore, this ICR will not account for burden associated with requesting for OCA data. These agencies are assumed to be members of the State Emergency Response Commission (SERC), environmental protection agencies, emergency management agencies, etc. EPA expects the same number of requests for each year covered by this ICR.

In the ICR developed for the final rule, it was estimated that 1,500 active LEPCs (based on EPCRA program) will request OCA information from EPA for their own use such as emergency planning and some of these LEPCs may also provide public read-only access. During the previous ICRs, EPA received fifteen requests annually (45 requests for three years) from LEPCs for OCA data. As in the previous ICR, EPA estimates that 15 LEPCs will submit request for OCA data for each year covered by this ICR.

EPA assumes that at least 1,200 people will visit state and local reading rooms for OCA data annually. The state and local agencies are assumed to spend two hours providing information to the public (providing read-only access and operating the VZIS). The local agencies are assumed to hold three public meetings, in the three years covered by this ICR, which would take eight hours each for preparation and to hold the meeting. The total burden hours for

state and local agencies are estimated to be 5,430 hours annually (12,930 hours for three years) at a cost of \$205,953 annually (\$617,859 for three years).

Public (Individuals)

It is assumed that the members of the public would take approximately one hour to sign-in and certify; call the central office to give his/her name, address, telephone number, names of the stationary sources for which OCA information is requested and to display documentation demonstrating proof of residence and employment to view local facilities at a federal reading room. Based on the information received from federal reading rooms for the last three years, EPA assumes that approximately 1,800 people may visit the federal reading rooms annually in the three years covered by this ICR. EPA also estimates that at least 1,200 people will visit the state and local reading rooms annually in the next three years covered by this ICR. So, we assume a total of 3,000 people visiting federal, state and local reading rooms annually.

Additionally, it is assumed that the public will use the vulnerable zone indicator system (VZIS). The EPA reporting center receives about 900 VZIS inquiries annually from the public. EPA estimates that it may take approximately one hour for the public to submit request for the VZIS. The total burden to the public for signing in at the reading room and VZIS inquiries is estimated to be 3,900 hours annually (11,700 hours over three years) at a cost of \$116,142 annually (\$348,426 for three years).

6(b) Estimating Respondent Costs

To estimate costs for state and local agencies to provide the OCA information to the public and monitor its use, operate the VZIS, and prepare for the public meetings, the public administration hourly rate for state and local government employees of \$36.71 (wage plus benefits) was used (Bureau of Labor Statistics data, March 2009, Table 4).

To estimate costs for state and local officials to submit a written request to EPA for OCA information, and to hold public meetings, the executive/managerial average hourly rate for state and local government employees of \$48.32 (wage plus benefits) was used (Bureau of Labor Statistics data, March 2009, Table 4).

In determining the number of hours (out of the eight total hours) that state and local agencies and officials would require to plan and hold each of the public meetings, respectively, the assumption employed is that individual agencies would use four of these hours for planning purposes and that the individual officials would require four hours for holding the meetings themselves.

The value of the public time is estimated to be at \$29.78 per hour, the average compensation for all U.S. civilian employees (Bureau of Labor Statistics data, March 2009, Table 2).

6(c) Estimating Annual Respondent Cost Burden

Capital and O&M Costs - State, local agencies and the public

The total annual O&M cost for state and local agencies to mail letters to EPA requesting OCA information is approximately \$100.00.

6(d) Estimating Costs for the Federal Government

EPA and DOJ currently operate 55 reading rooms located at federal buildings. Some of the 55 reading rooms have the capability to operate the VZIS. Few of the reading rooms are walk-ins (about 15) and the remaining are by appointment only.

Federal costs were estimated based on activity and the FY 2009 GS wage schedule. Copying time (to make paper copies of OCA information for state and local agencies, if requested) was estimated using a GS-4, step 5; reading room activities were estimated using a GS-9, step 5; and VZIS operation was estimated at GS-13, step 5. The wages for these staff were loaded with fringe, but no overhead.

The reading room activities may vary depending on whether it is a reading room with walk-in access, phone-in access or operating the VZIS. The reading room staff is expected to take phone calls from the public, schedule appointments for use of the reading rooms, print the requested RMPs, review the identification presented, monitor the use of the RMPs to ensure that they are not mechanically copied, and shred them when the user is finished. Reading room staff will spend one hour learning how to handle OCA information securely.

EPA will also have to operate the VZIS system and respond to queries. It was estimated that EPA would spend 15 minutes responding to each query and an equal amount of time answering follow up calls.

The total labor burden on the federal government is estimated to be 8,000 hrs annually (24,000 hrs for three years) at a cost of \$55,000 annually (\$165,000 for three years).

O&M Costs

In the previous ICR, reading rooms were assumed to need a computer, monitor, printer, and shredder. All 15 walk-in reading rooms are assumed to have computer/monitor/printer. All 55 reading rooms are assumed to have shredders. Reading rooms that operate VZIS may require upgraded computer system to run the VZIS software. The cost for the equipment was calculated in previous ICRs. The equipment was assumed to be depreciated over five years. So, in this ICR, EPA did not calculate the costs for the equipment.

The annual cost for VZIS software is \$5,400. In addition, reading rooms were assumed to print out copies. Using a cost of \$5.00 for a ream of recycled copy paper, EPA estimates that its annual paper cost is \$10,000, assuming each person visiting a reading room looks at 20 RMPs (10 local and 10 outside the area).

The combined annual labor and O&M cost is thus estimated to be \$70,400.

6(e) Bottom Line Burden Hours and Costs

Respondents for this ICR are state and local officials requesting OCA data from EPA and the members of the public visiting reading rooms and making inquiries on the VZIS. The total number of annual respondents is 4,155.

The annualized cost burden for respondents during the time period covered by this ICR is estimated to be 9,330 hours at a cost of \$322,095.

6(f) Reasons for Change in Burden

There is slight decrease in burden and costs from the previous ICR due to updated data on the number of people visiting the reading rooms to obtain OCA data, therefore reducing the burden on state and local agencies to provide the data. The costs have been adjusted to the most current wage rates from BLS.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average approximately 2 hours per response. 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-2003-0073, which is available for online viewing at www.regulations.gov, or in person viewing at the [insert your Program Office docket name] 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 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-2003-0073 and OMB Control Number 2050-0172 in any correspondence.

Exhibit 1

LOCAL AGENCIES BURDEN AND COSTS

	Annualized		Three-Year	
	Hours	Dollars	Hours	Dollars
Reading Room	2,400	\$88,104	7,200	\$264,312
Covered Person Request	30	\$1,450	90	\$4,350
Public Meeting	120	\$5,102	360	\$15,306
Total	2,550	\$94,656	6,450	\$283,968

Exhibit 2

STATE AGENCIES COST AND BURDEN

	Annualized		Three-Year	
	Hours	Dollars	Hours	Dollars
Reading Room	2,400	\$88,104	7,200	\$264,312
Covered Person Request	480	\$23,193	1,440	\$69,579
Total	2,880	\$111,297	7,440	\$333,891

Exhibit 3

PUBLIC BURDEN AND COSTS

	Annualized		Three-Year	
	Hours	Dollars	Hours	Dollars
Reading Room	3,000	\$89,340	12,600	\$268,020
VZIS	900	\$26,802	2,700	\$80,406
Total	3,900	\$ 116,142	15,300	\$348,426