

SUPPORTING STATEMENT – PART A

RECORDKEEPING AND REPORTING RELATED TO FUEL QUALITY REGULATIONS FOR DIESEL FUEL SOLD IN 2001 & LATER YEARS; FOR TAX-EXEMPT (DYED) HIGHWAY DIESEL FUEL; AND NON-ROAD LOCOMOTIVE & MARINE DIESEL FUEL: RENEWAL

DOCKET EPA-HQ-OAR-2007-1121
EPA ICR No.: 1718.09

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title of the Information Collection

Fuel Quality Regulations for Diesel Fuel Sold in 2001 & Later Years; for Tax-Exempt (Dyed) Highway Diesel Fuel; & Non-Road Locomotive & Marine Diesel Fuel (Renewal). EPA Control Number 1718.09, OMB Control Number: 2060-0308.

1(b) Short Characterization/Abstract

This ICR renewal is related to EPA’s diesel fuel regulations under 40 CFR Part 80, Subpart I, applicable to highway (“motor vehicle” or “MV”) diesel fuel and non-road, locomotive and marine diesel fuel (NRLM) and heating oil (HO). Most of the information collected under this ICR is used to evaluate compliance with the requirements of the regulations. Information covered by this ICR renewal that assists EPA in determining compliance includes information related to the sulfur content of diesel products, information related to quality assurance testing conducted by regulated parties, and information that tracks diesel products designated as MV, NRLM, or HO. EPA designed its diesel fuel regulations so that reporting burdens would decrease as various types of diesel fuel achieved the appropriate sulfur standard. For example, virtually all MV diesel fuel has met the 15 parts per million (ppm) sulfur standard since June 1, 2010; therefore reporting related to achievement of that standard has appropriately dropped off. The various types of information collected are described in the following paragraphs.

Parties subject to the regulations, such as refiners, importers, and other parties in the diesel distribution system, are required to register with EPA. Information submitted via registration includes company (“entity”) and facility registration. Registration information collected by EPA includes the company and facility name, address, and contact information for a responsible corporate officer. The party identifies what role(s) it fills under the program in its registration – e.g., the party indicates if it is a refiner, importer, terminal, etc. A party may indicate multiple roles on the same registration. The requirements for registration are in 40 CFR Part 80, Subpart I, §80.597. If a party was already registered under the Reformulated Gasoline

and Anti-Dumping regulations (which became effective in 1995), as many parties were, then they did not have to re-register for the diesel program under § 80.597. Of those parties who were new registrants (i.e., not registered under the Reformulated Gasoline and Anti-Dumping regulations) for the diesel program, nearly all had registered by December 31, 2005. Although parties subject to the diesel regulation registered in earlier years of the program, there is still the possibility of occasional updates to existing registrations and this ICR renewal accounts for expected updates. Therefore, we have accounted for a limited number of updates as part of these estimates.

Parties who produce or distribute diesel fuel subject to the regulations are required to meet certain product transfer document (PTD) requirements. PTDs are universally used and retained in the normal course of business to travel with, and identify, fuel products. Their use is a customary business practice for all parties in the distribution system, all the way from the refinery to the retail or wholesale purchaser-consumer, who dispense product to consumers. Identification of products on PTD is typically via printed code (for parties upstream of terminals) and via printed statement (for parties downstream of terminals). Statements and codes are typically programmed by parties early in the implementation of a fuels program. Although statements and codes would have been programmed by regulated parties at the start of the program and have been in continuous use for several years, there is a small continuing burden of affixing (using) these codes for dyed diesel fuel. The process of affixing codes is typically automated (i.e., computerized). This ICR renewal accounts for this continuing burden of affixing codes. PTD requirements are in § 80.590-591.

The regulations required pre-compliance reporting related to MV diesel fuel. See § 80.594. Most pre-compliance reporting ended on June 1, 2005. There are no longer any required pre-compliance reports, since MV fuel now meets the 15 parts per million (ppm) sulfur standard. Similarly, pre-compliance reporting for NRLM ended June 1, 2011. However, resubmission of pre-compliance reports is still possible. For example, a party may discover an error in a previously filed report and may resubmit it at any time. Therefore, we have included estimates for a small number of resubmissions of previously filed pre-compliance reports.

As of June 1, 2010, virtually all MV diesel fuel was required to meet the 15 ppm sulfur standard. As a result, very little reporting related to MV diesel fuel remains. Since the MV compliance date has been achieved, much of the reporting no longer exists and the requirements have sun-setted in accordance with the existing regulations. However, reporting related to NRLM remains. (See § 80.593 80.601-80.604.) Therefore, this ICR renewal accounts for a reasonable number of resubmissions of previously filed reports for MV, and considers that reporting related to NRLM (and HO) will continue throughout the course of this proposed ICR renewal. In order to present estimates for reporting in a format that regulated parties are familiar with, the estimates in Table I are given by form, with a short description of the information each form collects. The corresponding reporting forms are available at the EPA website: <http://www.epa.gov/otaq/fuels/reporting/diesel.htm>.

This ICR renewal includes provisions related to research and development (R&D)

exemptions, which a party may request. And R&D exemption permits a party with a bona fide testing program to acquire and use diesel fuel to acquire sufficient non-complying fuel to conduct its research. We receive one or two applications per year, and have estimated the costs as part of this ICR renewal. This ICR renewal also includes provisions related to qualification of laboratories to use test methods for measurement of sulfur and for detection of dye/marker. The purpose of the laboratory qualification is to ensure that appropriate standards for accuracy and precision will be met. Since nearly all laboratories have already submitted the information, we have estimated a small number of new applicants.

In summary, the activities associated with this ICR include: registration (as noted, virtually all parties have registered, although updates to existing registrations are still possible); compliance reports (mostly covering NRLM and HO, although updates to prior compliance and pre-compliance reports for MV diesel are still possible); research and development (R&D) exemptions; generation and retention of quality assurance (QA) records; foreign refiner reporting; placement of product transfer document (PTD) codes (a typically automated process, to indicate the presence of dye in tax-exempt fuel and/or sulfur content). This ICR renewal contains provisions related to qualification of laboratories on performance-based test methods. Virtually all applications have already been received from laboratories and acted upon by EPA. This ICR renewal considers that we may receive a limited number of laboratory qualification applications per year.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need/Authority for the Collection

This supporting statement covers the recordkeeping and reporting requirements and the associated costs to various parties (e.g., refiners, importers, distributors, and retailers of diesel fuel). These general recordkeeping and requirements are necessary to enable the Administrator to:

- (1) Identify the sources of diesel fuel; and
- (2) Ensure that these sources comply with the standards and limitations of the rules.

The information is collected in order to determine compliance with the regulations related to motor vehicle (MV) and non-road, locomotive and marine (NRLM) diesel. The information is used by the Office of Transportation and Air Quality (OTAQ) in EPA to perform analysis of the program and to determine if the regulations are working well or not, and to help guide our decisions on future rulemakings and actions. OTAQ may utilize certain information, in highly aggregated and summarized form, to generate reports about diesel fuel trends. If information is used in this manner, it must be highly aggregated and summarized because much of the information is submitted to EPA with a claim of business confidentiality. The information

is also collected for use by the Office of Enforcement and Compliance Assurance (OECA) to pursue violations.

For performance-based qualification of test methods for diesel fuel, reported data will enable EPA to:

1) Qualify laboratories to use test methods based upon accuracy and precision criteria supported by industry.

2) Ensure that diesel fuel and heating oil meet the standards required under the regulations at 40 CFR Part 80 and that the associated benefits to human health and the environment are realized.

The information is collected in order to qualify laboratories to use test methods of their choosing, as long as those test meet appropriate accuracy and precision criteria. The submission to EPA is designed to permit industry maximum flexibility in choosing test methods. Most test methods chosen are developed by voluntary consensus based organizations, such as ASTM International. It is also possible for industry to develop its own test methods and use them, if they meet the appropriate accuracy and precision criteria. Although submitting an application requires some effort on the part of industry, industry historically has preferred to be granted leeway in the choosing of test methods. We have designed our requirements for laboratory qualification to match industry practice and to provide a simplified format. Since nearly all laboratories have already qualified, we anticipate very few new applications during the course of this ICR renewal.

2(b) Practical Utility/Users of the Data

EPA will use the information contained in the reports required by this information collection to evaluate the compliance of parties involved in the production and importation of diesel with the diesel fuel requirements. These reports will also be used by EPA to target compliance investigations.

PTDs maintained by parties in the diesel fuel distribution system and records related to diesel blending will be used to evaluate the compliance of the parties that maintain the records, and to help evaluate upstream compliance. PTDs are normally generated and retained in the course of business (i.e., they are customary business practices or “CBP”). There is a small burden associated with the placement of sulfur content and/or dye notices, a process which is typically automated.

The automatically printed notice on tax-exempt highway diesel product transfer documents (which EPA allows to be stated in coded form to save space), allows both EPA to determine if dyed product is intended for highway use or is high sulfur diesel for off-road use only. It also helps industry to make this determination.

The EPA's Office of Transportation & Air Quality (OTAQ) and the Office of Enforcement and Compliance Assurance (OECA) are the primary government users of the information contained in the required records. In the event of violation, information may also be shared with the U.S. Department of Justice (DOJ).

3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

Efforts have been made to eliminate duplication in this information collection. Where possible, information requirements from various organizations within the Agency have been combined to minimize the submittal of duplicate information in different formats. The information in this collection will not be available from another source.

3(b) Public Notice Prior to Submission to OMB

On August 11, 2011, we published a Federal Register notifying parties that announces our intention to renew this information collection, which will expire on December 31, 2011. We docketed a proposed supporting statement. We provided a 60 day comment period. No comments were received.

3(c) Consultations

EPA will discuss this information collection with representatives of regulated industry. We are soliciting comments via the Federal Register notice, as well. This supporting statement and our estimates are being placed in the public docket. On November 21, 2011, we sent the estimates to members of the regulated community (Patrick Kelley, American Petroleum Institute and Tim Hogan, National Petrochemical Refiners Association [now American Fuel & Petrochemical Manufacturers] in an effort to solicit input. The respondents expressed general agreement with the estimates in this supporting statement.

3(d) Effect of Less Frequent Collection

The diesel rule requires refiners and importers to submit annual reports which will, by the information contained therein, demonstrate a party's compliance with the applicable sulfur standards. Less frequent submittal of such reports would severely hinder EPA's ability to monitor compliance, and would likely lead to noncompliance. In the case of the dye requirements, a less frequent collection is not practical, since the information must appear on product transfer documents at the time custody is transferred. Several items of reporting are no longer applicable in this renewal. Among the items no longer applicable, are applications for small refiner or hardship applications and most reporting related to MV diesel (although, a small number of resubmissions are still possible). As discussed above, we expect to receive very few new applications for laboratory qualification on test methods. The diesel regulation at 40 CFR

Part 80, Subpart I, were written to automatically reduce recordkeeping and reporting burdens as higher sulfur fuel is phased out.

3(e) General Guidelines

The requirement requires record retention for five (5) years. This is the standard record retention period for all 40 CFR Part 80 fuels programs is five (5) years and the Agency believes this is important to the success of the program. Generation and retention of product transfer documents and other records occurs in the normal course of business (i.e., CBP).

3(f) Confidentiality

Information claimed as confidential business information (CBI) is routinely submitted by regulated parties as part of compliance reports and applications for laboratory qualification. Confidentiality for such information is covered by established Agency procedures and the regulations at 40 CFR Part 2.

3(g) Sensitive Questions

No questions of a sensitive nature are asked in this information collection.

4. THE RESPONDENTS AND THE INFORMATION COLLECTED

4(a) Respondents/SIC Codes

The respondents to this information collection are:

- Refiners (both domestic and foreign refiners who manufacture diesel for use in the U.S.)
- Importers of diesel into the U. S.
- Diesel distributors, carriers, wholesale purchaser-consumers, and retailers
- Testing laboratories

Recordkeeping and, in some cases, reporting is required by the following industries, with SIC Code/2002 NAICS Code indicated:

Refiners (2911/324110),
Importers (5172/424720),
Pipelines (4613),
Petroleum marketers and other distributors (5171, 5172/424710, 424720),
Terminals (5171/424710),
Fuel oil dealers (5172/424720),
Fuel additive manufacturers (2911/424720),
Petroleum retailers and wholesale purchaser-consumers (5171, 5172/424710, 424720)
Laboratories (8734/541380).

4(b) Information Requested

1. Data Items

Knowledge of the following definitions at 40 CFR Part 80, Subpart A, § 80.2, is important for a thorough understanding of the reporting and recordkeeping requirements:

“Diesel fuel” means any fuel sold in any state or Territory of the United States and suitable for use in diesel motor vehicles, diesel motor vehicle engines or diesel non-road engines, and which is commonly or commercially known or sold as diesel fuel.

“Locomotive or marine (LM) diesel fuel” means any diesel fuel or other distillate fuel that is used, intended for use, or made available for use, as a fuel in locomotive or marine diesel engines, except for the following fuels:

“Motor vehicle diesel fuel” (MV diesel) means any diesel fuel, or any distillate product, that is used, intended for use, or made available for use, as a fuel in diesel motor vehicles or diesel motor vehicle engines.

“Nonroad (NR) diesel fuel” means any NRLM diesel fuel that is not “locomotive or marine (LM) diesel fuel.”

“Nonroad, locomotive, or marine (NRLM) diesel fuel” means any diesel fuel or other distillate fuel that is used, intended for use, or made available for use, as a fuel in any nonroad diesel engines, including locomotive and marine diesel engines, except the following: Distillate fuel with a T90 at or above 700 °F that is used only in Category 2 and 3 marine engines is not NRLM diesel fuel, and ECA marine fuel is not NRLM diesel fuel (note that fuel that conforms to the requirements of NRLM diesel fuel is excluded from the definition of “ECA marine fuel” in this section without regard to its actual use). Use the distillation test method specified in 40 CFR 1065.1010 to determine the T90 of the fuel. NR diesel fuel and LM diesel fuel are subcategories of NRLM diesel fuel.

“Refinery” means a plant in the United States at which gasoline or diesel fuel is produced.

“Foreign refinery” means a refinery that is located outside the United States.

“Refiner” means any person who owns leases, operates, controls, or supervises a refinery.

“Importer” means a person who imports gasoline, gasoline blending stocks or components, or diesel from a foreign country into the United States (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands).

“Sulfur percentage” is the percentage of sulfur in diesel fuel by weight, as determined using one of the test methods specified in the regulations.

“Batch of motor vehicle diesel fuel” means a quantity of diesel fuel which is homogenous with regard to those properties that are specified for motor vehicle diesel fuel under 40 CFR subpart I.

2. Recordkeeping and Reporting Requirements

Table I summarizes the information to be collected by form and respondent. If no form exists, the information item is identified by party. Please note that this supporting statement is organized by form, in order to present a format that regulated parties are familiar with. This is different from prior ICR renewals for this series. Each table entry includes a brief description of what is collected on each form. Actual forms, with instructions, are posted on the EPA website: <http://www.epa.gov/otaq/fuels/reporting/diesel.htm>.

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

5(a) Agency Activities

- All reported compliance data will be reviewed by EPA.
- EPA will contact submitters about problem submissions.
- Where appropriate, we will prepare a written response to the submitter.
- The data will be stored.

5(b) Collection Methodology and Management

EPA accepts common electronic formats for most of the reporting requirements - for example, annual reports may be submitted in any of several commercial spreadsheet formats or, more simply, as comma-delimited text/comma-separated value fields.

The product transfer document information can be included on standard transfer documentation customarily used in the ordinary course of business (i.e., CBP). EPA allows the information to be encoded by upstream parties (refiners, importers, and terminals) to facilitate reporting and save space. The use of codes and pre-programmed statements is common and accepted in industry and permits an automated process for generating PTDs. This ICR renewal does not include any estimate for programming codes, since all codes already exist.

The information is carefully reviewed for compliance with the requirements. Most of the information submitted to the Agency is claimed as business confidential. It is stored in a secure area and in a secure database.

5(c) Small Entity Flexibility

The information collection reduces to the extent practicable and appropriate the burden

on respondents, including small entities. The major reporting requirements apply to refiners and importers of diesel, which are not usually small businesses.-

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6. Estimating the Burden and Cost of Collection

a. Estimating the Respondent Universe

We drew upon experience implementing similar regulations among the same and similar entities to develop estimates of the burden associated with this collection. We also contacted industry sources regarding the estimates in this renewal package.

b. Estimating Respondent Costs

(i) Estimating Labor Costs

In discussions with industry, four labor categories were identified as having involvement: managerial, legal, professional/technical (prof/tech) and clerical. According to the Bureau of Labor Statistics, May 2008 National Industry-Specific Occupational Employment and Wage Estimates, mean wages were:

Wages

| | |
|------------|------------------|
| Managerial | \$60.42 per hour |
| Legal | \$84.56 per hour |
| Prof/Tech | \$60.05 per hour |
| Clerical | \$17.34 per hour |

Doubling for company overhead and employing a 2% annual inflation factor to bring the rates to the year 2011, and, for convenience, rounding to the nearest dollar, gives the following rates that will be used for this ICR:

Total Employer Cost

| | |
|------------|-------|
| Managerial | \$128 |
| Legal | \$179 |
| Prof/Tech | \$127 |
| Clerical | \$ 36 |

The labor mix for each task is assumed to be about 0.05 hour managerial, 0.05 hour legal, 0.7 hour professional/technical, and 0.2 hour technical. This gives an average labor cost of about \$110 per hour, which will be used in this ICR. Our estimates are summarized in the following table (Table I):

TABLE I - ESTIMATES FOR ICR RENEWAL, DIESEL REGULATIONS - 40 CFR Part 80, Subpart I.
 EPA ICR 1718.09 (Renewal. Expires 12-31-2011.)

Acronyms used for diesel fuel in this table:

MV: motor vehicle.

NRLM: nonroad, locomotive and marine.

Reporting burdens are indicated in black text, recordkeeping burdens are in gray text.

Assumes: We have 95 NRLM refiners registered, rounded up to 100 for simplicity.

| Collection Activity | Type of Party | No. of Parties | No. of Responses per Party | Total No. of Responses | Time Per Response (Hours) | Cost Per Hour | Total Hours | Total Cost |
|---------------------|---------------|----------------|----------------------------|------------------------|---------------------------|---------------|-------------|------------|
|---------------------|---------------|----------------|----------------------------|------------------------|---------------------------|---------------|-------------|------------|

REPORTING FORMS

| | | | | | | | | |
|---|------------------|-----|---|-----|---|-----|-----|-------|
| DSF0100 Form: Diesel Fuel Sulfur Credit Banking and Generation Report | NRLM refiners | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
| | importers | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |
| | MV resubmissions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
| This form is used to report credits the reporting party possesses or possessed over a given year. | | | | | | | | |

| | | | | | | | | |
|---|------------------|-----|---|-----|---|-----|-----|-------|
| DSF0200 Form: Diesel Fuel Sulfur Credit Transfer Report | NRLM refiners | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
| | importers | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |
| | MV resubmissions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
| This form is used to report credits that were transacted over a given year. | | | | | | | | |

| | | | | | | | | |
|----------------------|------|-----|---|-----|---|-----|-----|-------|
| DSF0301 Form: | NRLM | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
|----------------------|------|-----|---|-----|---|-----|-----|-------|

| | | | | | | | | |
|---|------------------|----|---|----|---|-----|----|------|
| Diesel Fuel Sulfur Facility Report | refiners | | | | | | | |
| | importers | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |
| | MV resubmissions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
| The facility summary report is used to summarize the diesel fuel produced at each facility. | | | | | | | | |

| | | | | | | | | |
|---|------------------|-----|---|-----|---|-----|-----|-------|
| DSF0401 Form: Diesel Fuel Sulfur Batch Report | NRLM refiners | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
| | importers | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |
| | MV resubmissions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
| Batch reports are submitted for each batch (discrete quantity) of fuel by type of diesel, whether it is dyed/marked, and include an identifying batch number. | | | | | | | | |

| | | | | | | | | |
|---|---|-------|---|------|---|-----|------|--------|
| DSF0504 Form: Designate and Track Handoff Report | NRLM refiners | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
| | importers | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |
| | MV resubmissions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
| | All others (incl. terminal and pipelines) | 1,000 | 1 | 1000 | 1 | 110 | 1000 | 110000 |
| Handoff reports include transactional information about fuel tracked by type (designate and track). | | | | | | | | |

| | | | | | | | | |
|--|---------------|-----|---|-----|---|-----|-----|-------|
| DSF0601 Form: Designate and Track Total Volume Report | NRLM refiners | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
| | importer | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |

| | | | | | | | | |
|--|---|-------|---|------|---|-----|------|--------|
| | s | | | | | | | |
| | MV resubmissions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
| | All others (incl. terminal and pipelines) | 1,000 | 1 | 1000 | 1 | 110 | 1000 | 110000 |

This form contains a summary of fuel handoffs. It is different from the transactional form, since it lists the total by diesel fuel type in gallons.

| | | | | | | | | |
|---|---|-------|---|------|---|-----|------|--------|
| DSF0700 Form: Designate and Track Facility Compliance Report | NRLM refiners | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
| | importers | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |
| | MV resubmissions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
| | All others (incl. terminal and pipelines) | 1,000 | 1 | 1000 | 1 | 110 | 1000 | 110000 |

This form is used for annual compliance calculations, based upon type of diesel fuel.

| | | | | | | | | |
|---|---|-------|---|------|---|-----|------|--------|
| DSE0700 Form: Designate and Track Entity Compliance Report | NRLM refiners | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
| | importers | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |
| | MV resubmissions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
| | All others (incl. terminal and pipelines) | 1,000 | 1 | 1000 | 1 | 110 | 1000 | 110000 |

This is an optional annual report. The regulations permit either facility-by-facility or corporate level

calculation. If you elect corporate level calculation, then you use this form instead of DSF0700.

| | | | | | | | | |
|---|---------------------------|---|---|---|---|-----|---|-----|
| DSF0900 Form: Motor Vehicle Diesel Sulfur Pre- Compliance Report | MV resubmis- -sions | 5 | 1 | 5 | 1 | 110 | 5 | 550 |
|---|---------------------------|---|---|---|---|-----|---|-----|

This report is available for resubmission purposes only. The last reports were due to cover plans for compliance year 2010; since nearly all resubmissions would have been received, we have estimated we will receive no more than five (5).

| | | | | | | | | |
|--|------------------|-----|---|-----|---|-----|-----|-------|
| DSF0951 Form: NRLM Diesel Sulfur Pre- Compliance Report | NRLM refiners | 100 | 1 | 100 | 1 | 110 | 100 | 11000 |
| | importer s | 50 | 1 | 50 | 1 | 110 | 50 | 5500 |

The last reports are were due June 1, 2011, Since it is still possible to receive "recent" resubmissions, we have estimated 100 refiners and 50 importers may resubmit.

| | | | | | | | | |
|--|-----------------|---|---|---|-----|-----|-----|-------|
| DLQ001 Form (Used for lab/test method qualification.) | Testing labs | 1 | 1 | 1 | 180 | 110 | 180 | 19800 |
|--|-----------------|---|---|---|-----|-----|-----|-------|

This form is used to demonstrate accuracy and precision of test methods used to determine diesel sulfur content. Virtually all laboratories have already qualified and we expect no more than one application per year.

| | | | | | | | | |
|--|-----------------|---|---|---|-----|-----|-----|-------|
| DFM001 Form (Used for solvent/dye qualification.) | Testing labs | 1 | 1 | 1 | 180 | 110 | 180 | 19800 |
|--|-----------------|---|---|---|-----|-----|-----|-------|

This form is used to demonstrate accuracy and precision of test methods used to determine presence of solvent or dye. Virtually all laboratories have already qualified and we expect no more than one application per year.

REGISTRATION & OTHER ITEMS

| | | | | | | | | |
|---|--------------|---|---|---|-----|-----|---|-----|
| Updates to Existing Registration | Any party | 2 | 1 | 2 | 0.5 | 110 | 1 | 110 |
|---|--------------|---|---|---|-----|-----|---|-----|

Virtually all parties have registered, and we expect no more than two updates to registrations per year.

| | | | | | | | | |
|---------------------------|----------|---|---|---|---|-----|---|-----|
| R&D Exemptions | Refiners | 2 | 1 | 2 | 1 | 110 | 2 | 220 |
|---------------------------|----------|---|---|---|---|-----|---|-----|

Research and development exemptions are available to parties engaging in bona fide test programs. We receive approximately two applications per year.

| | | | | | | | | |
|---|-----------|-----|-----|-------|------|-----|------|--------|
| QA (record generation and retention) | Refiners | 150 | 100 | 15000 | 0.25 | 110 | 3750 | 412500 |
| | Importers | 50 | 100 | 5000 | 0.25 | 110 | 1250 | 137500 |

Quality Assurance records must be retained for five years.

| | | | | | | | | |
|---|----------|---|---|---|----|-----|-----|-------|
| Foreign Refiners Recordkeeping and Reporting | Refiners | 5 | 1 | 5 | 40 | 110 | 200 | 22000 |
|---|----------|---|---|---|----|-----|-----|-------|

This refers to requirements specific to foreign refiners. As with domestics, records must be retained for five years.

| | | | | | | | | |
|---|--|------|-----|--------|--------|-----|------|--------|
| Placement of PTD Codes (dye/content) | Various parties in the distribution system | 1200 | 200 | 240000 | 0.0333 | 110 | 7992 | 879120 |
|---|--|------|-----|--------|--------|-----|------|--------|

Product codes or pre-programmed statements are used to communicate the type of product. They are typically applied by automated systems (i.e., computerized).

| | | | | |
|---------------|----------------|------------------|--------------|------------------|
| TOTALS | 6806 | 265406 | 18950 | 208450 |
| | Parties | Responses | Hours | Cost (\$) |

6(c) Estimating Agency Burden and Cost

The Agency activities listed in 5(a) are part of an overall gasoline and diesel reporting system called the OTAQ Fuels Reporting System (including reformulated gasoline, conventional gasoline, and diesel). We estimate that the diesel portion costs approximately \$120,000 in personnel costs per year (i.e. approximately $\frac{3}{4}$ of a GS-13 employee with consideration of overhead and benefits).

6(d) and (e) Estimating the Respondent Universe and Total Burden and Costs, and Bottom Line Burden Hours and Costs

The detailed estimates are included in Table I, above. We estimate that there will be 6,806 parties subject to this ICR. We estimate that there will be 265,406 responses; 18,950 hours; and a total cost (all of which is labor cost) of \$2,084,500. We estimate that there will be no (\$0) capital costs associated with this ICR.

6(f) Reasons for Change in Burden

For this renewal, we estimate a total annual burden of 265,406 responses, taking 18,950 hours, and costing \$2,084,500. (The entire \$2,084,500 is labor cost; we estimate that there will be \$0 of capital costs associated with this ICR.) Nearly the entire burden associated with this ICR renewal is best described as a reporting burden; however, of the total, 5,000 hours and \$550,000 are attributable to generation and retention of QA records (i.e., recordkeeping). For the expiring approval, we had estimated 426,275 responses, taking 285,261 hours. Therefore, the burden has decreased, based upon the expiring approval, is as follows:

Table II - Change in Burden Based upon Expiring Approval

| | ICR Expiring 12/31/11 | This Renewal | Change (Numbers in parenthesis represent a reduction) |
|-----------------|--------------------------|--------------|--|
| Total Responses | 426,275 | 265,406 | (160,869) |
| Total Hours | 285,261 | 18,950 | (266,311) |

* All of the cost indicated above is labor cost; we estimate that there will be \$0 in capital costs associated with this ICR.

However, in the course of preparing this renewal, we discovered an error in the prior approval with respect to the number of burden hours. The error was due to a calculation error (i.e., an incorrectly copied formula) with the spreadsheet we used. The correct total hours for the expiring approval should have been 40,400. Therefore, the burden decrease is more correctly

expressed as follows:

Table III - Change in Burden Reflecting Corrected Figures

| | ICR Expiring 12/31/11 | This Renewal | Change (Numbers in parenthesis represent a reduction) |
|-----------------|--------------------------|--------------|--|
| Total Responses | 426,275 | 265,406 | (160,869) |
| Total Hours | 40,400 | 18,950 | (21,450) |

There are several reasons for the reduction in burden, in terms of responses and hours. As discussed above, most MV diesel reporting has now ended, which was expected to reduce (and has reduced) the responses, hours, and costs. Likewise, laboratory qualifications have virtually all been submitted already.

Please note that we have changed how we express our estimates for this renewal. We have modeled our estimates to match the in-use forms in order to assist interested parties in providing helpful comments. We have also used a rate of \$110 per hour, instead of the \$65 per hour used in the expiring approval. Therefore, some of the change is associated with how we did the estimates in 2008 (expiring approval) and now. In addition, and as noted above, the prior approval contained an incorrect number of hours due to a spreadsheet calculation error by EPA; we discovered that error while preparing this renewal and the correct number of hours (40,400) are cited in this supporting statement.

The Agency burden has decreased because of a reduction in the number of reports filed. In the expiring approval, we estimated a total cost of \$668,000. We estimate that the cost associated with this renewal is approximately \$120,000. The reason for this reduction is that we receive fewer reports for processing and because virtually all laboratory qualifications, which required the attention of an Agency chemist, have already been received and processed.

6(g) Burden Statement

The public reporting burden for this Environmental Protection Agency (EPA) collection of information is estimated to average less than one hour per response. This includes time for reviewing instructions and regulations, searching company records, gathering the needed data, and completing, reviewing, copying, and transmitting the collection of information. 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 or 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-2007-1121, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket and Information Center 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 and Radiation Docket and Information Center 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-2007-1121 and OMB Control Number 2060-0308 in any correspondence.