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 (CAA)

EPA # 1656.15

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 (Renewal)
ICR No. 1656.15, OMB No. 2050-0144

1(b) Short Characterization

This information collection request (ICR) renews a previously approved ICR (1656.14), OMB Control No. 2050-0144, expiring December 31, 2015.

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

(1) Documenting sources' risk management programs and submitting a source's 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 the Occupational Safety and Health Administration (OSHA)'s Process Safety Management (PSM) standard (29 CFR 1910.119). 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.

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 at least every five years after the initial submission. Sources must resubmit earlier than their next five-year deadline if they undergo certain changes to their covered processes as specified in part 68. Therefore, after the initial submission, some sources re-submitted their RMPs prior to the next 5-year deadline because they had process changes that required an earlier update. These sources were then assigned a new five-year resubmission deadline based on the date of their revised plan submission. Most covered sources had no significant changes to their covered processes and therefore resubmitted their updated RMP on June 21, 2004. This same pattern continued through the next two submission cycles – some sources updated and resubmitted their RMP prior to their five-year deadline and were assigned a new (off-cycle) five-year deadline, but a majority of sources submitted their updated RMP on or near the next scheduled five-year resubmission deadlines (June 2009, June 2014). Similarly, while most sources' next submission is due in June 2019, because of off-cycle resubmission deadlines assigned to sources who have resubmitted RMPs prior to their next 5-year resubmission date, only a portion of the RMP-regulated universe has a submission deadline in or near June 2019.

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

This ICR period is from January 2016 to December 2018. Since this period does not include the next major 5-year resubmission deadline (June 2019), this ICR period will not consider the burden for the majority of regulated sources that will resubmit their RMP on the 5-year resubmission deadline in calendar year 2019. For the three-year period covered by this ICR, 1127 sources have submission deadlines in 2016, 1260 sources have submission deadlines in 2017, and 1585 sources have submission deadlines in 2018.

Most sources that will submit RMPs in this ICR period must also comply with prevention program activities and on-site documentation of their prevention program (sources with only program level 1 processes do not have prevention program obligations under part 68). Sources that have resubmitted 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 and the submission of the risk management plan.

The burden for currently covered sources for initial rule compliance, including rule familiarization and program implementation has taken place prior to the period covered by this ICR. Also, there are some sources that did not resubmit their RMPs on their scheduled deadline. The burden for these sources will be accounted for in this ICR.

A majority of sources use EPA's on-line system for RMP submissions, called RMP*eSubmit. A few sources that do not have access to an internet-connected computer will submit their RMPs using a paper form provided by EPA.

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 the RMP rule will use RMPs to evaluate compliance with part 68 and to 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 appears similar to the information requested in the registration form under these regulations. However, not all of the information in the RMP registration section, and almost none of the information in the prevention program and hazard assessment sections of the RMP are submitted to EPA under other regulations. EPCRA Section 312 Tier II forms, which also include some information similar to that in the RMP registration form, are submitted only to states and local planning authorities, not EPA. Therefore, 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, along with prevention program, hazard assessment, and emergency response program information, 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) 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 June 12, 2015 (80 FR 33518). EPA did not receive any comments.

3(c) Consultations

In developing this ICR renewal, the Agency contacted several sources to obtain information on the number of hours sources spend on collecting data and submitting an RMP. Some of the sources contacted have re-submitted their RMP between the four previous reporting periods (June 1999, 2004, 2009, and 2014) for changes in their processes or changes in their worst-case or alternative scenarios. Others had re-submitted with only minor changes to their previous RMP. The following sources were contacted in reference to the 1656.15 renewal:

Chevron Salt Lake Refinery, Salt Lake City, UT

CHS Inc. – Lisbon NH3 Plant, Lisbon, ND
CHS Inc. – Hallock, Hallock, MN
Claxton Poultry, Claxton, GA
Equistar Chemicals – Channelview Operations, Channelview, TX
Seymour of Sycamore, Sycamore, IL
Trenton Water Works Filtration Plant, Trenton, NJ

The sources that were contacted were in various sectors, including petroleum refining, chemical manufacturing, agricultural retail, cold storage, etc., and of different sizes (small, medium and large). The number of burden hours reported by these sources ranged from 4 to 360 hours. These hours were spent to prepare and submit an RMP, as well as to comply with hazard assessment, management, and prevention program activities. Although currently covered sources already have a risk management program in place, these sources are expected to review and update it for any changes made and to resubmit the RMP on their resubmission deadline. For RMP-covered sources that are also covered under the OSHA PSM standard, which requires virtually identical activities as are required under Subparts C and D of part 68 for Program level 3 sources, the burden associated with ongoing prevention program activities accrues to OSHA PSM rather than this ICR. Therefore, burden hours reported by PSM-covered sources consider only burden hours required to comply with part 68 requirements beyond those of OSHA PSM (e.g., hazard assessment, RMP submission, etc.).

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 (and in the case of the PHA, for the life of the covered process), 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 regulated substance in a process. 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 August 2015, approximately 12,600 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, third, and fourth submissions were received in June 2004, 2009, and 2014, respectively. The next five-year resubmission deadline is June, 2019, which is after the period covered by this ICR. As mentioned in the previous section of this document, some covered sources re-submitted their RMPs for various reasons specified in 40 CFR 68.190 prior to the next scheduled five-year submission deadline, therefore, EPA assigned to these sources a new five-year deadline, which is not necessarily the original deadline specified in part 68 (i.e., June 21). So, for some sources who have made off-cycle resubmissions, their next five-year resubmission deadline will fall in the three years of this ICR period. Of the total universe of sources currently covered under the RMP rule, 1,127 have a resubmission deadline in the first year of this ICR period (Jan to Dec 2016), 1,260 sources have a resubmission deadline in the second year and 1,585 sources have a resubmission deadline in the third year covered by this ICR. At the time of the publication of this ICR, approximately 320 sources had overdue resubmissions (i.e., these sources had not resubmitted their RMPs by their last five-year resubmission deadline, and had not submitted a deregistration notice to the Agency). The remaining sources covered under part 68 (8,431 sources) have resubmission deadlines beyond the period covered by this ICR. EPA estimates that half of the overdue sources will resubmit during this ICR period, and that the other half of the overdue sources are in fact no longer covered under part 68 and will submit a deregistration notice to the Agency. Based on the number of new sources that reported between 2011 and 2013, EPA estimates that approximately 819 new sources may comply with the regulation during this three-year ICR period, or an average of approximately 273 each year.

During the period covered by this ICR, approximately 14 State and local agencies will maintain a delegation of authority from EPA to implement the RMP program. These 14 agencies are expected to carry out their implementing functions each year covered by this ICR.

As mentioned above, although only 4,132 sources have a resubmission deadline in the three years covered by this ICR (including half of the sources with a currently overdue resubmission), approximately 819 new sources are expected to comply with the rule during this ICR period, and approximately 8,431 additional sources (i.e., currently covered sources with resubmission deadlines beyond this ICR period) will be required to maintain on-site documentation. Most sources will also be required to conduct prevention program activities, although for sources covered under the OSHA PSM standard, the burden associated with those activities does not accrue to this ICR.

Therefore, the total number of respondents for this ICR (for three years) is 13,396, which includes currently covered sources with resubmission deadlines within this ICR period, covered sources with resubmission deadlines beyond this ICR period who are required to continue to comply with prevention program activities, new sources expected to be in compliance during this ICR period, sources that are currently out of compliance but that may be in compliance in this ICR period, and the delegated implementing agencies. Exhibit 1 shows the number of sources that have resubmission deadlines from January 2016 to December 2020. 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 are subject to OSHA's PSM standard, or those in any of the ten 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 covered process) meets one or more of the conditions specified in section 68.190(b), 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 standard 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) No additional measures are necessary to prevent offsite impacts from accidental releases.

(4) In the event of fire, explosion, or a release of a regulated substance from the process(es), entry within the distance to the specified endpoints may pose a danger to public emergency responders. Therefore, public emergency responders should not enter this area except as arranged with the emergency contact indicated in the RMP.

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. These sources are also assumed to incur costs for incident investigation if they have an incident meeting the incident investigation criteria specified in §§68.60 (for Program 2) or 68.81 (for Program 3). 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, most on-going costs of keeping Process Safety Information (PSI) and Operating Procedures up-to date, documenting refresher training, training of new employees, mechanical integrity, and management of change accrue to the OSHA PSM standard. Any source that has an emergency response plan is subject to the OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) standard (29 CFR 1910.120); all costs for updating the plan accrue to the OSHA standard. A few sources are expected to change their OCA 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, operating procedures, 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);
- Documentation of the source's management system for implementation of risk management program requirements.
- 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 standard. 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 standard.

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, operating procedures, the mechanical integrity and training programs, compliance audits, management of change, accident investigations, and emergency response program. 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);
- Documentation of the source's management system for implementation of risk management program requirements.
- Chemical and process information, including equipment specifications, and diagrams of equipment, piping, pumps, valves, controls, and instrumentation (P&IDs) for 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 mechanical integrity 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 standard are already required to maintain all of this information (except the hazard assessment and management system) on site and are assumed to incur only the additional costs to maintain on-site records of the hazard assessment and management system. 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 standard. 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 standard.

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 from 2011 through 2013, we expect only 20 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 program 1 sources to prepare and submit a RMP is included in this ICR. Burden for existing program 1 sources that will be resubmitting their RMP in 2016, 2017, or 2018 is also included in this ICR. New and existing Program 1 sources are required to maintain records supporting the implementation of the risk management program, as explained in the previous section.

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.

Program 3. Program 3 sources will incur the burden of assembling information for the purpose of maintaining on-site documentation (except that already required under OSHA PSM) and preparing and submitting an RMP.

The burden estimates for preparing the RMP and maintaining on-site documentation for sources with Program 2 or Program 3 processes are presented in section 6(a) of this ICR.

Confidential Business Information

Based on the CBI claims received in prior reporting years, EPA believes that a few sources with processes in Program 2 and Program 3 may seek to claim certain RMP information as confidential business information during 2016, 2017, and 2018. 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 for petitions is discussed 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

Fourteen State and local agencies are currently approved to serve as the implementing agencies for part 68. We do not expect any more agencies to seek delegation to implement the program during the period of this ICR. Delegated implementing agencies 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 14 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 risk management program's inception, EPA developed and made available a suite of software applications which perform various functions to assist with the program. They included RMP*Submit, a software application that created an electronic file for submission of a diskette or CD in the mail. In 2009, EPA replaced RMP*Submit with a new RMP submission system named RMP*eSubmit that allows sources to submit their RMP directly to EPA over the Internet. RMP*eSubmit includes pick lists for chemical names, LEPCs, and certain other data elements from which a source may choose. EPA has made the system and accompanying documentation available via its web site. EPA also accepts RMPs on a paper form, although less than 1% of RMP facilities file on paper.

Other RMP software applications allow processing of the RMPs and creation of a database, functions performed by contractors who operate the RMP Reporting Center to which facilities electronically submit their RMPs. The suite of applications also includes RMP*Info, a database 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:

- Makes the RMP submission system, database, software and forms available;
- Processes the RMPs submitted by sources into a database and makes the information available through various means;
- Answers any questions from sources concerning the submission process;
- Processes any claims of confidential business information;
- Notifies each submitter of the status of their RMP;
- Stores RMP submissions and retrieves information;
- Provides technical assistance to sources; and
- Maintains the RMP database.

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

In 2009, EPA made available a web-based submission tool, RMP*eSubmit, to replace the original RMP*Submit downloadable application which allowed mailed diskettes. The web-based system reduces burden for facilities by simplifying the RMP submission process. It also has improved data quality and security.

EPA has also provided web-based access to the database by Federal, state and local government officials through RMP*Info now available via the Agency's Central Data Exchange (CDX).

Petitions

We do not expect any petitions 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 a 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 standard. 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 generally 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 system (RMP*eSubmit) was made available in 2009. This reduced burden for small entities since the information reported is more easily available to make any changes and resubmit on-line rather than printing and/or mailing in diskettes with the changes.

5(d) Collection Schedule

***Risk Management Plans*.** Sources with more than a threshold quantity of a listed substance in a process were required to be in compliance with the risk management program beginning June 21, 1999. Compliance includes, among other things, submitting an RMP to EPA by the initial compliance date and at least every five years thereafter. 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 a threshold quantity or for other reasons and within the timeframes specified in 40 CFR 68.190. Otherwise, sources are required to resubmit their RMP within five years of their last submittal even there were no significant changes to the source or its covered processes during the five-year period.

***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, only approximately 33% of the currently covered sources (approx. 4,132 sources) will be resubmitting their RMPs according to their scheduled resubmission deadline. These sources will update their process hazard analyses, hazard reviews, offsite consequence analyses, etc. The burden incurred by sources that resubmit their RMPs in the two years after this ICR period (8,431 sources) will consist of complying with some of the prevention program, hazard assessment, and management system elements during this ICR period. Although these sources submitted their RMPs prior to this ICR period, some of the program elements (e.g., compliance audits, refresher training for their employees, etc.) will be conducted during this ICR period. 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. Therefore, the record keeping and reporting costs for part 68 may 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 2011 to 2013 (the three most recent calendar years prior to a major reporting year), EPA estimates that the number of new sources in this ICR period will be 819, or an average of approximately 273 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 2011 to 2013.

The new sources are estimated to be mainly small to medium-sized facilities in the non-manufacturing sectors. The distribution of new sources among various sectors is similar to previous ICRs, and the unit burden is applied to these sectors as in previous ICRs. 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 3,483 hours at a cost of $187,822 dollars (10,448 hours at a cost of $563,465 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 2011 and 2013, about 273 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 4,177 hours at a cost of $146,169 dollars (12,530 hours at a cost of $438,508 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 standard. 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 standard. EPA developed an estimate based on the number of PSM and 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 activities for new sources ranges 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 16,170 hours at a cost of $356,209 dollars (48,509 hours at a cost of $1,068,626 dollars for three years) (Exhibits 8 and 12).

RMP Submission, Prevention Program Documentation (Currently covered sources with resubmission deadlines in this ICR period)

Initial RMPs were submitted in June 1999 and subsequent submission deadlines were 2004, 2009, and 2014 (five, ten, and fifteen years after the initial submission) for most facilities. As mentioned in the previous sections of this document, many sources re-submitted their RMP in-between the five-year regulatory resubmission deadlines. Therefore, these sources were assigned a new off-cycle five-year submission deadline. Adding new processes or making other changes at these sources resulted in the

revision and re-submission of the RMP. Therefore, although the total RMP universe is approximately 12,600, only 3,972 sources have resubmission deadlines within this ICR period.

As mentioned earlier in this document, EPA contacted several sources that recently resubmitted RMPs regarding the burden imposed to revise and re-submit their RMP. See Section 3(b) of this document. EPA contacted small, medium and large sources in various sectors. The unit burden for RMP submission and prevention program documentation are shown in exhibit 6.

The total number of burden hours for the 3,972 sources to resubmit RMPs in this ICR period is 10,193 hours annually at a cost of $602,722 (30,579 hours at a cost of $1,808,167 for three years). The total number of hours for the 3,972 sources to comply with prevention program documentation is 2,910 hours annually at a cost of $1,668,168 (8,731 hours at a cost of $5,004,504 for three years) (Exhibits 9 and 13).

Prevention Program Documentation (Currently covered sources with resubmission deadlines in 2019 and 2020)

These sources have submitted their RMPs prior to this ICR period since they were assigned a five-year resubmission deadline based on their last re-submission date. So, these sources are only required to conduct certain on-site 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 or five years. EPA encourages sources to review all the prevention program elements and update them periodically even where this is not required to be done on any specific deadline or schedule.

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 whether the source is already covered by the OSHA PSM standard. However, EPA assumes that sources with resubmission deadlines beyond this ICR period may only use half of the time on these activities as compared to the time used by sources with resubmission deadlines within this ICR period.

For the approximately 8,431 sources that have resubmission deadlines in 2019 and 2020, the total number of hours for prevention program documentation is 7,697 hours annually at a cost of $3,044,564 (23,091 hours at a cost of $9,133,692 for three years) (Exhibits 9 and 13).

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

There are 320 sources that have not submitted their RMPs on their assigned resubmission deadline as of the date of this ICR. EPA assumes that approximately half of these may be no longer subject to 40 CFR part 68 requirements, and that the other half of these sources (160) will resubmit their RMPs in this ICR period.

The total number of hours estimated for 160 sources to resubmit their RMP is 381 hours at a cost of $21,670 annually (1,143 hours at a cost of $65,011 for three years). The total number of hours estimated for 160 sources to comply with prevention program and documentation requirements is 232 hours at a cost of $55,564 (695 hours at a cost of $166,692 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 approximately 40 CBI claims for the previous reporting cycle (2010 – 2014) for about 12,600 sources that submitted an RMP, with approximately half of these being submitted during the primary reporting year (2014). Since this ICR period does not include a primary reporting year, EPA assumes that only approximately one-half as many CBI claims will be made during this ICR period. Therefore, for the estimated 20 sources preparing and submitting CBI claims, the estimated industry annual burden is 63 hours at cost of $5,110 (190 hours at a cost of $15,331 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 does not expect to receive any petitions during the period covered by this ICR. Therefore, we did not account for any burden for filing petitions.

De-registration

Based on the number of deregistration letters we have received in the last three years (1232), we estimate that approximately 411 sources may submit de-registration letters to EPA annually. The deregistration form letter is available on the RMP information website for download, or sources can create their own letter to be sent 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 411 hours at a cost of $24,490 annually (1,232 hours at a cost of $73,470 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), National Industry-specific Occupational Employment Statistics, May 2014. This is currently the most recent wage rate available at www.bls.gov. The wage rates for each category were further multiplied by a fringe benefits factor of 1.5 to create a partially loaded wage rate. The multiplier is based on an average for the categories as estimated by BLS in its *Employer Costs for Employee Compensation*.

The estimated labor and wage rates for state employees were also based on managerial and technical wage rates as reported by BLS. Costs for federal employees were based on the Federal Office of Personnel Management (OPM) Salary Table, effective January 2015.

Implementing Agency Costs

Although EPA does not require states to obtain delegation to implement the part 68 program, to date, there are 14 state and local agencies that have 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 delegations for this ICR period. These 14 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 2,001 sources under these 14 agencies, averaging each to have 143 sources. The implementing agencies are expected to complete inspections of all sources within their jurisdiction in five years which means each will have to review RMPs, inspect the facility, etc., for approximately 29 sources per year. This ICR accounts for any reporting and recordkeeping burden and costs related to inspection. For each agency, it will take 592 hours annually at a cost of $40,581. The total annual hours for the 14 agencies is 8,284 hours at a cost of $568,136 (24,852 hours at a cost of $1,704,408 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 them 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 also incur minimal capital costs to maintain documents on program implementation. Most files associated with program implementation are electronic, and implementing agencies are assumed to already have computer systems, so the cost of these systems does not accrue to this ICR. Previous ICRs calculated the required amount of file cabinets for the states, but as states are now assumed to store files electronically, the Agency will not be accounting for the costs of 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 line. EPA has developed an on-line reporting system to submit the RMP, at no cost to the regulated community. Most sources already 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 operating costs. However, there are no such costs associated with this ICR since EPA now requires 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 introduced a web-based reporting application, RMP*eSubmit, which is the current system for submitting RMPs. 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 covered by this ICR are estimated to be $1,156,000 ($385,333 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 $3,613,000 over three years ($1,204,333 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 sources responding during this ICR period, approximately 11,381 will be managed by EPA. Of these, EPA expects to audit and inspect only approximately 4 percent of the sources annually during 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 9,423 hours (or 28,270 hours for three years) at a cost of $672,931 annually (or $2,018,794 for three years).

The total Agency burden is thus $2,262,598 annually (or $6,787,794 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 13,382 sources and 14 implementing agencies. The number of sources changes weekly and sometimes daily depending on how many new sources come into compliance and on how many sources de-register. The number of annual respondents during this ICR period includes new sources, sources that have been assigned a five-year resubmission deadline during the period of this ICR, sources that have a resubmission deadline during the two years after this ICR period (since these sources will be complying with certain prevention program activities in this ICR period), overdue sources that will resubmit during this ICR period, and the implementing agencies. The total number of respondents for this ICR period is 13,396.

Although not all covered sources will resubmit their RMPs during this ICR period, all sources are required to comply with certain documentation requirements. 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 make CBI submissions. For existing sources, we have estimated burden hours and costs for revising RMPs (for some sources) and to maintain documentation for the prevention program. The total annual burden for sources is 45,716 hours at a cost of $6,112,489 (or 137,148 hours at a cost of $18,337,467 for three years). See Exhibit 14.

During the period covered by this ICR, there are 14 state and local agencies to implement the RMP program in their states. We assume that these 14 agencies will carry out their functions every year covered by this ICR. The total annual burden for 14 agencies to implement the program is 8,284 hours at a cost of $568,136 (or 24,852 hours at a cost of $1,704,408 for three years). See section 6(b)(i) of this document and Exhibit 14.

6(e) Bottom Line Burden Hours and Costs

Exhibits 8, 9, 12 and 13 present 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	4,461	14	4,475
Hours	45,716	8,284	54,000
Costs	$6,112,489	$568,136	$6,680,625

The total annual estimated cost to EPA for all activities is estimated to be $2,262,598. Most of the burden incurred by EPA is for managing RMPs.

6(f) Reasons for Change in Burden

There is a decrease of 26,546 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 resubmission deadlines based on the sources' RMP re-submission deadlines and other regulatory deadlines. Therefore, the burden changes each year depending on how many sources have to submit their RMP and comply with certain prevention program requirements. As this ICR period does not include a major filing deadline year and the previous ICR did include a major filing deadline, this accounts for the majority of the decreased burden. 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 (13,558 sources in the previous ICR vs 13,396 in this ICR period).

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 12 hours per response. 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 45,716 hours (137,148 hours over three years). The total annual burden estimated for 14 implementing agencies is 8,284 hours (24,852 hours for three years). Therefore, the total annual burden for all sources and states is estimated to be 54,000 hours (162,000 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 B102, 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, 2016 to December 31, 2020

	Manufacturers				**Non-Manufacturers**				
	PSM		**Non-PSM**		**PSM**		**Non-PSM**		
Year	***Large***	***S/M***	***Large***	***S/M***	***Large***	***S/M***	***Large***	***S/M***	***Total***
2016	59	275	3	28	31	390	0	341	**1,127**
2017	60	298	2	22	31	482	1	364	**1,260**
2018	96	417	0	30	40	495	0	507	**1,585**
2019	301	1,229	8	115	74	1,684	3	3,093	**6,507**
2020	105	445	1	35	35	624	0	679	**1,924**
Total	**621**	**2,664**	**14**	**230**	**211**	**3,675**	**4**	**4,984**	**12,403**

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***
2016	6	51	2	4	4	93	1	92
2017	6	56	0	4	3	117	0	102
2018	5	57	0	7	4	126	0	79
Total	**17**	**164**	**2**	**15**	**11**	**336**	**1**	**273**

Note: These estimates are based on the number of new sources that submitted RMPs in calendar years 2011 to 2013, the most recent three-year period immediately preceding a major reporting year (2014).

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	$ 97.80	$ 74.04
Small/Medium Manufacturers	$ 84.66	$ 67.52
Large Non-Manufacturers	$ 69.30	$ 59.96
Small./Medium Non-Manufacturers	$ 64.89	$ 36.03
State/Local	$ 75.51	$ 67.20

Source: Bureau of Labor Statistics, National Industry-specific Occupational Employment Statistics, May 2014.

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

		New Sources			
		Rule Familiarization	**RMP Preparation & Submission**	**Prevention Program Documentation (non-PSM)**	
Manufacturers					
	Small/Medium	2,148	2,909	8,950	
	Large	608	5,907	33,652	
Non-Manufacturers					
	Small/Medium	7,308	1,477	1,253	
	Large	384	2,238	4,654	
Total		**10,448**	**12,530**	**48,509**	**71,487**

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

		Currently Covered Sources (resubmission deadline 2016 to 2018)		***Overdue Sources (expected to resubmit in this ICR period)***		***Currently Covered Sources (resubmission deadline 2019 and 2020)***	**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	10,700	2,640	395	380	4,950	
	Large	6,160	620	168	0	1,116	
Non-Manufacturers							
	Small/Medium	12,895	5,454	560	306	16,974	
	Large	824	17	20	9	51	
Total		**30,579**	**8,731**	**1,143**	**695**	**23,091**	**64,239**

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

EXHIBIT 10
Costs - Unit Burden
New Sources

		New Sources		
		Rule Familiarization	**RMP Preparation & Submission**	**Prevention Program and Documentation (non-PSM)***
Manufacturers				
	Small/Medium	$879	$1,101	$3,410
	Large	$2,559	$2,467	$14,110
Non-Manufacturers				
	Small/Medium	$548	$304	$281
	Large	$1,993	$754	$1,578

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

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

		Currently Covered Sources (resubmission deadline 2016 to 2018)		***Overdue Sources (expected to resubmit in this ICR period)***		***Currently Covered Sources (resubmission deadline 2019 and 2020)***
		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	$692	$2,245	$692	$2,245	$2,245
	Large	$2,168	$9,276	$2,168	$9,276	$9,276
Non-Manufacturers						
	Small/Medium	$209	$177	$209	$177	$177
	Large	$498	$1,029	$498	$1,029	$1,029

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

EXHIBIT 12
TOTAL COSTS – Three Years

		New Sources			
		Rule Familiarization	**RMP Preparation & Submission**	**Prevention Program and Documentation (non-PSM)***	
Manufacturers					
	Small/Medium	$157,305	$197,166	$610,440	
	Large	$48,628	$46,875	$268,082	
Non-Manufacturers					
	Small/Medium	$333,610	$185,418	$171,172	
	Large	$23,921	$9,050	$18,932	
Total		**$563,465**	**$438,508**	**$1,068,626**	**$2,070,598**

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

EXHIBIT 13
TOTAL COSTS – Three Years
Currently Covered Sources, Overdue Sources

		Currently Covered Sources (resubmission deadline 2016 to 2018)		***Overdue Sources (expected to resubmit in this ICR period)***		***Currently Covered Sources (resubmission deadline 2019 and 2020)***	**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	$740,804	$2,402,471	$27,347	$88,689	$4,095,427	
	Large	$476,995	$2,040,720	$13,009	$55,656	$3,849,540	
Non-Manufacturers							
	Small/ Medium	$539,037	$455,361	$23,409	$19,775	$1,073,515	
	Large	$51,331	$105,952	$1,246	$2,572	$115,210	
		$1,808,167	**$5,004,504**	**$65,011**	**$166,692**	**$9,133,692**	**016,178,067**

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

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

	New Sources	***Currently Covered Sources (resubmission deadline 2016 to 2018)***	***Currently Covered Sources (resubmission deadline 2019, 2020)***	***Overdue Sources expected to resubmit in this ICR period***	***CBI Claims***	***De-Registration***	***Implementing Agencies***	***Total***
Total Burden (Hours)	71,487	39,310	23,091	1,838	190	1,232	24,852	162,000
Total Costs ($)	$2,070,598	$6,812,671	$9,133,692	$231,704	$15,331	$73,470	$1,704,408	020,041,875