

**RENEWAL OF INFORMATION COLLECTION REQUEST FOR
NOTIFICATION OF EPISODIC RELEASES OF OIL AND HAZARDOUS
SUBSTANCES**

May 13, 2004

OMB Submittal

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

I(a) Title and Number of the Information Collection

Notification of Episodic Releases of Oil and Hazardous Substances - EPA No. 1049.10.

I(b) Short Characterization and Abstract

This information collection request (ICR) addresses the reporting and recordkeeping activities required to comply with the release notification requirements for hazardous substances and oil specified in section 103(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, and section 311 of the Clean Water Act (CWA), as amended. These reporting requirements are codified at 40 CFR parts 110, 117, and 302. This ICR renews the collection activity previously approved under OMB No. 2050-0046 and applies to the period September 1, 2003 through August 31, 2006. Estimates of the burden placed on industry and the government to comply with the release notification requirements are presented on an annual basis.

CERCLA section 103(a) and CWA section 311 require the person in charge of a facility or vessel to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the release quantity equals or exceeds the substance's reportable quantity (RQ) level and an oil discharge into U.S. waters. The regulated community is expected to:

- Gather necessary release data, such as the time, quantity, and source of the release;
- Notify the facility manager of the release;
- Consult with the environmental compliance expert regarding the release;
- Report the release to the NRC; and
- Keep a log of release data such as the time, date, and circumstances of the release. (This information is expected, but not required under the regulations.)

There are no recordkeeping requirements specified under CERCLA section 103(a), CWA section 311, or their implementing regulations. The person in charge of the facility or vessel, however, may elect to maintain a log detailing the time, date, and circumstances associated with the reported release. The purpose of maintaining a log of reported releases is to track correspondence with response authorities and to document compliance with release notification requirements under CERCLA and the CWA. Because it is assumed the respondent will maintain a log of reported releases, burden and cost estimates associated with recordkeeping are included in the ICR.

During the three-year period covered by this ICR (1049.10), it is estimated that the NRC

will receive 24,082 release notifications (i.e., hazardous substance release and oil discharge notifications) per annum.¹ Assuming 24,082 release notifications per annum, the total annual burden to respondents is estimated to be approximately 98,736 hours, at a cost of \$7,230,537. The total annual burden to the government associated with 24,082 release notifications is estimated to be approximately 24,082 hours, at a cost of \$950,998.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need and Authority for the Collection

The reporting activity required under 40 CFR parts 110, 117, and 302 is authorized under CERCLA sections 103(a) and 104(e), and CWA sections 311 and 308. The regulations implementing CERCLA section 103(a) (40 CFR part 302) require the person in charge of a facility or vessel to immediately notify the NRC of a hazardous substance release if the release quantity equals or exceeds the substance's RQ. The specific information provided in the notification required under CERCLA section 103(a) is authorized under CERCLA section 104(e). Section 104(e) authorizes the collection of release information, entry and inspection of the release site, and sampling activities at the release site for the purposes of "determining the need for response, or choosing or taking any response action under [CERCLA]." The release information collected is the minimum information needed to determine if a Federal response action is required to control or mitigate any potential adverse effects associated with a release.

In addition to the CERCLA notification requirements, the regulations implementing CWA section 311 (40 CFR part 110) require immediate notification to the NRC of any release of oil into U.S. navigable waters that causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. The information required to be provided under CWA section 311 is authorized by CWA section 308, which allows for the collection of release information and entry, monitoring, inspection and sampling activities at the release site for the purpose of ensuring that the objectives of the CWA are satisfied. The Federal government needs to be notified of releases of oil in order to determine if a response action is necessary to mitigate or prevent damage to public health or welfare or the environment.

¹ The estimate for the number of release notifications received by the NRC per annum is based on the number of notifications received by the NRC in the years 2000, 2001, and 2002. The source of the number of NRC release notifications is, NRC Statistics - Incident Types, and can be found at: <http://www.nrc.uscg.mil/incident97-02.html>. For the purposes of this ICR (1049.10), the following incident types are included in the totals for release notifications: fixed, unknown sheen, vessel, storage tank, railroad, aircraft, and unknown. The NRC received 22,817 release notifications in 2000, 25,644 in 2001, and 23,784 in 2002. Therefore, assuming the years 2000, 2001, and 2002 are representative of the period covered by this ICR (1049.10), the NRC is estimated to receive, on average, 24,082 release notifications per annum between September 1, 2003 through August 31, 2006. In the previous ICR (1049.09) the per annum estimate for the number of release notifications received by the NRC was 23,726.

2(b) Practical Utility and Users of the Data

The hazardous substance and oil release information collected pursuant to CERCLA section 103(a) and CWA section 311 has a variety of different uses. Federal response authorities, such as EPA and United States Coast Guard On-Scene Coordinators (OSCs), use the information to evaluate the environmental and human health risks attributable to a reported release and to determine if a Federal response action is necessary to mitigate or prevent any adverse effects associated with the release. Any reportable hazardous substance release or discharge of oil into the environment warrants a timely evaluation of its source, emission rate, chemical form, media affected, and quantity released to ensure the proper protection of public health and welfare and the environment. Responses to hazardous substance and oil release notifications by Federal authorities may take a variety of forms, including monitoring and overseeing cleanup activities conducted by the responsible party, evacuating surrounding populations, and directing the actual cleanup operation.

The hazardous substance and oil release information collected under CERCLA section 103 and CWA section 311 also is used by EPA program offices and other Federal agencies to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning.

In addition, release notification information, which is stored in the national Emergency Response Notification System (ERNS) data base, is used by State and local government authorities, the regulated community, and the general public. State and local government authorities and the regulated community use release information to help inform local emergency response planning. The public use release information to become aware of the releases that have occurred in their communities and throughout the nation and to learn of actions, if any, that are being taken to protect public health and welfare and the environment. The public has access to release information, statistics, and fact sheets through the Freedom of Information Act and the NRC's website (<http://www.nrc.uscg.mil/nrchp.html>).

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

3(a) Non-duplication

The information required to be provided in the telephone call to the NRC is the minimum information necessary to evaluate a hazardous substance release or discharge of oil. Direct notification to the NRC, as opposed to notification to multiple Federal response authorities, helps to ensure a coordinated Federal response effort and that unnecessary delays in requesting assistance do not occur. One call to the NRC fulfills the requirement to report releases of hazardous substances under CERCLA and several other regulatory programs, including the CWA, the Resource Conservation and Recovery Act, and the Hazardous Materials Transportation Act. When the NRC receives a notification, the NRC watchstander immediately notifies the appropriate Federal OSC, who evaluates the circumstances surrounding the release and determines the need for a government response action. The Federal government has

extensive resources, expertise, and authority under CERCLA to formulate response actions, ensuring a timely and coordinated field response with State, local, and private organizations, if needed.

EPA analyzed possible areas of overlap with other regulations, and concluded that there are limited areas of overlap with reporting requirements under other statutes and provisions. For example, there may be limited duplication with the reporting requirements specified in CERCLA section 103(a) and in certain permitting regulations. Permitting regulations often require reports if the permit level is exceeded. Thus, if a release of a hazardous substance exceeds its permit level and the substance's RQ, the release must be reported to both the applicable Federal or State permitting authority and NRC. However, the purpose and timing of the two reports often differ. Violations of permit regulations are reported to EPA Regional permitting offices or to State permitting authorities in order to maintain proper permit enforcement records or to evaluate ambient conditions over time. In contrast, Federal officials use release information provided to the NRC to evaluate the release situation and determine if a government response is necessary. Thus, the notification in monthly monitoring reports that a permit is exceeded is not timely for response purposes.

In addition to a possible overlap between CERCLA reporting and certain permitting regulations, there may be some overlap with respect to the reporting requirements specified in section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), which requires immediate reporting of releases of CERCLA hazardous substances equal to or above an RQ to State and local response officials. Reporting to the NRC as well as to the appropriate State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC), as required under EPCRA section 304, is appropriate, however, because it ensures that the Federal government is alerted to releases that may require a Federal field response. Although the SERCs and LEPCs are notified of the releases under EPCRA section 304, some SERCs and LEPCs may not possess the resources necessary for a proper response action. Notification to the NRC allows for a timely response in the event of an emergency. Furthermore, reporting to the NRC, SERC, and LEPC provides for a coordinated effort among Federal, State, and local response officials, which helps ensure that an efficient response action is taken. When Congress enacted EPCRA section 304, it was aware that releases of hazardous substances were already reported to the NRC; Congress determined that it was necessary and appropriate for such potentially hazardous releases to be reported immediately to all potentially affected government jurisdictions. The requirements under EPCRA, however, are separate from those under CERCLA, and are outside the scope of this ICR (1049.10). The statutory requirements under CERCLA and EPCRA are clear and distinct; the Federal response system, as well as the State and local response systems, must be immediately alerted to potentially dangerous releases of hazardous substances that may pose a threat to public health or welfare or the environment.

3(b) Public Notice Required Prior to ICR Submission to OMB

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), EPA requested comment from the public through the Federal Register notice on the renewal of this ICR (1049.10). The public EDocket Number for the notice is SFUND-2000-0009, and can be accessed at (<http://www.epa.gov/edocket/>). There were no comments received.

3(c) Consultations

EPA consulted with a number of Federal and State government agencies in the development of the information collection activities described in this ICR (1049.10). Workgroups were used to develop all RQ adjustment regulations as well as the oil discharge regulation. These Workgroups consisted of representatives from various EPA program offices, the ten EPA Regions, and the NRC. Participation of these parties in the Workgroups was sufficient to address and resolve all outstanding issues. The comments received on the proposed rules were addressed in the relevant Response to Comments Documents and in the preambles to the respective final rules.

In addition to Workgroup activities, EPA sponsored many workshops and training sessions throughout the country for industry and Federal, State, and local government response officials on the release notification requirements under CERCLA and the CWA. The workshops were held to educate the regulated community as well as those Federal and State agencies required to implement the regulations. In addition, the workshops provided an opportunity for the public to ask questions about, and comment on, the implementation of the reporting regulations under CERCLA and the CWA.

For this renewal, several individuals (fewer than 9) responsible for making notifications to the NRC were consulted regarding the burden this collection imposes. Brief summaries of those consultations are contained in Appendix A to this renewal supporting statement.

3(d) Effects of Less Frequent Collection

The information required under the regulations implementing CERCLA section 103(a) and CWA section 311 is not collected at any specified frequency; rather, it is collected when reportable releases occur. The information collected under the regulations, such as the source, quantity, and type of material released and the environmental medium affected, is critical to evaluating the threat posed by the release and the need for a response action. The regulatory requirements evaluated in this ICR (1049.10) represent EPA's efforts to ensure that the NRC is notified immediately of those hazardous substance and oil releases for which a Federal response action may be necessary to protect public health and welfare and the environment.

3(e) General Guidelines

The regulations implementing CERCLA section 103(a) and CWA section 311 adhere fully to OMB's general guidelines concerning the collection of information and the control of paperwork burdens on the public.

3(f) Confidentiality

The regulations implementing CERCLA section 103(a) and CWA section 311 do not require the submittal of any proprietary, trade secret, or other confidential information.

3(g) Sensitive Questions

The regulations implementing CERCLA section 103(a) and CWA section 311 do not require the submission of any sensitive business information. In addition, the information collection requested under these regulations is in compliance with the Privacy Act of 1974 and OMB Circular A-108.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and SIC Codes

This section is not applicable. The use and release of hazardous substances and oil are pervasive throughout industry. EPA expects a number of different industrial categories to report hazardous substance and oil releases pursuant to the requirements specified in CERCLA section 103(a) and CWA section 311. No one industry sector or group of sectors or size of facility is affected disproportionately by the information collection burden.

4(b) Information Requested

(i) Data Items, Including Recordkeeping Requirements

Notification under CERCLA section 103(a) and CWA section 311 is intended to ensure that Federal authorities receive prompt notification of hazardous substance and oil releases for which a timely response may be necessary to protect public health or welfare or the environment. The information provided in the telephone call to the NRC serves to notify government authorities of the release and provides them with a description of the circumstances surrounding the release. The following information is requested from all callers:

- The name and location of the individual reporting the release, the name and type of organization (e.g., general public, industrial facility, or Federal, State, or local government) with which the individual reporting the release is affiliated, and the telephone number of the person reporting the release;
- The name and location of the releaser, the type of organization responsible for the release, and the telephone number of the releaser;
- The location of the release;
- The date and time of the release;

- The name and type of material involved in the release, and the quantity of the substance released;
- The source of the release, the vehicle identification or carrier number, if applicable, and a brief description of the source;
- The environmental medium affected by the release (e.g., air, land, water, or ground water);
- The cause of the incident (e.g., transportation accident, operational error, natural phenomenon), and a brief description of the release scenario denoting any unusual circumstances associated with the release;
- Information on damages that occurred as a result of the release, including the number of injuries, number of deaths, and any property damage;
- A description of the response actions taken at the release site, if any;
- The name(s) and type of organization(s) that the caller has already notified; and
- Any additional comments or information regarding the release.

As mentioned previously, there are no recordkeeping requirements specified under CERCLA section 103(a), CWA section 311, or their implementing regulations. The person in charge of the facility or vessel, however, may elect to maintain a log detailing the time, date, and circumstances associated with the reported release. The purpose of maintaining a log of reported releases is to track correspondence with response authorities and to document compliance with release notification requirements under CERCLA and the CWA. Because the respondent will in all likelihood maintain a reported release log, burden and cost estimates associated with recordkeeping are included in this ICR (1049.10).

(ii) Respondent Activities

To comply with the notification requirements specified in the regulations implementing CERCLA section 103(a) and CWA section 311, the regulated community is expected to perform the following activities:

- Gather necessary release data, such as the time, quantity, and source of the release;
- Notify the facility manager of the release;
- Consult with the environmental compliance expert regarding the release;
- Report the release by telephone to the NRC; and

- Keep a log of release data such as the time, date, and circumstances of the release. (This information is expected but not required under the regulations.)

These five general steps have been verified through conversations with environmental compliance experts at facilities that reported releases of hazardous substances to the NRC during 1992, 1993, and 1994². Each environmental compliance manager at these facilities was asked about the internal activities that are likely to occur between the time a release of a hazardous substance is discovered and the time a call is made to the NRC. The burden hours associated with reporting a release were in part based upon these findings.

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

5(a) Agency Activities

Every hazardous substance and oil release reported by the regulated community to the NRC must be evaluated by Federal authorities. The appropriate Federal On-Scene Coordinator (OSC) is notified of a release by a telephone call from the NRC. The NRC conveys all the relevant information regarding the release to the OSC, including whether the release is to air, soil, water, etc., the source of the release, and the type of substance released. The telephone call from the NRC to the OSC must occur within 15 minutes of the original release notification. The OSC is responsible for evaluating the circumstances surrounding the release to determine whether government monitoring and/or a Federal response action may be necessary.

NRC personnel are also responsible for entering release information into the NRC data base. The release data are stored in the NRC data base, ERNS, a national data base that stores release information by facility. The data can be accessed through the NRC web site: <http://www.nrc.uscg.mil/foia.html>. The primary activity of the Federal government under the regulations implementing CERCLA section 103(a) and CWA section 311 is processing and recording the reported release information, and responding to releases that may pose a significant hazard to public health or welfare or the environment.

With respect to OMB's Terms of Clearance (ICR 1049.09), EPA was directed to promptly make any necessary adjustments to the ICR if and when any changes are made to the definition of "federally permitted releases." No changes to that definition were made by EPA.

5(b) Collection Methodology and Management

For purposes of reporting releases under the regulations implementing CERCLA section 103(a) and CWA section 311, a person in charge of a facility or vessel that experiences a reportable release must telephone the NRC. The NRC notifies the appropriate EPA Region or United States Coast Guard Office, the affected State, and any other Federal agency that may be

²This verification was not repeated for this ICR. It is assumed to remain the same.

able to lend support to a potential response action.

To manage the hazardous substance and oil release information submitted in accordance with CERCLA section 103(a) and CWA section 311, EPA uses the ERNS data base. When a hazardous substance or oil release is reported to the NRC, it is immediately entered into the NRC data base. The ERNS data base allows EPA to document, analyze, and maintain data gathered under the CERCLA and CWA notification process.

For Federal response authorities, the ERNS data base reduces the cost and time associated with processing and documenting release reports. For other EPA program offices, State and local response officials, and the public, ERNS provides for easy access to release data.

5(c) Small Entity Flexibility

The notification requirements apply equally to all facilities or vessels, regardless of size, that have reportable releases of CERCLA hazardous substances or oil. The regulations do not impose any general information collection or recordkeeping requirements on small businesses. EPA believes that the notification requirements specified under these regulations represent the minimum level of information necessary for Federal response officials to determine if a government response action is needed to prevent or mitigate any damage to public health or welfare or the environment. The regulatory requirements are satisfied by a toll-free telephone call to the NRC. A reduction in these reporting requirements for small businesses is not possible without jeopardizing the Federal government's ability to evaluate the threat posed by a release and determine if a Federal response is necessary.

5(d) Collection Schedule

Information is not collected at any specified frequency; rather, it is collected when reportable releases occur. Under CERCLA section 103(a), a release of a hazardous substance is reportable when it equals or exceeds its RQ. Pursuant to CWA section 311, a discharge of oil into navigable waters is reportable whenever the discharge causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden

Under CERCLA section 103(a) and CWA section 311, the person in charge of a facility or vessel that experiences a reportable release is expected to perform the following activities: (1) gather necessary release data, such as the time, date, quantity, and source of the release; (2) notify the facility manager of the release; (3) consult with the environmental compliance expert regarding the release; (4) report the release by telephone to the NRC; and (5) keep a log of release data such as time, date, and circumstance of the release. (A respondent is not required to keep a log of release data under the episodic release notification regulation, however EPA assumes respondents will keep a log of release data.) Cost and burden estimates associated with

completing these activities assume that respondents will telephone the NRC with 24,082 release notifications per annum between September 1, 2003 through August 31, 2006.

Exhibit 1 presents a summary of the unit burden hours associated with reporting a typical release to the NRC. The burden associated with the first collection activity in Exhibit 1, "Initial Telephone Call to the NRC," includes the burden of gathering of data on the release, notifying the facility manager of the release, and consulting with an environmental compliance expert regarding the release. EPA has estimated that the respondent's burden hours for reporting a typical release is 4.1 hours.

Exhibit 1
Unit Burden Hours for Reporting a Typical Release to the NRC

Collection Activity	Burden Hours			Total Burden Hours
	Managerial	Technical	Clerical	
Initial Telephone Call to the NRC	1.0	1.0	0.0	2.0
Recordkeeping	0.1	1.0	1.0	2.1
Total	1.1	2.0	1.0	4.1

Initial Telephone Notification

In estimating the burden to industry that the regulations implementing CERCLA section 103(a) and CWA section 311 may impose, EPA has assumed that the respondent's initial telephone notification to the NRC regarding a release requires approximately one hour of technical personnel time and one hour of managerial time. Therefore, in this ICR (1049.10), as in the previous ICR (1049.09), EPA assumes two burden hours for the initial telephone notification. This burden-hour estimate was confirmed through telephone conversations with facilities that reported releases to the NRC. Facilities generally agreed that the time required to evaluate a release will vary, depending on the nature of the release. Most of the facilities stated that the evaluation was relatively straightforward, requiring well under one hour. One facility stated that evaluating a release and determining if the release should be reported to the NRC could require as many as four hours of a single technical expert's time. Other facilities responded that it would probably take 15 minutes to ½ hour of managerial time to determine whether a call to the NRC was required. In general, most facilities agreed that, on average, two to three person-hours was a reasonable estimate for the time required to determine the need to report the release to the NRC. Therefore, in this ICR (1049.10), as in the previous ICR (1049.09), the assumption is made that the burden of the telephone call for each reportable release is two hours (composed of one hour of management's time and one hour of technician's time), regardless of the environmental medium affected and the substance released.

Recordkeeping

Although neither CERCLA nor the CWA requires that records of releases be kept, EPA assumes that a facility will keep a log of any calls made to government organizations. Such a log will be useful for managers in establishing that the notification requirements of CERCLA section 103(a) and CWA section 311 have been met. The log may include a description of the incident and its cause, the NRC/ERNS report number, a brief account of any conversations with Federal officials, and a description of the outcome of the incident, including any cleanup action taken. The burden associated with internal recordkeeping is estimated at one technical hour and one clerical hour per release. Further, a ratio of one-tenth managerial hour to each hour of clerical time is also assumed. Therefore, in this ICR (1049.10), as in the previous ICR (1049.09), EPA assumes 2.1 burden hours per release for recordkeeping.

Response Actions

Under section 103(a) of CERCLA and section 311 of CWA facilities and vessels responsible for a release are required to take appropriate action to clean up the release. However, because there is no paperwork burden associated with these response actions, the capital and labor costs associated with response actions are not within the scope of this ICR (1049.10).

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

The estimated cost to a respondent for evaluating a release and calling the NRC regarding the release are a function of the time expended by respondent personnel (i.e., the burden estimates presented in section 6(a)), and the hourly wage rates for the appropriate categories of labor. The hourly wage rates used for industry in this ICR are from June 2003 and were obtained from the Bureau of Labor Statistics.³ For purposes of this analysis, EPA estimates an average hourly respondent labor cost of \$43.74 for managerial staff, \$30.18 for technical staff, and \$19.22 for clerical staff.

These rates reflect employer cost for employee compensation in the United States as of June 2003 and include both employer costs for legally required benefits (e.g., social security, worker's compensation, and unemployment insurance), other important fringe benefit categories (e.g., insurance, paid leave, retirement and savings), and overhead and general and administrative costs.

³ Bureau of Labor Statistics' news release dated, August 26, 2003, entitled, "Employer Costs for Employee Compensation - June 2003" listed hourly compensation (wages and salaries plus fringe benefits) rates for civilian managerial, technical, and clerical workers. Therefore the wage rates used in this ICR (1049.10) include salaries, fringe benefits, overhead costs and general and administrative costs as of June 2003.

(ii) Estimating Capital and Operation & Maintenance Costs

Capital costs usually include any produced physical good needed to provide the needed information, such as machinery, computers, and other equipment. EPA does not anticipate that respondents will incur capital costs in carrying out the information collection requirements of this regulation.

Operation and Maintenance (O&M) costs are those costs associated with paperwork requirements incurred continually over the life of the ICR. EPA does not anticipate that respondents will incur O&M costs in carrying out the information collection requirements of the proposed rule.

Costs associated with the burden hours presented in section 6(a) of this ICR (1049.10) are shown in Exhibit 2.

Exhibit 2
Unit Cost for Reporting a Typical Release to the NRC

Collection Activity	Burden Hours			Unit Capital/Start Up Cost	Unit O&M Cost	Total Unit Cost
	Managerial (\$43.74/Hour)	Technical (\$30.18/Hour)	Clerical (\$19.22/Hour)			
Initial Telephone Notification to the NRC	1.0	1.0	0.0	\$0.00	\$0.00	\$73.92
Recordkeeping	0.1	1.0	1.0	\$0.00	\$0.00	\$53.77
Total	1.1	2.0	1.0	\$0.00	\$0.00	\$127.69

For a typical release, EPA has estimated that it costs the respondent \$127.69 to report the release to the NRC and record the release data in the respondent's log.

6(c) Estimating Agency Burden and Cost

Federal government authorities are expected to perform the following activities under the episodic release notification regulation: (1) process respondent telephone notifications of a release; (2) monitor cleanup activities; and (3) conduct field response actions. EPA estimates that only the first Federal government activity listed above, "process telephone notifications," will involve the processing of submitted paperwork. Estimated unit burden hours and costs and total annual burden hours and costs for the "process telephone notifications" activity are presented in Exhibit 3. For the period covered by this ICR (1049.10), EPA has assumed that the Federal government average hourly labor cost is \$39.49.⁴

⁴ This hourly wage estimate was calculated by summing the basic hourly wage rate for a GS-12 step 1

Exhibit 3
Agency Burden Hours and Costs for Processing a Telephone Notification

Collection Activity	Number of Reportable Releases/Year	Unit Burden Hours	Unit Capital/Start Up Cost	Unit O&M Cost	Total Unit Cost	Total Annual Burden Hours	Total Annual Cost
Processing Telephone Notification	24,082	1.0	\$0.00	\$0.00	\$39.49	24,082	\$950,998

Processing Telephone Notification

The total burden of processing a telephone notification of a release consists of the time the NRC uses to (1) communicate with the respondent, (2) record and enter the information provided in the telephone call into the NRC data base, and (3) contact the predesignated EPA or Coast Guard OSC or other parties by telephone. EPA has estimated that one hour is needed to complete all the activities associated with processing an initial telephone notification. Therefore, the unit cost associated with processing an initial telephone call is \$39.49 (1 hour x \$39.49 per hour = \$39.49).

Response Activities

For some percentage of releases, the information provided in the telephone notification will prompt EPA to monitor cleanup activities. Monitoring a cleanup will allow EPA to directly assess and evaluate the circumstances surrounding the release, and the population and environment potentially affected by the release. In a small percentage of cases, the owner/operator will be unable to respond to the release or cleanup activities will appear unsatisfactory, requiring EPA to conduct its own field response actions to ensure that all potential hazards have been addressed and that the release has been thoroughly cleaned up. However, as these actions are not directly related to the processing of submitted paperwork, the costs and burden hours associated with these actions are not covered under this ICR (1049.10).

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

ERNS data from 2000, 2001, and 2002 were used to estimate the number of releases that will be reported to the NRC during the period of September 1, 2003 through August 31, 2006. The exhibits in this section show projected annual release reports, burden hours, and costs.

The total cost and total burden estimates presented in this ICR (1049.10) are the aggregate annual costs and burden hours associated with reporting all hazardous substances and oil releases pursuant to CERCLA section 103(a) and CWA section 311.

government employee in 2003 (\$24.68) and the hourly monetary value of the representative employee's fringe benefits (assumed to be the basic hourly wage rate multiplied by 60 percent).

Annual respondent burden hours are equal to the number of releases reported to the NRC in a year multiplied by the unit burden hours associated with reporting a release. Annual cost is equal to the number of releases reported to the NRC in a year multiplied by the unit cost of reporting a release. Exhibit 4 presents the annual total annual burden hour and cost estimates for respondents.

Exhibit 4
Estimated Annual Burden Hours and Costs Incurred by Industry

Collection Activity	Number of Reportable Releases / Year	Unit Burden Hours	Unit Cost	Burden Hours	Annual Cost
Telephone Notification	24,082	2.0	\$73.92	48,164	\$3,560,283
Recordkeeping	24,082	2.1	\$53.77	50,572	\$2,719,256
Total	24,082	4.1	\$127.69	98,736	\$6,279,539

6(e) Bottom Line Burden Hours and Costs

Exhibits 3 and 4 present the annual burden hours and costs incurred by the government and respondents, respectively, for all information collection requirements covered in this ICR (1049.10). Exhibit 5 summarizes the bottom-line burdens and costs incurred by both respondents and government. The bottom-line burden to respondents is approximately 98,736 hours per year, at a cost of \$6,279,539. The bottom line burden to the government is approximately 24,082 hours per year, at a cost of \$950,998.

It appears that there is a significant increase in the bottom-line cost burden to respondents from the previous ICR (1049.09). In that ICR (1049.09), the bottom-line cost to respondents was estimated at, \$3,962,005. Unfortunately there was a calculation error in that estimate that was identified and corrected for this ICR (1049.10). The following Exhibit 4a is a reprint from the previous ICR (1049.09):

Exhibit 4a
Estimated Annual Burden Hours and Costs Incurred by Industry

(Exhibit 4 from ICR supporting statement 1049.09)

Collection Activity	Number of Reportable Releases / Year	Unit Burden Hours	Unit Cost	Burden Hours	Annual Cost
Telephone Notification	23,726	2.0	\$95.39	47,452	\$2,263,223
Recordkeeping	23,726	2.1	\$71.60	49,825	\$1,698,782

Total	23,726	4.1	\$166.99	97,277	\$3,962,005
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Note that the calculation for annual cost multiplied the “Number of Reportable Releases/Year” by the “Unit Cost” instead of “Unit Cost” by “Burden Hours.” The corrected Exhibit 4b appears below:

Exhibit 4b
Estimated Annual Burden Hours and Costs Incurred by Industry
(Corrected Exhibit 4 from ICR supporting statement 1049.09)

Collection Activity	Number of Reportable Releases / Year	Unit Burden Hours	Unit Cost	Burden Hours	Annual Cost
Telephone Notification	23,726	2.0	\$95.39	47,452	\$4,526,446
Recordkeeping	23,726	2.1	\$71.60	49,825	\$3,567,470
Total	23,726	4.1	\$166.99	97,277	\$8,093,916

The estimated annual burden cost should have been reported as \$8,093,916, rather than the \$3,962,005 actually reported for the previous ICR (1049.09).

Exhibit 5
Estimated Annual Burden Hours and Costs for Information Collection Under CERCLA Section 103(a) and CWA Section 311

Economic Sector	Burden Hours	Cost
Industry	98,736	\$6,279,539
Government	24,082	\$950,998
Total	122,818	\$7,230,537

6(f) Reasons for Change in Burden

Compared to the previous ICR (1049.09), unit burden hours for industry and the government have not changed in this ICR (1049.10). However, total annual burden hours for industry and government have increased in this ICR (1049.10) because the projected number of release notifications per annum in this ICR (1049.10) is higher than the projected number of release notifications per annum in the previous ICR (1049.09). The previous ICR (1049.09) projected 23,726 releases would be reported to the NRC annually, while this renewal ICR (1049.10) projects 24,082 releases will be reported to the NRC annually. Therefore, comparing this ICR (1049.10) to the previous ICR (1049.09), total annual burden hours for industry increase

by 1,459 hours and for EPA by 356 hours.

Although this ICR (1049.10) projects an increase in the number of releases reported to the NRC annually, decreases in the unit costs to responders for managerial, technical and clerical labor categories results in an overall reduced cost burden for industry. The previous ICR (1049.09) estimated the cost-burden to industry as \$8,093,916⁵, this renewal estimates the cost-burden to industry will be \$7,230,537 or \$863,379 less than the previous estimate. The estimated government unit cost increased and therefore the cost burden for government is projected to increase, from \$854,136 to \$950,998 an increase of \$96,862.

Exhibit 6
Summary of Total Burden Hour Change
Between This ICR and the Previous ICR

	This ICR	Previous ICR	Difference
Number of Releases Projected to be Reported to NRC Over Three-Year Period	72,246	71,178	1,068
Annual Industry Burden Hours	98,736	97,277	1,459
Annual Government Burden Hours	24,082	23,726	356

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average approximately 4.1 hours per response, which includes 2.0 hours of reporting and 2.1 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. SFUND-2000-0009, which is available for public viewing at the Office of Solid

⁵See corrected calculation in Exhibit 4b.

Waste and Emergency Response Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. 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 Office of Solid Waste and Emergency Response Docket is (202) 566-0276. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET 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. Once 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, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. (SFUND-2000-0009) and OMB control number (2050-0046) in any correspondence.

APPENDIX A - Phone-Log Summaries

The following calls were made between April 27, 2004 and May 12, 2004. The companies were selected from the universe of facilities for which a release of a hazardous substance at or above an RQ to the NRC was reported. Persons responsible for making notifications were queried about the internal process and procedures taken at the facility between the time a release is observed and a call is made to the NRC. Because the reporting party is not public information, the information summarized below is about the suspected responsible party. Additional information about the reported incident can be obtained through the NRC's web site, specifically at:

http://www.nrc.uscg.mil/wdbcgi/wdbcgi.exe/WWWUSER/WEBDB.foia_query.show_parms.

BP Chemicals
Private Enterprise
Lima, OH
Incident Report #712468

On February 5, 2004, BP Chemicals accidentally released 100 pounds of acrylonitrile. On May 13, 2004, spoke with the person responsible for developing procedures for reporting releases. The facility has procedures in place and believes EPA's burden estimates are reasonable. The company spokesperson did not have any questions about the reporting process.

Wayne Farms LLC
Private Enterprise
Jack, AL
Incident Report #716028

On March 15, 2004, Wayne Farms, LLC accidentally released an unknown amount of anhydrous ammonia due to equipment failure (power failure). As soon as the actual amount (later that day) of the substance was known, that information was sent via written report. On May 11, 2004, spoke with the person responsible for consolidating communications for the company. The company has a crisis action system in place to address regulatory requirements. The company keeps records of who they talk to with regard to submitting reports. The company spokesperson confirmed that EPA's burden estimates were reasonable.

Sarah Lee Bakery
Private Enterprise
Tarboro, NC
Incident Report #715999
Left message, call returned April 28, 2004

On March 15, 2004, Sarah Lee Bakery accidentally released 20 pounds of anhydrous ammonia

due to a faulty gasket on a 3 way valve. On April 28, 2004, spoke with the person responsible for making the report to the NRC. Generally, most plants are running as trim as possible. When there is a leak or release, the first priority is to stop it. Having to stop to report the release is an issue. Little nuisance leaks are problematic because they have to report. Responder said that he reports releases within 15 minutes.

Westlake Vinyls, Inc
Private Enterprise
Calvert City, KY
Incident Report #716614

On March 21, 2004, a release of an unknown amount of ethylene dichloride was reported from the facility. On May 11, 2004, spoke with the individual responsible for making the notification regarding notification procedures and burden estimates. Burden estimates are reasonable. The facility has plans in place to report episodic releases to the NRC with followup reports to the state and local authorities. The individual did not have any questions.