

CONSENT AGENDA—HYDRO 650TH MEETING—APRIL 9, 1996, REGULAR MEETING (10:00 A.M.)—Continued

ELECTRIC AGENDA

E-1. RESERVED

OIL AND GAS AGENDA

I. PIPELINE RATE MATTERS.
PR-1. OMITTED.
II. PIPELINE CERTIFICATE MATTERS.
PC-1. RESERVED.

Lois D. Cashell,
Secretary.

[FR Doc. 96-8602 Filed 4-3-96; 11:08 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5453-6]

Agency Information Collection Activities up for Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 4, 1996.

ADDRESSES: Oil Program Center, 401 M Street SW (5203G), Washington, DC 20460. Materials relevant to this ICR may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, by visiting Public Docket No. SPCC-4, located at 1235 Jefferson Davis Highway (ground floor), Arlington, Virginia. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Kevin Mould, (703) 603-8728. Facsimile number: (703) 603-9116. Electronic address: mould.kevin@epamail.epa.gov. Note that questions but not comments will be accepted electronically.

SUPPLEMENTARY INFORMATION:

Affected Entities

The Oil Pollution Prevention regulation applies only to non-

transportation-related facilities that could reasonably be expected to discharge oil into or upon the navigable waters of the U.S. or adjoining shorelines, and that have: (1) A total underground buried storage capacity of more than 42,000 gallons; or (2) A total aboveground oil storage capacity of more than 1,320 gallons, or an aboveground oil storage capacity of more than 660 gallons in a single container.

The specific private industry sectors expected to be affected by this action include: (1) large oil distribution (SIC 28/29/5171); (2) oil production (SIC 131); (3) transportation and utilities (SIC 401/411/413/414/417/42/448/449/458/46/491); (4) other manufacturing (SIC 20 - 39); (5) small oil distribution/auto services (SIC 554/5983/751); (6) mining and construction (SIC 12/14/15/16/17); (7) commercial and institutional services (SIC 801/802/803/804/805/806/807/821/822/97); (8) food manufacturing (SIC 20); and (9) farming (SIC 01/02).

Title

"Spill Prevention, Control, and Countermeasure (SPCC) Plans," OMB Control Number: 2050-0021. EPA Control Number: 328. Expiration Date: September 30, 1996.

Abstract

Under Section 311 of the Clean Water Act, EPA's Oil Pollution Prevention regulation requires facilities to prepare and implement SPCC Plans to help "minimize the potential for oil discharges." This regulation is codified at 40 CFR Part 112. The SPCC Plan must be "a carefully thought-out plan, prepared in accordance with good engineering practices." Preparation of the SPCC Plan requires that a facility's staff analyze how the facility will prevent oil discharges, thereby encouraging appropriate facility design and operations. The information in the SPCC Plan also promotes efficient response in the event of a discharge. Finally, proper maintenance of the

SPCC Plan will promote important spill-reducing measures, facilitate leak detection, and generally ensure that the facility is at peak capability for deterring discharges. The specific activities and reasons for the information collection are described below.

New Plan

Preparation of the Plan, required under § 112.3, involves several tasks, mostly conducted by the facility's technical personnel. These tasks include: field investigations to understand facility design and possible failures and to predict the flow paths of spilled oil and the potential harm that the spilled oil would have on nearby navigable waters; a regulatory review to ensure that personnel are fully aware of all requirements and limitations imposed in the rule; an evaluation of the current spill prevention and control practices employed by the facility; preparation of the Plan according to the specifications of § 112.7; and certification by a Registered Professional Engineer (P.E.).

Modification of Plan

Under § 112.5(a), the SPCC Plan must be amended whenever there is a change in the facility's design, construction, operation, and maintenance that materially affects the facility's potential to discharge oil into navigable waters or onto adjoining shorelines. The amended Plan must also be certified by a P.E.

Triennial Review

Under § 112.5(b) owners or operators of regulated facilities must review and evaluate the Plan at least once every three years. This involves review of spill prevention and control procedures being implemented under the current Plan, as well as a regulatory review. Facility owners/operators must amend the SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) such technology will significantly reduce the likelihood of a spill event; and (2) such technology has been field-

proven at the time of the review. If amended, the Plan must also be certified by a P.E.

Oil Discharge

Under § 112.4, in the event of certain oil discharges, facility owner/operators must submit information to the Regional Administrator within 60 days. Discharges of oil that trigger the reporting requirements are: (1) a single spill event of more than 1,000 U.S. gallons into navigable waters; or (2) two or more spills (in a 12 month period) of harmful quantities as defined in 40 CFR Part 110.

Submitting a Plan after a discharge involves time to collect the required information, as well as time for review by management. The facility must also submit a copy of this information to the appropriate state agency in charge of water pollution control activities. After the Regional Administrator and the appropriate state agency have reviewed the Plan, the Regional Administrator may require amendment of the SPCC Plan. The amended Plan must be certified by a P.E. prior to implementation. Facilities may appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan.

Recordkeeping

Under § 112.3, the facility owner/operator must maintain a copy of the SPCC Plan at the facility, or under certain circumstances, at the nearest field office. The Plan must be available for review during normal working hours. In addition, facilities must maintain (and update) records of Plan-specific inspections as outlined under § 112.7(e).

Purpose of Data Collection

EPA does not collect the information required by the Oil Pollution Prevention regulation (i.e., the SPCC Plan) on a routine basis. Preparation, implementation, and maintenance of the SPCC Plan by the facility help prevent oil discharges, and mitigate the environmental damage caused by such discharges. Therefore, the primary user of the data is the facility itself. For example:

(i) As facility staff accumulate the necessary data, they must analyze the facility's capability to prevent oil discharges, facilitate safety awareness, and promote appropriate modifications to facility design and operations;

(ii) Because facility staff keep the required information in a single document, they can respond efficiently in the event of a discharge;

(iii) To implement the Plan according to the specifications of § 112.7, the facility must meet certain design and operational standards that reduce the likelihood of an oil discharge;

(iv) Inspection records help facilities to promote important maintenance, facilitate leak detection, and demonstrate compliance with the SPCC requirements; and

(v) When facility staff review the Plan every three years, they ensure the implementation of more effective spill prevention control technology.

Although the facility is the primary data user, EPA also uses the data in certain situations. EPA primarily uses SPCC plan data to ensure that facilities comply with the regulation, including design and operation specifications and inspection requirements. EPA reviews SPCC Plans: (1) when facilities submit the Plans because of oil discharges, and (2) as part of EPA's inspection program. State and local governments also use the data, which is not necessarily available elsewhere and can greatly assist local emergency preparedness planning efforts. Coordination with state governments is facilitated when, after certain spill events, a facility sends a copy of the SPCC Plan and additional information on the spill to the relevant state agency.

EPA recognizes that additional data would help to better demonstrate the effectiveness of the program and better understand the nature of the threat of oil pollution posed by facilities regulated under the SPCC program. As such, in 1995 EPA surveyed a random sample of potentially regulated facilities that represent the diverse range of facilities that produce, use, or store oil products. EPA is currently analyzing the survey results related to facility-specific information, such as the size, type, and location of the facility; the size, number and type of storage tanks; spill prevention systems; and the number and size of oil discharges.

The survey results should provide data to address a number of program issues, including:

(i) The verification of general information about the regulated community, such as the number and type of facilities subject to the regulation; and

(ii) The estimation of the extent to which spills vary with characteristics of facilities.

The survey should provide data to characterize the difference in spill rates and volumes released from various categories of facilities.

The results of this characterization, combined with data on regulatory compliance costs, should help the

Agency to evaluate the effectiveness of the SPCC program and to consider appropriate revisions to regulatory requirements. Also, survey data may help to address important analytical issues, such as the extent to which secondary containment systems (e.g., dikes) prevent spills from reaching navigable waters.¹

As part of the Agency's efforts to reduce the overall paperwork burden on regulated facilities, EPA would like to solicit comments on how the Agency could best reduce the total paperwork burden hours for this rule while maintaining an effective level of environmental protection.

EPA would also like to solicit public comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement

This notice first presents the estimated number of existing and new storage and production facilities regulated under the Oil Pollution Prevention Regulation. Next, the estimated burden hours and costs to facilities to perform required actions are presented. Finally, the estimated total annual burden hours and costs for all facilities to comply with the requirements of this regulation are presented. The burden hours shown for each action represent the hours in both the existing ICR and the ICR renewal, since the renewal of the request does not change the burden hours associated with each activity. Costs have been updated to December 31, 1995 dollars.

¹ See pages 3-3 to 3-5 of the "Regulatory Impact Analysis of the Proposed Revisions to the Oil Pollution Prevention Regulation (40 CFR Part 112)" (Emergency Response Division, EPA, February 1993) for a discussion about the quality of the oil spill data provided by ERNS and the uncertainties in using these data.

As of January 1996, approximately 459,000 existing facilities are assumed to be regulated under the SPCC program with approximately 4,590 new facilities joining the program in 1996. These numbers are based on the previous ICR estimate of 450,630 facilities. A one percent annual growth rate in the number of facilities is assumed.² For purposes of this ICR, all facilities were grouped into two distinct categories: production facilities (facilities whose operations and oil storage activities are exclusively limited to oil production) and storage facilities (all other SPCC-regulated facilities whose operations do

not include oil production). This categorization of facilities reflects differences in the estimated burden of compliance activities depending on the nature of the facility's operations.

The current ICR assumes that storage facilities make up 61 percent of small facilities, 38 percent of medium facilities, and all large facilities, production facilities make up 39 percent of small facilities and 62 percent of medium facilities. The definitions of a small, medium, and large facility are based on oil storage capacity and are defined as follows based on the Agency's 1991 SPCC Facilities Study³:

(i) Small facility—a facility that has aboveground storage capacity greater than 1,320 gallons (or 660 gallons in a single container), but less than or equal to 42,000 gallons;

(ii) Medium facility—a facility that has total (aboveground or underground) storage capacity greater than 42,000 gallons but less than or equal to one million gallons; and

(iii) Large facility—a facility that has total storage capacity greater than one million gallons.

The estimated number of existing and new storage and production facilities in 1996 are shown in Exhibits 1 and 2.

EXHIBIT 1.—ESTIMATED NUMBER OF EXISTING FACILITIES

	Small	Medium	Large	Total
Storage	227,749	30,909	4,791	263,449
Production	145,272	50,691	0	195,963
Total	373,021	81,600	4,791	459,412

EXHIBIT 2.—ESTIMATED NUMBER OF NEW FACILITIES

	Small	Medium	Large	Total
Storage	2,277	309	48	2,634
Production	1,453	507	0	1,960
Total	3,730	816	48	4,594

The facility cost estimates for each category of activities are based on hourly wage rates for managerial (\$38.72), technical (\$28.37), and clerical (\$17.48) work. Each exhibit presents separate burden estimates for small, medium, and large storage and production facilities.

Exhibits 3 through 8 summarize the estimated facility burden associated with performing each separate task associated with an SPCC Plan. Not all of the activities will be performed on an annual basis by all facilities.

New Plan

Exhibit 3 presents the estimated burden and costs for a facility to perform the activities associated with preparing an SPCC Plan. All new facilities must prepare and implement an SPCC Plan.

EXHIBIT 3.—ESTIMATED BURDEN HOURS AND COSTS—PREPARATION OF NEW PLAN

Type of facility	Burden hours			Burden hours	Cost
	Managerial \$38.72/hr.	Technical \$28.37/hr.	Clerical \$17.48/hr.		
Storage:					
Small	6.0	25.0	4.0	35.0	\$1,012
Medium	6.0	44.0	6.0	56.0	1,586
Large	6.0	76.0	8.0	90.0	2,528
Production:					
Small	6.0	28.0	4.0	38.0	1,097
Medium	6.0	46.0	6.0	58.0	1,642
Large	6.0	77.0	8.0	90.0	2,557

Modification of Plan

Exhibit 4 presents the burden hours and costs for a facility to revise an SPCC Plan after any modification that materially affects the facility's potential to discharge oil into navigable waters. An estimated ten percent of facilities will need to modify their SPCC Plans each year.

² "Renewal of Information Collection Request for the Oil Pollution Prevention Regulation (40 CFR Part 112)," 1994.

³ "SPCC Facilities Study," January 1991.

EXHIBIT 4.—ESTIMATED ANNUAL BURDEN HOURS AND COSTS—MODIFICATION OF PLAN

Type of facility	Burden hours			Burden hours	Cost
	Managerial \$38.72/hr.	Technical \$28.37/hr.	Clerical \$17.48/hr.		
Storage:					
Small	0.0	4.5	1.0	5.5	\$145
Medium	0.0	4.5	1.0	5.5	145
Large	0.0	4.5	1.0	5.5	145
Production:					
Small	0.0	4.5	1.0	5.5	145
Medium	0.0	4.5	1.0	5.5	145
Large	0.0	4.5	1.0	5.5	145

Triennial Review

Exhibits 5 and 6 present the estimated burden hours and costs for a facility to complete a triennial review, with and without amendment. As a result of the review process, the facility may need to amend its Plan, incurring additional costs. Annual burdens and costs per facility are one-third of the values in Exhibits 5 and 6. An estimated three percent of all existing facilities will need to amend their Plans each year.

EXHIBIT 5.—ESTIMATED BURDEN HOURS AND COSTS—TRIENNIAL REVIEW—NO AMENDMENT

Type of facility	Burden hours			Burden hours	Cost
	Managerial \$38.72/hr.	Technical \$28.37/hr.	Clerical \$17.48/hr.		
Storage:					
Small	1.0	2.5	0.5	4.0	\$118
Medium	1.0	4.5	1.0	6.5	184
Large	1.0	9.0	1.0	10.0	283
Production:					
Small	1.0	3.5	0.5	5.0	147
Medium	1.0	5.5	1.0	7.5	212
Large	1.0	8.0	1.0	11.0	312

EXHIBIT 6.—ESTIMATED BURDEN HOURS AND COSTS—TRIENNIAL REVIEW—AMENDMENT

Type of facility	Burden hours			Burden hours	Cost
	Managerial \$38.72/hr.	Technical \$28.37/hr.	Clerical \$17.48/hr.		
Storage:					
Small	1.0	7.0	2.0	10.0	\$272
Medium	1.0	9.0	2.0	12.0	329
Large	1.0	12.5	2.0	15.5	428
Production:					
Small	1.0	8.0	2.0	11.0	301
Medium	1.0	10.0	2.0	13.0	357
Large	1.0	13.5	2.0	16.5	457

Oil Discharge

Exhibit 7 presents estimated burden hours and costs for a facility to submit information to the Regional Administrator in the event of certain discharges of oil into navigable waters. It is assumed that the probability of a facility having such a spill in any given year is 0.15 percent.

EXHIBIT 7.—ESTIMATED BURDEN HOURS AND COSTS—OIL DISCHARGE

Type of facility	Burden hours			Burden hours	Cost
	Managerial \$38.72/hr.	Technical \$28.37/hr.	Clerical \$17.48/hr.		
Storage:					
Small	1.0	1.0	0.0	2.0	\$67
Medium	1.0	1.0	0.0	2.0	67
Large	1.0	1.0	0.0	2.0	67
Production:					
Small	1.0	1.0	0.0	2.0	67
Medium	1.0	1.0	0.0	2.0	67

EXHIBIT 7.—ESTIMATED BURDEN HOURS AND COSTS—OIL DISCHARGE—Continued

Type of facility	Burden hours			Burden hours	Cost
	Managerial \$38.72/hr.	Technical \$28.37/hr.	Clerical \$17.48/hr.		
Large	1.0	1.0	0.0	2.0	67

Recordkeeping

Exhibit 8 presents the burden hours and costs for a facility to perform Plan maintenance and Plan-specific recordkeeping activities. All regulated facilities are subject to these requirements.

EXHIBIT 8.—ESTIMATED BURDEN HOURS AND COSTS—RECORDKEEPING

Type of facility	Burden hours			Burden hours	Cost
	Managerial \$38.72/hr.	Technical \$28.37/hr.	Clerical \$17.48/hr.		
Storage:					
Small	0.0	2.0	0.5	2.5	\$65
Medium	0.0	4.5	0.5	5.0	136
Large	0.0	9.5	0.5	10.0	278
Production:					
Small	0.0	3.0	0.5	3.5	94
Medium	0.0	3.0	0.5	3.5	94
Large	0.0	3.0	0.5	3.5	94

Annual Expected Facility Burden

The total annual burden per facility reflects the sum of the annual burdens incurred by the facility for each category of activities outlined above. The estimated annual burden for an existing facility is shown in Exhibit 9. Exhibit 10 presents the estimated annual burden for a new facility.

EXHIBIT 9.—ESTIMATED BURDEN HOURS AND COSTS PER FACILITY—EXISTING FACILITIES

Type of facility	Annual burden hours			Total burden hours	Annual cost
	Managerial \$38.72/hr.	Technical \$28.37/hr.	Clerical \$17.48/hr.		
Storage:					
Small	0.3	3.3	0.8	4.4	\$121
Medium	0.3	6.5	0.9	7.7	214
Large	0.3	12.7	0.9	13.9	389
Production:					
Small	0.3	4.7	0.8	5.8	159
Medium	0.3	5.3	0.9	6.5	181
Large	0.3	6.5	0.9	7.7	214

EXHIBIT 10.—ESTIMATED ANNUAL BURDEN HOURS AND COSTS PER FACILITY—NEW FACILITIES

Type of facility	Annual burden hours			Total burden hours	Annual cost
	Managerial \$38.72/hr	Technical \$28.37/hr	Clerical \$17.48/hr		
Storage:					
Small	6.0	27.5	4.6	38.1	\$1,092
Medium	6.0	49.0	6.6	61.6	1,737
Large	6.0	86.0	8.6	100.6	2,821
Production:					
Small	6.0	31.5	4.6	42.1	1,205
Medium	6.0	49.5	6.6	62.1	1,751
Large	6.0	80.5	8.6	95.1	2,665

Total Annual Expected Facility Burdens

The total annual burdens for all existing facilities and all new facilities are shown in Exhibits 11 and 12. The approximately 459,000 existing facilities will incur a combined burden of about 2.5 million hours and \$68 million. In addition, around 4,590 new facilities will incur a combined burden of 207,000 hours and \$5.8 million. The total annual reporting and recordkeeping burden to the regulated community as a result of the SPCC Program is estimated to be approximately 2.7 million hours at a cost of about \$74 million.

EXHIBIT 11.—ESTIMATED ANNUAL BURDEN HOURS AND COSTS—ALL EXISTING FACILITIES

Type of facility	Annual burden hours			Total burden hours	Annual cost
	Managerial	Technical	Clerical		
Storage:					
Small	75,157	758,404	17,644	1,013,485	\$27,581,027
Medium	10,200	200,909	29,054	240,163	6,607,489
Large	1,581	60,654	4,504	66,739	1,862,563
Production:					
Small	47,940	676,968	113,312	838,220	23,088,383
Medium	16,728	270,183	47,650	334,561	9,158,414
Large	0	0	0	0	0
Total	151,606	1,967,118	212,164	2,493,168	68,297,876

EXHIBIT 12.—ESTIMATED ANNUAL BURDEN HOURS AND COSTS—ALL NEW FACILITIES

Type of facility	Annual burden hours			Total burden hours	Annual cost
	Managerial	Technical	Clerical		
Storage:					
Small	13,662	62,504	10,474	86,640	\$2,486,233
Medium	1,854	15,126	2,039	19,019	536,768
Large	288	4,126	413	4,827	135,181
Production:					
Small	8,718	45,697	6,684	61,099	1,750,741
Medium	3,042	25,071	3,346	31,459	887,491
Large	0	0	0	0	0
Total	27,564	152,524	22,956	203,044	5,796,414

No person is 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 displayed at 40 CFR Part 9.

Send comments regarding these matters, or any other aspects of the information collection, including suggestions for reducing the burden, to the address listed above under **ADDRESSES** near the top of this Notice.

Dated: April 1, 1996.
 Elaine F. Davies,
Acting Director, Office of Emergency and Remedial Response.
 [FR Doc. 96-8481 Filed 4-4-96; 8:45 am]
 BILLING CODE 6560-50-P

[ER-FRL-5415-3]**Environmental Impact Statements and Regulations; Availability of EPA Comments**

Availability of EPA comments prepared March 18, 1996 Through March 22, 1996 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

Summary of Rating Definitions

Environmental Impact of the Action

LO—Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the

proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC—Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO—Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU—Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1—Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably