

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5825-7]

Renewal of Agency Information Collection Activities**Comment Request; Notification of Continuous Releases****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 Information Collection Request (ICR) to the Office of Management and Budget (OMB): Continuous Release Reporting Regulations (CRRR) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), EPA ICR number 1445; OMB control number 2050-0086, expiring September 30, 1997. 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 July 14, 1997.

ADDRESSES: U.S. Environmental Protection Agency, Office of Emergency and Remedial Response (5204G), 401 M Street SW., Washington, DC 20460. Materials relevant to this rulemaking are contained in Public Docket No. 102RQ-CR. This docket is located at 1235 Jefferson Davis Highway (ground floor), Arlington, VA. Dockets may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Lynn Beasley, (703) 603-9086. Facsimile number: (703) 603-9104. Electronic address: beasley.lynn@epamail.epa.gov. Note that questions, but not comments, will be accepted electronically.

SUPPLEMENTARY INFORMATION:

Affected Entities: Entities potentially affected by this action are those persons in charge of a facility or vessel from which there is a hazardous substance release that is "continuous" and "stable in quantity and rate." Because the usage and release of hazardous substances are pervasive throughout industry, a number of industrial categories have reported continuous hazardous substance releases. No one industry sector or group of sectors is disproportionately affected by this rule.

Title: Continuous Release Reporting Regulations (CRRR) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), EPA ICR number 1445; OMB control number 2050-0086, expiring September 30, 1997.

Abstract: This ICR addresses the reporting and recordkeeping activities required to comply with the continuous release reporting regulation (CRRR; 40 CFR 302.8) specified in section 103(f)(2) of CERCLA. The CRRR was developed as a reporting burden reduction regulation; the CRRR provides relief from the per-occurrence notification requirements of CERCLA section 103(a) for hazardous substance releases that are "continuous," "stable in quantity and rate," and for which notification has been given "for a period sufficient to establish the continuity, quantity, and regularity" of the release. Notification of qualifying releases must be provided "annually, or at such time as there is any statistically significant increase" in the quantity of the release. The information collection requirements of the CRRR are necessary to determine if a response action is needed to control or mitigate any potential adverse effects associated with a reported hazardous substance release. EPA expects the anticipated burden associated with compliance with the CRRR, estimated in this ICR, to be more than offset by a reduction in burden for facilities associated with per-occurrence notification (e.g., providing notification each day), which would otherwise be required in the absence of reporting a continuous release.

This ICR renews the collection activity previously approved under OMB No. 2050-0086 and applies to the period October 1, 1997 through September 30, 2000. Estimates of the burden placed on industry to comply with the release notification requirements are presented on an annual basis.

To ensure that government authorities receive timely and sufficient information to evaluate potentially dangerous hazardous substance releases reported under CERCLA section 103(f)(2), the CRRR requires five types of notification activities:

- One or more initial telephone calls to the National Response Center (NRC);
- An initial written report to the EPA Region;
- A follow-up written report to the EPA Region one year after submission of the initial written report;
- Notification to the EPA Region of any changes in release information previously submitted (including either a

change in composition, source, or quantity, or another type of change); and

- Immediate notification to the NRC of any statistically significant increase (SSI) in the quantity of the release.

Initial Telephone Notification

The initial telephone calls serve to notify government authorities of the facility's intent to report a hazardous substance release under CERCLA section 103(f)(2). All such releases must be released in a continuous and stable manner. The information provided in the initial telephone notification consists of:

- (1) The name and location of the facility or vessel; and
- (2) The names and identities of the hazardous substances being released.

Initial Written Report and Follow-Up Written Report

The initial written report and the follow-up written report provide a full description of the release which serves as the basis for a comprehensive evaluation of the hazards posed by the release. Based on this comprehensive evaluation, government authorities determine if a response action is necessary to prevent or mitigate any adverse effects. The initial written report includes preliminary information based on readily available data because the facility must submit the initial written report within 30 days of the initial telephone call. The follow-up written report, due one year after submission of the initial written report, serves to update/refine the initial report based on release data gathered during the previous operating year. Although the follow-up written report is required only in the second year of reporting, facilities are required to conduct and document an annual assessment of their continuous releases to identify any changes that may have occurred in the release situation. The follow-up written report and the annual evaluation ensure that the information used to evaluate the hazards posed by the release is the most updated and accurate information available.

The data elements requested in the initial written and follow-up report are identical and consist of the following.

- (1) The name of the facility or vessel; the location, including the longitude and latitude; the case number assigned by the NRC or EPA; the Dun and Bradstreet number of the facility (if available); the port of registration of the vessel (if applicable); and the name and telephone number of the person in charge of the facility or vessel.
- (2) The population density within a one-mile radius of the facility or vessel.

(3) The identity and location of sensitive populations and ecosystems within a one-mile radius of the facility or vessel (e.g., elementary schools, hospitals, retirement communities, wetlands).

In addition to the preceding facility-specific information, facilities must provide the following substance-specific information for each "continuous" release.

(4) The name/identity of the hazardous substance; the Chemical Abstracts Service Registry Number for the substance (if available).

(5) The upper and lower bounds of the normal range of the release over the previous year.

(6) The source(s) of the release.

(7) The frequency of the release, the fraction of the release from each release source, and the period over which it occurs.

(8) A brief statement describing the basis for stating that the release is continuous and stable in quantity and rate.

(9) An estimate of the total annual amount of the hazardous substance released in the previous year.

(10) The environmental media affected by the release.

(11) A signed statement that the hazardous substance release described is continuous and stable in quantity and rate under the definitions of 40 CFR 302.8(b) and that all reported information is accurate and current to the best knowledge of the person in charge.

Changes in Composition, Source, or Quantity (Reporting a "New" Release)

If there is any change in the composition or sources of the release, the release is considered a "new" release and must be qualified for reporting under the CRRR by the submission of an initial telephone notification and initial written notification as soon as there is a sufficient basis for asserting that the release is continuous and stable in quantity and rate. For facilities experiencing a change in the normal range, so that the quantity of the release exceeds the stated upper bound on a regular basis, the person in charge of a facility or vessel may modify the normal range by reporting at least one SSI. Within 30 days of the initial telephone notification submit written notification to the appropriate EPA Region describing the new range, the reason for the change, and the basis for stating that the release in the increased amount is continuous and stable in quantity and rate.

Changed Release Reports

Facilities or vessels experiencing other types of changes in their "continuous" release (other than a change in composition, source, or quantity) that invalidates information previously submitted, must notify the appropriate EPA Region by letter within 30 days. The letter of changed information should explicitly identify the new (or changed) information and include an explanation for the change. Letters of changed information also must include a statement certifying that, under the changed circumstances, the release is still "continuous" and "stable in quantity and rate."

Statistically Significant Increase Reports

The continuous release final rule defines an SSI as any release of a hazardous substance that exceeds the upper bound of the reported normal range of releases. The normal range of releases includes all the releases (in pounds or kilograms) of a hazardous substance reported or occurring over any 24-hour period under normal operating conditions (that is, normal conditions that prevail during the period establishing the continuity, quantity, and regularity of the release) during the preceding year. The SSI release is an episodic release because it is a release above the reportable quantity (RQ) that has not been previously reported or evaluated and must be immediately reported to the NRC by telephone pursuant to the notification requirements of CERCLA section 103(a). The information collected by the NRC in an SSI report includes the same information supplied when reporting any other episodic release (e.g., quantity of the release, source of the release, and a description of any response actions taken). It is important to note that the person in charge may modify the previously established normal range as an alternative to reporting multiple SSIs.

Recordkeeping

Facilities maintain a log or some other record of each hazardous substance release reported under CERCLA section 103(f)(2). The information documented in the record is necessary to demonstrate compliance with the provisions of the CRRR, including the requirement to demonstrate the continuity and stability of the release and the requirement to conduct an annual evaluation of the release. Additionally, facilities may find it useful to document daily release quantities for use in substantiating and

modifying the normal range of the release.

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. For this ICR, EPA would like to solicit 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: 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 purpose 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.

Exhibit I presents the burden hours estimated to be incurred by a typical respondent in completing each of the information provision activities that may be required to report a "continuous" release. A "typical" respondent is assumed to file one continuous release report and to experience one change in the release (e.g., a change in facility ownership or address) requiring submittal of a letter of changed information to the EPA Region. This assumption is intended to ensure that the burden incurred by a "typical" facility is not underestimated. No other conditional activities (i.e., SSI

reporting, reporting a "new" release, or other activities) are assumed to be required of the typical respondent; the inclusion of burden estimates associated with any additional conditional activities, other than reporting a change in release, may result in a significant overestimation of the burden incurred by a typical facility. It is important to note that, even though there is an annual burden associated with reporting continuous releases under the CRRR,

this burden is significantly lower than if facilities were required to report the continuous releases as individual episodic releases to the NRC.

As described in the existing ICR for the CRRR, which was prepared in 1994, much of the information required for the initial written report is readily available to the facility, but some information may require more extensive coordination and analysis. A certain amount of time is necessary to organize

and format the required information into a report suitable for submission to the government. Many facilities were expected to use EPA's prepared report format to minimize report organization and formatting efforts. Preparation of the initial written report was estimated to require three hours of managerial time, three hours of technical time, and one hour of clerical time.

EXHIBIT 1.—BURDEN HOURS PER RESPONDENT ACTIVITY AND ANNUAL BURDEN HOURS INCURRED BY A TYPICAL RESPONDENT

Collection activity	Prob-ability of collection activity/year (per-cent)	First year burden hours				Subsequent year burden hours			
		Mgt.	Tech.	Clerical	Total	Mgt.	Tech.	Clerical	Total
Providing Initial Telephone Notifi-cation	100	1.0	2.0	0.0	3.0	NA	NA	NA	NA
Preparing Initial Written Report	100	3.0	4.0	1.0	8.0	NA	NA	NA	NA
Preparing Follow-up Written Re-port/Conducting Annual Evalua-tions	100	NA	NA	NA	NA	3.0	1.0	1.0	5.0
Recordkeeping	100	0.0	4.0	0.0	4.0	0.0	4.0	0.0	4.0
Reporting a Change in the Re-lease	10	1.0	1.0	0.5	2.5	1.0	1.0	0.5	2.5
Total Annual Burden Hours for a Typical Facility ¹	NA	5.0	11.0	1.5	17.5	4.0	6.0	1.5	11.5
Reporting a "New" Release	5	4.0	4.0	1.0	9.0	4.0	4.0	1.0	9.0
Reporting an SSI	5	1.0	1.0	0.0	2.0	1.0	1.0	0.0	2.0
Other Activities:									
—Additional Information	30	4.0	0.0	0.0	4.0	4.0	0.0	0.0	4.0
—Site Inspection	1	4.0	4.0	4.0	8.0	4.0	4.0	0.0	8.0

¹ In order to sufficiently account for the burden associated with conditional activities whose probability of occurring is less than 100% (i.e., reporting a change in the release, reporting a new release, reporting an SSI, and other activities) in addition to the burden associated with the notification and recordkeeping activities that must be performed for each hazardous substance release reported under the CRRR (i.e., those collection activities for which the probability of occurrence is 100%), the total annual burden hours for a typical facility include an assumption that each facility will spend time on one typical conditional event. Therefore, within the totals, the typical facility is assumed to report one change in its "continuous" release during each year of reporting.

Subsequent conversations with EPA regional staff have suggested that a number of facilities did not use EPA's prepared report format initially, and those facilities spent additional time revising their reports to put them in a suitable form. To account for the additional burden experienced by some facilities, EPA has changed the estimated technical time in this 1997 ICR renewal to four hours. If EPA's prepared report format is incorporated into a future revision of 40 CFR 302.8,

then the estimated burden will be reduced accordingly.

The estimated cost to industry of completing the various continuous release reports is a function of the time expended by industrial personnel and the hourly rates for the appropriate labor categories. The unit cost estimates for each category of activities are based upon a managerial wage rate of \$38.72 per hour, a technical wage rate of \$28.37 per hour, and a clerical wage rate of \$17.48 per hour. These wage rates, from

the Bureau of Labor Statistics, are the same as those used in the notice for renewal of the Spill Prevention Control and Countermeasure (SPCC) ICR (61 FR 15246, April 5, 1996). They include wages and salaries, benefit costs including paid leave, supplemental pay, insurance, retirement and savings, legally required benefits, severance pay, and supplemental unemployment benefits and overhead costs, calculated in December 1995 dollars. Unit costs are shown in Exhibit 2.

EXHIBIT 2.—UNIT COST OF RESPONDENT ACTIVITIES AND ANNUAL COSTS FOR A TYPICAL RESPONDENT

Collection activity	Probability of collection activity/year (percent)	Burden hours			Unit costs	
		Mgt.	Tech.	Clerical	First year	Each sub-sequent year
Providing Initial Telephone Notification	100	1.0	2.0	0.0	\$95.46	NA
Preparing Initial Written Report	100	3.0	4.0	1.0	247.12	NA

EXHIBIT 2.—UNIT COST OF RESPONDENT ACTIVITIES AND ANNUAL COSTS FOR A TYPICAL RESPONDENT—Continued

Collection activity	Probability of collection activity/year (percent)	Burden hours			Unit costs	
		Mgt.	Tech.	Clerical	First year	Each subsequent year
Preparing Follow-up Written Report/Conducting Annual Evaluations	100	3.0	1.0	1.0	NA	\$162.01
Recordkeeping	100	0.0	4.0	0.0	113.48	113.48
Reporting a Change in the Release	10	1.0	1.0	0.5	75.83	75.83
Total Annual Cost for a Typical Facility ¹	NA	5.0	11.0	1.5	531.89	351.32
Reporting a "New" Release	5	4.0	4.0	1.0	285.84	285.84
Reporting an SSI	5	1.0	1.0	0.0	67.09	67.09
Other Activities:						
—Additional Information	30	4.0	0.0	0.0	164.88	154.88
—Site Inspection	1	4.0	4.0	0.0	268.36	268.36

¹ In order to sufficiently account for the burden associated with conditional activities whose probability of occurring is less than 100% (i.e., reporting a change in the release, reporting a new release, reporting an SSI, and other activities), in addition to the burden associated with the notification and recordkeeping activities that must be performed for each hazardous substance release reported under the CRRR (i.e., those collection activities for which the probability of occurrence is 100%), the total annual burden hours for a typical facility include an assumption that each facility will spend time on one typical conditional event. Therefore, within the totals, the typical facility is assumed to report one change in its "continuous" release during each year of reporting.

As shown in Exhibit 3, an estimated 2,000 facilities had reported continuous releases under the CR-ERNS program as of the end of 1996. This number was computed using different sources: the actual number of Continuous Release-

Emergency Response Notification System (CR-ERNS) reports filed; an estimate of the number of reports filed; and the number of telephone calls to the NRC from facilities reporting continuous releases. The number of

reports to be filed in the next three years is computed as a percentage of the total number of reports already filed and reflects the number of annual reports in recent years.

EXHIBIT 3.—ESTIMATED NUMBER OF FACILITIES AND HAZARDOUS SUBSTANCE RELEASES AFFECTED BY THE CONTINUOUS RELEASE FINAL RULE

Expected CRRR compliance under CR-ERNS	Total estimated number of facilities	Estimated number of reportable hazardous substance releases
Region 1	100	800
Region 2	100	800
Region 3	150	1,200
Region 4	450	3,600
Region 5	350	2,800
Region 6	350	2,800
Region 7	250	2,000
Region 8	100	800
Region 9	100	800
Region 10	100	800
Minus Change Reports	200	1,600
Total	1,850	14,800
Estimated New Releases Over Next Three Years	492	3,936
Total Over Next Three Years	2,342	18,736

Recent data have suggested that the estimated number of reportable hazardous substance releases per report was underestimated at 4.4 releases per report in the current ICR. The average number of releases in a typical report tended to be higher, at approximately 10 releases. However, a number of the

releases reported by facilities are not required by the CRRR (e.g., they are below an RQ, they are not a CERCLA hazardous substance). To account for the greater number of releases, while taking into consideration the reporting of unnecessary substances, EPA has changed the estimated number of

releases per report to 8.0. Exhibit 3 summarizes the estimated number of facilities and hazardous substance releases affected by the CRRR. The total estimated burden hours and costs incurred by industry are presented in Exhibit 4.

EXHIBIT 4.—ESTIMATED BURDEN HOURS AND COSTS INCURRED BY INDUSTRY

Collection activity	Probability of collection activity/year (percent)	Number of reported releases estimated to require the collection activity ¹	Unit burden hours ²	Unit costs ³	Burden hours		Annual cost ^{4 5}	
					First year	Each subsequent year	First year	Each subsequent year
Providing Initial Telephone Notification	100	3,936	3.0	\$95.46	11,808	NA	\$375,731	NA
Preparing Initial Written Report	100	3,936	8.0	247.12	31,488	NA	972,664	NA
Preparing Follow-up Written Report/Conducting Annual Evaluations	100	18,736	5.0	162.01	74,000	94,680	2,397,748	\$3,035,419
Recordkeeping	100	18,736	4.0	113.48	74,944	74,944	2,126,161	2,126,161
Reporting a Change in the Release	10	1,874	2.5	75.83	4,684	4,684	142,075	142,075
Total					196,924	173,308	6,014,379	5,303,656
Average (over three years)						181,180		(1) 5,540,564
Reporting a "New" Release.								
Reporting an SSI	5	937	2.0	67.09	1,874	1,874	62,850	62,850
Other Activities:								
—Additional Information	30	5,621	4.0	154.88	22,483	22,483	870,550	870,550
—Site Inspection	1	187	8.0	268.36	1,499	1,499	50,280	50,280

¹ Derived from Exhibit 3.

² Derived from Exhibit 1.

³ Derived from Exhibit 2.

⁴ Costs are rounded to the nearest \$100.

⁵ Burden and costs are annualized over a three year period. Costs are annualized at a discount rate of 7%.

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: May 8, 1997.

Larry Reed,

Acting Director, Office of Emergency and Remedial Response.

[FR Doc. 97-12625 Filed 5-13-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5825-9]

Microbial and Disinfectants/Disinfection Byproducts Advisory Committee: Notice of Open Meeting

Under Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given that a meeting of the Microbial and Disinfectants/Disinfection Byproducts MD/DBP

Advisory Committee will be held on June 3, 1997 from 9:00 a.m. until 5:30 p.m. and on June 4, 1997, from 9:00 a.m. until 4:30 p.m. at the Washington Plaza Hotel, 10 Thomas Circle, Northwest Washington, D.C. 20037. The phone number at the hotel is (202) 842-1300. The Committee was established earlier this year (on February 21, 1997, at 62 FR 8012) to assist the Environmental Protection Agency (EPA) in the development of regulations, guidance and policies to address microorganisms and disinfectants/disinfection by-products in drinking water.

The purpose of the meeting is to discuss issues related to the development of an Interim Enhanced Surface Water Treatment Rule (IESWTR) and a Stage 1 Disinfectants/Disinfection Byproducts (D/DBP) rule. The agenda for the meeting will include continued discussions as needed regarding information and data related to microbial and disinfection byproducts issues developed by the Committee's technical working group. The agenda will also include discussion and evaluation of options to be considered for inclusion in EPA's Notice of Data Availability for the IESWTR and Stage 1 D/DBP rule, with particular focus on turbidity; pre-disinfection, a microbial

backstop, and a log removal requirement for cryptosporidium. In addition the Committee may have further discussion on Maximum Contaminant Levels and enhanced coagulation. It may also continue consideration of other issues, including but not limited to sanitary surveys; and watershed controls.

The meeting will be open to the public. Members of the public may attend the meeting, make oral statements at the meeting to the extent time permits and/or file written statements with the Committee for its consideration.

Members of the public who would like more information or who would like to present an oral statement or submit a written statement are requested to contact the Committee's Designated Federal Officer, Steve Potts, at the Office of Ground Water and Drinking Water, U.S. EPA, mail Code 4607, 401 M Street, SW, Washington, D.C. 20460. Mr. Potts may also be reached by telephone at (202) 260-5015 or contacted by e-mail at Potts.Steve@EPAMAIL.EPA.GOV.

Dated: May 9, 1997.

William R. Diamond,

Acting Director, Office of Ground Water and Drinking Water.

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