

Dated: November 18, 1997.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 97-30814 Filed 11-21-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5927-1]

Agency Information Collection Activities: Proposed Collection; Comment Request; Regulation of Fuels and Fuel Additives, Fuel Quality Regulations for Highway Diesel Fuel Sold in 1993 and Later Calendar Years ICR 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 proposed and/or continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): Regulation of Fuels and Fuel Additives, Fuel Quality Regulations for Highway Diesel Fuel Sold in 1993 and Later Calendar Years; EPA ICR # 1718.02; OMB No. 2060-0308; expires 3/31/98. 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 January 23, 1998.

ADDRESSES: U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Office of Regulatory Enforcement (2242A), 401 M Street SW, Washington, D.C. 20460. Copies of the ICR can be obtained free of charge by contacting Ervin Pickell as provided below.

FOR FURTHER INFORMATION CONTACT: Ervin Pickell, Telephone: (303) 969-6485; Facsimile number: (303) 969-6490; E-MAIL: pickell.erv@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those who act as the transferor or the transferee of red dyed low sulfur highway diesel fuel. This is generally fuel terminals, truck distributors of such product and tax exempt end users.

Title: Regulation of Fuels and Fuel Additives, Fuel Quality Regulations for Highway Diesel Fuel Sold in 1993 and

Later Years (OMB Control number 2060-0308; EPA ICR # 1718.02.) expiring 03/31/98.

Abstract: Section 211(g)(2) of the Clean Air Act (CAA) provides that no person shall introduce or cause or allow the introduction into any motor vehicle of diesel fuel which contains a concentration of sulfur in excess of 0.05% by weight, or which fails to meet a stated cetane index or an alternative aromatic level to be prescribed by the Administrator. Section 211(i) of the CAA prohibits the manufacture, sale, supply, transport or introduction into commerce of motor vehicle diesel fuel which fails to meet the quality requirements. The Act required the Administrator to promulgate regulations to "implement and enforce" the quality requirements. Congress specifically provided that "The Administrator may require manufacturers and importers of diesel fuel not intended for use in motor vehicles to dye such fuel * * * to segregate it from motor vehicle diesel fuel." The regulatory requirements promulgated by EPA are found at 40 CFR § 80.29. The dye requirement for high sulfur fuel was required by EPA to help enforce the requirement that only low sulfur diesel be used for highway vehicles. The dye is an important deterrent to violating the Congressionally mandated requirement, especially given the very large economic incentive to violate the law (high sulfur diesel is cheaper to produce and there are no highway taxes associated with it). Because the Internal Revenue Service promulgated a red dye requirement that covers both untaxed high sulfur diesel fuel (for off-road use) and untaxed low sulfur highway diesel fuel sold to tax-exempt entities, it was necessary for the EPA to include in its dye provisions a requirement that product transfer documents for the relatively low volume of dyed low sulfur fuel that is introduced into commerce state that the product is low sulfur tax exempt fuel. Otherwise, the EPA dye requirement would have been rendered meaningless since the Agency would not have been able to distinguish red dyed high sulfur product from red dyed low sulfur tax exempt product. EPA believes the requirement is also useful to distributors and end users in assuring their compliance. Since the IRS, not the EPA, requires the dye to be added to low sulfur tax exempt diesel fuel, the only EPA requirement subject to the ICR is the requirement that the customary business practice (CBP) product transfer document from the terminal (where the dye is added) to the tax exempt end user state that the fuel is dyed low sulfur tax

exempt fuel. EPA allows industry to use preprinted product codes to provide the information. For this limited category of diesel fuel transactions the recordkeeping requirement is mandatory and is authorized by section 211 of the CAA 42 U.S.C. 7545, section 114 of the CAA, 42 U.S.C. 7414 and section 208 of the CAA, 42 U.S.C. 7542 and 40 CFR § 80.29. Confidentiality provisions are found at 40 CFR Part 2. The requirement, which has been in effect for several years, imposes almost no measurable annual burden on the affected parties. The transfer documents carrying the information are CBP documents. The information is preprinted and the truckers and end users have no measurable hourly burden associated with receiving and maintaining these CBP documents. The proposed ICR utilizes assumptions that are only slightly different from the original ICR. The burden statements below mention the basic assumptions used.

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.

In addition to this information, you may obtain a copy of the draft ICR supporting statement as provided above.

All parties that must maintain records under the regulation have a 5 year retention requirement.

The 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: For highway diesel fuel terminals the dyed status of diesel fuel is reflected in CBP documents that were prepared before the diesel sulfur rule was promulgated. There are about

1,843 entities that add dye to low sulfur non-taxed fuel. The frequency of response is estimated to be about 170 loads of fuel released per year per terminal. Total burden for all terminals is about 87 hours per year. There are no annual operating costs, purchased service costs or capital costs.

Hourly burdens for truckers who transport dyed low sulfur diesel fuel: These parties transfer the CBP product transfer documents, which is no change from the business practice before the rule's requirement was promulgated. There is no measurable hourly burden per response. The proposed ICR assumes that about 1,200 truckers haul about 261 loads of non-taxed low sulfur diesel fuel per year, and that the CBP transfer documents that were used before the diesel sulfur rule was promulgated reflect the dyed status of the diesel fuel. As a result, there are no measurable additional operating costs, purchased services or capital costs.

Hourly burdens for end users (wholesale-purchaser-consumers of non-taxed low sulfur diesel fuel): These parties receive the transfer documents CBP. There is no measurable hourly burden per response. The proposed ICR assumes that about 20,000 end users receive paperwork an average of about 15 times each. There are no measurable operating costs, purchased services or capital costs.

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.

Dated: November 7, 1997.

Sylvia K. Lowrance,

*Principal Deputy Assistant Administrator,
Office of Enforcement and Compliance
Assurance.*

[FR Doc. 97-30820 Filed 11-21-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5926-4]

Clean Air Act Advisory Committee: Accident Prevention Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Clean Air Act section 112(r) required EPA to publish regulations to prevent accidental releases of chemicals and to reduce the severity of those releases that do occur. These accidental release prevention requirements build on the chemical safety work begun by the Emergency Planning and Community Right-to-Know Act (EPCRA) which sets forth requirements for industry, State and local governments. On June 20, 1996, EPA published the final rule for risk management programs to address prevention of accidental releases.

An estimated 66,000 facilities are subject to this regulation based on the quantity of regulated substances they have on-site. Facilities that are subject will be required to implement a risk management program at their facility, and submit a summary of this information to a central location specified by EPA. This information will be helpful to State and local government entities responsible for chemical emergency preparedness and prevention. It will also be useful to environmental and community organizations, and the public in understanding the chemical risks in their communities. In addition, we hope the availability of this information will stimulate a dialogue between industry and the public to improve accident prevention and emergency response practices.

The Accident Prevention Subcommittee was created in September 1996 to advise EPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) on these chemical accident prevention issues, specifically, section 112(r) of the Clean Air Act.

DATES: The Accident Prevention Subcommittee of the Clean Air Act Advisory Committee will hold a public meeting on December 17, 1997 from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at the Hall of States (Room 383) located at 444 North Capitol St., NW, Washington D.C., near Union Station. Members of the public are welcome to attend in person.

FOR FURTHER INFORMATION CONTACT:

Members of the public desiring additional information about this meeting, should contact Karen Shanahan, Designated Federal Official, U.S. EPA (5104), 401 M. St., SW, Washington DC 20460, via the Internet at: shanahan.karen@epamail.epa.gov, by telephone at (202) 260-2711 or FAX at (202) 260-1686.

SUPPLEMENTARY INFORMATION:

Agenda

- I. Opening Remarks—Jim Makris (8:30–9:00)
- II. Update on RMP*Info and RMP*Submit (9:00–11:45)
- III. Comments from the public (11:45–12:00)
- IV. RMP Implementation Workgroup Update (1:30–3:00)
- V. Other Business (3:15–4:15)
- VI. Comments from the public (4:15–4:30)

Members of the public who wish to make a brief oral presentation in person in Washington D.C. to the Subcommittee at the December 17 meeting, must contact Karen Shanahan in writing (by letter, fax, or email—see previously stated information) no later than December 10, 1997 in order to be included on the agenda. Written comments may be submitted to the Accident Prevention Subcommittee up through the date of the meeting. Please address such material to Karen Shanahan at the above address.

The Accident Prevention Subcommittee expects that public statements presented at its meetings will not be repetitive or previously submitted oral or written statements. In general, opportunities for oral comment will be limited to no more than three minutes per speaker and no more than thirty minutes total. Written comments (twelve copies) received sufficiently prior to a meeting date (usually one week prior to a meeting or teleconference), may be mailed to the Subcommittee prior to its meeting.

Additional information on the Accident Prevention Subcommittee and Electronic Submission Workgroup are available on the Internet at: <http://www.epa.gov/swercepp/acc-pre.html>

If you would like to automatically receive future information on the Accident Prevention Subcommittee and its Workgroups by email, please send an email to Karen Shanahan at: shanahan.karen@epamail.epa.gov requesting to be put on the RMP email list. Please include your name, address and phone number.

Dated: November 19, 1997.

Karen Shanahan,

Designated Federal Official.

[FR Doc. 97-30819 Filed 11-21-97; 8:45 am]

BILLING CODE 6560-50-P