ENVIRONMENTAL PROTECTION AGENCY

[FRL-6012-4]

Agency Information Collection Activities: Proposed Collection; Comment Request; Audit Policy Customer Satisfaction Survey

AGENCY: Environmental Protection

Agency (EPA). **ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this document announces that EPA is planning to submit the following proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB): Agency Information Collection Activities: Proposed Collection; Comment Request; Audit Policy Customer Satisfaction Survey, EPA ICR Number 1859.01. 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 10, 1998.

ADDRESSES: U.S. E.P.A., Office of Enforcement and Compliance Assurance, 401 M Street, SW. (2201A), Audit Policy Survey, Washington, DC 20460. Interested parties may obtain a copy of the ICR by contacting the Audit Policy Docket, 202–564–2614.

FOR FURTHER INFORMATION CONTACT: Brian Riedel, 202–564–4187 phone, 202–501-0701 fax.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those which submitted disclosures under EPA's "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" Policy (60 FR 66806, December 22, 1995 (Audit Policy)).

Title: Agency Information Collection Activities: Proposed Collection; Comment Request; Audit Policy Customer Satisfaction Survey, EPA ICR No. 1859.01.

Abstract: This information collection is proposed to implement the public commitment in EPA's Audit Policy to conduct a "study of the effectiveness of the policy * * *" by January 1999. (60 FR 66706, 60 FR 66712, part H(1) on Public Accountability). The proposed information collection is the Customer Satisfaction Survey set forth below.

EPA's Audit Policy, effective in January of 1996, encourages selfpolicing by eliminating gravity-based

penalties for federal environmental violations that are voluntarily discovered, disclosed, corrected and prevented under the terms of the Policy. Nor will EPA recommend criminal prosecution of regulated entities in these circumstances, although individuals remain liable for their own criminal conduct. The Policy includes safeguards to protect the public and the environment, such as excluding violations that may result in serious harm or risk, reflect repeated noncompliance or allow a company to realize an economic gain from its noncompliance. The Audit Policy is on the High Priority List of the President's Reinventing Environmental Regulations program. At the time of this document, approximately 273 regulated entities have disclosed violations at over 922 facilities, and EPA has settled cases/ matters with 102 of these entities at 449 facilities. This ICR proposes to survey the entities that have disclosed violations under the Audit Policy.

The survey, set forth below, generally consists of the "customer satisfaction" questions relating to the "effectiveness" of the Audit Policy in encouraging voluntary discovery, disclosure, correction and prevention of violations, and questions on how the Audit Policy and its application can be improved. OECA will use this information to evaluate and, where appropriate, revise the Audit Policy to better serve its goals in protecting health and the environment. Participation by the regulated entities in the brief survey is voluntary and anonymous. EPA will not possess the name of the respondent in connection with any answers provided. Any information claimed to be Confidential Business Information will be treated in accordance with EPA regulations at 40 CFR part 2.

Generally, the Customer Satisfaction Survey will assist EPA in addressing the following issue areas cited in the Audit Policy (60 FR 66712):

"H. Public Accountability

- (1) Within 3 years of the effective date of this policy, EPA will complete a study of the effectiveness of the policy in encouraging:
- (a) Changes in compliance behavior within the regulated community, including improved compliance rates;
- (b) Prompt disclosure and correction of violations, including timely and accurate compliance with reporting requirements;
- (c) Corporate compliance programs that are successful in preventing violations, improving environmental

- performance and promoting public disclosure;
- (d) Consistency among state programs that provide incentives for voluntary compliance.

EPA will make the study available to the public."

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.

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: The total estimated average burden is estimated to be twenty to thirty minutes at a cost of \$29 to \$43. 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. It is estimated that approximately 60% to 70% or 164 to 191 of the 273 entities will respond to the survey request.

25856	Federal Regi
Dated: May 5, 1998 Nancy K. Stoner, Director, Office of Pla Analysis, Office of En and Compliance Asso Audit Policy Custome EPA invites you to anonymous survey of disclosed environmee EPA Audit Policy. Th "Incentives for Self-P Disclosure, Correction Violations," appeared on December 22, 199 intent of the Audit Poregulated entities to disclose, correct and federal environmenta help EPA serve you b improve the Audit Po fill out the survey is of minutes. Please retur in the enclosed envel third party contractor not possess the name connection with any	panning and Policy of orcement urance. The restriction survey participate in this companies that have not all violations under the folicing: Discovery, and Prevention of the restriction of the completed survey on the completed survey ope addressed to [a :] by EPA will of the respondent in answers provided.
Please do not submit responses. Your parti appreciated. Your res If you have not yet determination under signed order or EPA l of case/matter, please	your name in the survercipation is very much iponse matters! received final the Audit Policy, i.e. etter indicating closure answer Questions 1–5 more than one type of
•	counsel
2. Would you have di EPA in the absence o _Yes _No _Don't know Please explain why	v
3. Did you have an er compliance auditing	
heard of the Audit Po _Yes _No _Don't know Please very briefly	describe the scope and

Dated: May 5, 1998.	_Scope of processes covered	Desire to avoid disclosure to public of
Nancy K. Stoner,	Number of people involved	violations
Director, Office of Planning and Policy	_Other	_Other reason
Analysis, Office of Enforcement	D: I	
and Compliance Assurance.	Did not encourage	
Audit Policy Customer Satisfaction Survey	5. In what ways, if any, did the Audit Policy	Don't know
EPA invites you to participate in this	encourage improvements in the quality of your auditing or due diligence activities?	9. If you circled the "Uncertainty of
anonymous survey of companies that have		enforcement response" reason in the
disclosed environmental violations under the	_Qualifications of people involved	previous question, please check the sub-
EPA Audit Policy. The Audit Policy, entitled	''Thoroughness'' of audit Other	reason(s) and circle the most important sub- reason:
"Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of	_other	
Violations," appeared in the Federal Register	Did not encourage	Process for calculating economic benefit component of penalty is not precise
on December 22, 1995 at 60 FR 66705. The	C	enough
intent of the Audit Policy is to encourage	6. How did you systematically discover the violation(s) disclosed?	Definition of "repeat violations" is unclear
regulated entities to voluntarily discover,	Environmental audit	_Unclear whether entity would meet 10-day
disclose, correct and prevent violations of federal environmental law. This survey will	Not applicable	disclosure condition
help EPA serve you better and will help EPA	Due diligence efforts	Uncertain whether the audit would meet
improve the Audit Policy. Average time to	Both	the standard for environmental audits
fill out the survey is estimated to be 20 to 30	If you checked "Both," and characterized	Uncertain whether compliance management system would meet due
minutes. Please return the completed survey	the discovery as through environmental	diligence standard
in the enclosed envelope addressed to [a	auditing in you disclosure letter, please	_Other reason
third party contractor] by EPA will not possess the name of the respondent in	explain why:	
connection with any answers provided.		10. What relief did you receive under the
Please do not submit your name in the survey		Audit Policy?
responses. Your participation is very much		All penalties eliminated
appreciated. Your response matters!	7. Why did you decide to disclose the	All gravity-based penalties eliminated with
If you have not yet received final determination under the Audit Policy, i.e.	violation(s) under the Audit Policy?	economic benefit penalty assessment
signed order or EPA letter indicating closure	Please check reason(s) and circle most	75% of gravity-based penalties eliminated
of case/matter, please answer Questions 1–5	important reason	with no economic benefit penalty
only. If you disclosed more than one type of	_To take proactive measures to find and	assessment
violation, please generalize for all of your	address compliance problems	75% of gravity-based penalties eliminated with economic benefit penalty
experiences.	To limit liability To avail yourself of the incentives under	assessment
1. How did you learn of EPA's Audit Policy?	the Policy-penalty mitigation and/or	Penalties reduced under another authority
Trade association	non-recommendation of matter for	because the disclosure did not meet the
Seminar or conference Federal Register	criminal prosecution	Audit Policy criteria
Irederal Register In-house or outside counsel	_To obtain certainty by relying on	_Penalties not reduced because the
_Other (please indicate)	predictable enforcement response under	disclosure did not meet the criteria of any authority
_ '	Audit PolicyTo obtain assurance from EPA that	
	violation is being properly corrected /	11. How do you view EPA's response to your company's correction of the disclosed
2. Would you have disclosed the violation to	damage is properly remediated	violation?
EPA in the absence of an Audit Policy?	_To conduct and publicize disclosures as	It was reasonable
Yes	evidence of good corporate citizenry and	It was too stringent
No	awareness of need to protect public health and the environment	Other
Don't know	Other	
Please explain why or why not.		Please explain
		Don't know
	Don't know	
3. Did you have an environmental	8. Hypothetically, if you had violations that	12. How do you view EPA's response to your company's efforts to prevent recurrence of
compliance auditing program before you	you did not disclose under Audit Policy, why	the disclosed violation?
heard of the Audit Policy?	would you refrain from doing so?	It was reasonable
_Yes	Please check reason(s) and circle most	It was reasonable It was too stringent
No	important reason	Other
Don't know	Unable to meet 10-day written disclosure	Please explain
Please very briefly describe the scope and	condition	i icase explain
frequency of your auditing activities before you heard of the Audit Policy:	Uncertainty of enforcement response under	Don't know
you heard of the Addit Folicy.	Audit Policy Definition of "imminent and substantial	
	endangerment'' is too vague	13. Were you satisfied with the outcome of your company's self-disclosure?
	Belief that penalty representing the	• •
4. In what ways, if any, did the Audit Policy	economic benefit gained from non-	_Yes
encourage improvements in the extent of	compliance will be too high	No Somewhat
your auditing or due diligence activities?	Belief that agency is not likely to discover	Don't know
Number of audits per facility	the violation if it is corrected but not disclosed	Please explain
Number of facilities audited Scope of environmental statutes or media	Transactional costs of disclosing are too	
covered	high	
	· ·	

14.What compliance or environmental	Please explain why or why not.	
improvements, if any, were made possible by		Did not encourage
the incentives offered under the Audit		5. In what ways, if any, did the Audit Policy
Policy?	Thank you for your participation.	encourage improvements in the quality of
	Customer Satisfaction Survey on EPA's	your auditing or due diligence activities?
	Audit Policy	Qualifications of people involved
	EPA invites you to participate in this	"Thoroughness" of audit
15. What should EPA do to increase the	anonymous survey of companies that have	Other
regulated community's awareness of the	disclosed environmental violations under the	Did not analyzaga
Audit Policy?	EPA Audit Policy. The Audit Policy, entitled	Did not encourage (If you have not yet received final
	"Incentives for Self-Policing: Discovery,	determination under the Audit Policy, please
·	Disclosure, Correction and Prevention of	stop here.)
16. How can EPA promote the regulated	Violations," appeared in the Federal Register	•
community's use of the Audit Policy?	on December 22, 1995 at 60 FR 66705. The intent of the Audit Policy is to encourage	6. How did you systematically discover the
	regulated entities to voluntarily discover,	violation(s) disclosed?
	disclose, correct and prevent violations of	Environmental audit
	federal environmental law. This survey will	Due diligence efforts
17. Would you use the Audit Policy again?	help EPA serve you better and will help EPA	Both
_Yes, if applicable	improve the Audit Policy. Average time to	Not applicable
No	fill out the survey is estimated to be 20 to 30 minutes. Please return the completed survey	If you checked "Both," and characterized
Don't know	in the enclosed envelope addressed to [a	the discovery as through environmental auditing in your disclosure letter, please
18. Would you recommend the Policy to	third party contractor] by Please do	explain why:
clients/counterparts?	not submit your name in the survey	explain wily.
Yes	responses. Your participation is very much	
No	appreciated. Your response matters!	
Don't know	If you have not yet received final determination under the Audit Policy, i.e.	7 337 1:1 1 1 :1 :1 :1
19. Would you like to see any changes made	signed order or EPA letter indicating closure	7. Why did you decide to disclose the violation(s) under the Audit Policy?
to the terms of the Audit Policy?	of case/matter, please answer Questions 1–5	
Yes	only. If you disclosed more than one type of	Please check reason(s) and circle the most
_No	violation, please generalize for all of your	important reason
Don't know Please provide any suggested changes here.	experiences.	To take proactive measures to find and address compliance problems
Trease provide any suggested changes here.	1. How did you learn of EPA's Audit Policy?	To limit liability
	Trade association	To avail yourself of the incentives
	Federal Register	under the Policy—penalty mitigation
20. What is your opinion about the amount	Seminar or conference	and/or non-recommendation of matter
of time it took EPA to respond to your self-	In-house or outside counsel Other (please indicate)	for criminal prosecution To obtain certainty by relying on
disclosure?	Other (prease mareate)	predictable enforcement response under
		Audit Policy
21. What is your opinion about the amount	2. Would you have disclosed the violation to	To obtain assurance from EPA that
of time it took EPA to resolve your case?	EPA in the absence of an Audit Policy?	violation is being properly corrected/
	Yes	damage is properly remediated
22. Do you have any other comments or	No	To conduct and publicize disclosures
suggestions about your experience with the	Don't know	as evidence of good corporate citizenry and awareness of need to protect public
Audit Policy?	Please explain why or why not.	health and the environment
		Other
	3. Did you have an environmental	
22. Are you aware of EDA's "Final Policy on	compliance auditing program before you	Don't know
23. Are you aware of EPA's "Final Policy on Compliance Incentives for Small	heard of the Audit Policy?	8. Hypothetically, if you had violations that
Businesses," 61 FR 27984, June 3, 1996?	_Yes _ No	you did not disclose under Audit Policy, why
Yes	Don't know	would you refrain from doing so?
No	Please very briefly describe the scope and	Please check reason(s) and circle the most
The Small Business Policy is intended to	frequency of your auditing activities before	important reason
promote environmental compliance among	you heard of the Audit Policy:	Unable to meet 10-day written disclosure condition
businesses with 100 or fewer employees		Uncertainty of enforcement response
through incentives to participate in		under Audit Policy
compliance assistance programs or conduct environmental audits and to subsequently	4. In what ways, if any, did the Audit Policy	Definition of "imminent and substantial
correct any violations discovered.	encourage improvements in the extent of	endangerment'' is too vague
24. Would you consider using the Small	your auditing or due diligence activities?	Belief that penalty representing the
Business Policy?	Number of audits per facility	economic benefit gained from non-
_Yes	Number of facilities audited Scope of environmental statutes or	compliance will be too high Belief that agency is not likely to discover
_No	media covered	the violation if it is corrected but not
_Not applicable because have >100	Scope of processes covered	disclosed
employees	Number of people involved	Transactional costs of disclosing are
Don't know	Other	too high

Desire to avoid disclosure to public of violations Other reason	Please explain:	Please explain why or why not.
Don't know 9. If you circled the "Uncertainty of enforcement response" reason in the	14. What compliance or environmental improvements, if any, were made possible by the incentives offered under the Audit Policy?	Thank you for your participation. [FR Doc. 98–12428 Filed 5–8–98; 8:45 am] BILLING CODE 6560–50–P
previous question, please check the sub- reason(s) and circle the most important sub- reason: Process for calculating economic benefit component of penalty is not precise enough Definition of "repeat violations" is unclear	15. What, if anything, should EPA do to increase the regulated community's awareness of the Audit Policy?	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Sunshine Act Meeting AGENCY HOLDING THE MEETING: Equal
Unclear whether entity would meet 10-day disclosure condition Uncertain whether the audit would meet the standard for environmental audits Uncertain whether compliance management system would meet due diligence standard Other reason	16. How can EPA promote the regulated community's use of the Audit Policy?	Employment Opportunity Commission. DATE AND TIME: Tuesday, May 19, 1998 at 2:00 p.m. (Eastern Time). PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 "L" Street, N.W., Washington, D.C. 20507. STATUS: Part of the meeting will be open
10. What relief did you receive under the	17. Would you use the Audit Policy again? Yes, if applicable	to the public and part of the meeting will be closed. MATTERS TO BE CONSIDERED:
Audit Policy? All penalties eliminatedAll gravity-based penalties eliminated with economic benefit penalty assessment75% of gravity-based penalties eliminated with no economic benefit	No No No 18. Would you recommend the Policy to clients/counterparts? Yes No Don't know 19. Would you like to see any changes made	Open Session 1. Announcement of Notation Votes, and 2. Mid-year Operational Reports by the Office of General Counsel and Office of Field Programs.
penalty assessment75% of gravity-based penalties eliminated with economic benefit penalty assessmentPenalties reduced under another authority because the disclosure did not meet the Audit Policy criteria	to the terms of the Audit Policy? Yes No Don't know Please provide any suggested changes here.	Closed Session Litigation Authorization: General Counsel Recommendations Note: Any matter not discussed or concluded may be carried over to a later
Penalties not reduced because the disclosure did not meet the criteria of any authority 11. How do you view EPA's response to your company's correction of the disclosed violation? It was reasonable It was too stringent	20. Do you have any other comments or suggestions about your experience with the Audit Policy?	meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register , the Commission also provides a recorded announcement a full week in advance on future Commission sessions.) Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTD) at any time for information on these meetings. Contact
Please explain above or other response:	21. Are you aware of EPA's "Final Policy on	Person for More Information: Frances M. Hart, Executive Officer on (202) 663–4070. Dated: May 6, 1998. This Notice Issued May 6, 1998. Frances M. Hart,
Don't know 12. How do you view EPA's response to your company's efforts to prevent recurrence of the disclosed violation?	Compliance Incentives for Small Businesses,'' 61 FR 27984, June 3, 1996? Yes No	Executive Officer, Executive Secretariat. [FR Doc. 98–12548 Filed 5–7–98; 11:19 am] BILLING CODE 6750–06–M
It was reasonable It was too stringent Please explain above or other response:	The Small Business Policy is intended to promote environmental compliance among businesses with 100 or fewer employees through incentives to participate in compliance assistance programs or conduct	FEDERAL COMMUNICATIONS COMMISSION
Don't know 13. Were you satisfied with the outcome of your company's self-disclosure?	environmental audits and to subsequently correct any violations discovered. 22. Would you consider using the Small Business Policy?	Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission May 1, 1998.
YesNoSomewhatDon't know	Yes No Not applicable because have >100 employees Don't know	SUMMARY: The Federal Communications Commission, as part of its continuing