

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 self-policing 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.

Dated: May 5, 1998.

Nancy K. Stoner,

*Director, Office of Planning and Policy
Analysis, Office of Enforcement
and Compliance Assurance.*

Audit Policy Customer Satisfaction Survey

EPA invites you to participate in this anonymous survey of companies that have disclosed environmental violations under the EPA Audit Policy. The Audit Policy, entitled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," appeared in the **Federal Register** on December 22, 1995 at 60 FR 66705. The intent of the Audit Policy is to encourage regulated entities to voluntarily discover, disclose, correct and prevent violations of federal environmental law. This survey will help EPA serve you better and will help EPA improve the Audit Policy. Average time to fill out the survey is estimated to be 20 to 30 minutes. Please return the completed survey in the enclosed envelope addressed to [a third party contractor] by _____. EPA will not possess the name of the respondent in connection with any answers provided. Please do not submit your name in the survey responses. Your participation is very much appreciated. Your response matters!

If you have not yet received final determination under the Audit Policy, i.e. signed order or EPA letter indicating closure of case/matter, please answer Questions 1-5 only. If you disclosed more than one type of violation, please generalize for all of your experiences.

1. How did you learn of EPA's Audit Policy?

- ☐ Trade association
- ☐ Seminar or conference
- ☐ Federal Register
- ☐ In-house or outside counsel
- ☐ Other (please indicate) _____

2. Would you have disclosed the violation to EPA in the absence of an Audit Policy?

- ☐ Yes
- ☐ No
- ☐ Don't know

Please explain why or why not. _____

3. Did you have an environmental compliance auditing program before you heard of the Audit Policy?

- ☐ Yes
- ☐ No
- ☐ Don't know

Please very briefly describe the scope and frequency of your auditing activities before you heard of the Audit Policy: _____

4. In what ways, if any, did the Audit Policy encourage improvements in the extent of your auditing or due diligence activities?

- ☐ Number of audits per facility
- ☐ Number of facilities audited
- ☐ Scope of environmental statutes or media covered

- ☐ Scope of processes covered
- ☐ Number of people involved
- ☐ Other _____

☐ Did not encourage

5. In what ways, if any, did the Audit Policy encourage improvements in the quality of your auditing or due diligence activities?

- ☐ Qualifications of people involved
- ☐ "Thoroughness" of audit
- ☐ Other _____

☐ Did not encourage

6. How did you systematically discover the violation(s) disclosed?

- ☐ Environmental audit
- ☐ Not applicable
- ☐ Due diligence efforts
- ☐ Both

If you checked "Both," and characterized the discovery as through environmental auditing in your disclosure letter, please explain why: _____

7. Why did you decide to disclose the violation(s) under the Audit Policy?

Please check reason(s) and circle most important reason

- ☐ To take proactive measures to find and address compliance problems
- ☐ To limit liability
- ☐ To avail yourself of the incentives under the Policy-penalty mitigation and/or non-recommendation of matter for criminal prosecution
- ☐ To obtain certainty by relying on predictable enforcement response under Audit Policy
- ☐ To obtain assurance from EPA that violation is being properly corrected / damage is properly remediated
- ☐ To conduct and publicize disclosures as evidence of good corporate citizenry and awareness of need to protect public health and the environment
- ☐ Other _____

☐ Don't know

8. Hypothetically, if you had violations that you did not disclose under Audit Policy, why would you refrain from doing so?

Please check reason(s) and circle most important reason

- ☐ Unable to meet 10-day written disclosure condition
- ☐ Uncertainty of enforcement response under Audit Policy
- ☐ Definition of "imminent and substantial endangerment" is too vague
- ☐ Belief that penalty representing the economic benefit gained from non-compliance will be too high
- ☐ Belief that agency is not likely to discover the violation if it is corrected but not disclosed
- ☐ Transactional costs of disclosing are too high

- ☐ Desire to avoid disclosure to public of violations
- ☐ Other reason _____

☐ Don't know

9. If you circled the "Uncertainty of enforcement response" reason in the 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
- ☐ 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 _____

10. What relief did you receive under the Audit Policy?

- ☐ All penalties eliminated
- ☐ All gravity-based penalties eliminated with economic benefit penalty assessment
- ☐ 75% of gravity-based penalties eliminated with no economic benefit penalty assessment
- ☐ 75% of gravity-based penalties eliminated with economic benefit penalty assessment
- ☐ Penalties reduced under another authority because the disclosure did not meet the Audit Policy criteria
- ☐ 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

Other _____

Please explain _____

☐ Don't know

12. How do you view EPA's response to your company's efforts to prevent recurrence of the disclosed violation?

- ☐ It was reasonable
- ☐ It was too stringent

Other _____

Please explain _____

☐ Don't know

13. Were you satisfied with the outcome of your company's self-disclosure?

- ☐ Yes
- ☐ No
- ☐ Somewhat
- ☐ Don't know

Please explain _____

14. What compliance or environmental improvements, if any, were made possible by the incentives offered under the Audit Policy?

Please explain why or why not.

Thank you for your participation.

Customer Satisfaction Survey on EPA's Audit Policy

EPA invites you to participate in this anonymous survey of companies that have disclosed environmental violations under the EPA Audit Policy. The Audit Policy, entitled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," appeared in the **Federal Register** on December 22, 1995 at 60 FR 66705. The intent of the Audit Policy is to encourage regulated entities to voluntarily discover, disclose, correct and prevent violations of federal environmental law. This survey will help EPA serve you better and will help EPA improve the Audit Policy. Average time to fill out the survey is estimated to be 20 to 30 minutes. Please return the completed survey in the enclosed envelope addressed to [a third party contractor] by _____. Please do not submit your name in the survey responses. Your participation is very much appreciated. Your response matters!

If you have not yet received final determination under the Audit Policy, i.e. signed order or EPA letter indicating closure of case/matter, please answer Questions 1-5 only. If you disclosed more than one type of violation, please generalize for all of your experiences.

1. How did you learn of EPA's Audit Policy?

- ☐ Trade association
☐ Federal Register
☐ Seminar or conference
☐ In-house or outside counsel
☐ Other (please indicate)

2. Would you have disclosed the violation to EPA in the absence of an Audit Policy?

- ☐ Yes
☐ No
☐ Don't know
 Please explain why or why not.

3. Did you have an environmental compliance auditing program before you heard of the Audit Policy?

- ☐ Yes ☐ No
☐ Don't know
 Please very briefly describe the scope and frequency of your auditing activities before you heard of the Audit Policy:

4. In what ways, if any, did the Audit Policy encourage improvements in the extent of your auditing or due diligence activities?

- ☐ Number of audits per facility
☐ Number of facilities audited
☐ Scope of environmental statutes or media covered
☐ Scope of processes covered
☐ Number of people involved
☐ Other

☐ Did not encourage

5. In what ways, if any, did the Audit Policy encourage improvements in the quality of your auditing or due diligence activities?

- ☐ Qualifications of people involved
☐ "Thoroughness" of audit
☐ Other

☐ Did not encourage

(If you have not yet received final determination under the Audit Policy, please stop here.)

6. How did you systematically discover the violation(s) disclosed?

- ☐ Environmental audit
☐ Due diligence efforts
☐ Both
☐ Not applicable

If you checked "Both," and characterized the discovery as through environmental auditing in your disclosure letter, please explain why:

7. Why did you decide to disclose the violation(s) under the Audit Policy?

Please check reason(s) and circle the most important reason

- ☐ To take proactive measures to find and address compliance problems
☐ To limit liability
☐ To avail yourself of the incentives under the Policy—penalty mitigation and/or non-recommendation of matter for criminal prosecution
☐ To obtain certainty by relying on predictable enforcement response under Audit Policy
☐ To obtain assurance from EPA that violation is being properly corrected/damage is properly remediated
☐ To conduct and publicize disclosures as evidence of good corporate citizenry and awareness of need to protect public health and the environment
☐ Other

☐ Don't know

8. Hypothetically, if you had violations that you did not disclose under Audit Policy, why would you refrain from doing so?

Please check reason(s) and circle the most important reason

- ☐ Unable to meet 10-day written disclosure condition
☐ Uncertainty of enforcement response under Audit Policy
☐ Definition of "imminent and substantial endangerment" is too vague
☐ Belief that penalty representing the economic benefit gained from non-compliance will be too high
☐ Belief that agency is not likely to discover the violation if it is corrected but not disclosed
☐ Transactional costs of disclosing are too high

15. What should EPA do to increase the regulated community's awareness of the Audit Policy?

16. How can EPA promote the regulated community's use of the Audit Policy?

17. Would you use the Audit Policy again?

- ☐ Yes, if applicable
☐ No
☐ Don't know

18. Would you recommend the Policy to clients/counterparts?

- ☐ Yes
☐ No
☐ Don't know

19. Would you like to see any changes made to the terms of the Audit Policy?

- ☐ Yes
☐ No
☐ Don't know
 Please provide any suggested changes here.

20. What is your opinion about the amount of time it took EPA to respond to your self-disclosure?

21. What is your opinion about the amount of time it took EPA to resolve your case?

22. Do you have any other comments or suggestions about your experience with the Audit Policy?

23. Are you aware of EPA's "Final Policy on Compliance Incentives for Small Businesses," 61 FR 27984, June 3, 1996?

- ☐ Yes
☐ No

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 environmental audits and to subsequently correct any violations discovered.

24. Would you consider using the Small Business Policy?

- ☐ Yes
☐ No
☐ Not applicable because have >100 employees
☐ Don't know

_____ Desire to avoid disclosure to public of violations
_____ Other reason

_____ Don't know

9. If you circled the "Uncertainty of enforcement response" reason in the 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
_____ 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

10. What relief did you receive under the Audit Policy?

_____ All penalties eliminated
_____ All gravity-based penalties eliminated with economic benefit penalty assessment
_____ 75% of gravity-based penalties eliminated with no economic benefit penalty assessment
_____ 75% of gravity-based penalties eliminated with economic benefit penalty assessment
_____ Penalties reduced under another authority because the disclosure did not meet the Audit Policy criteria
_____ 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

Please explain above or other response:

_____ Don't know

12. How do you view EPA's response to your company's efforts to prevent recurrence of the disclosed violation?

_____ It was reasonable
_____ It was too stringent

Please explain above or other response:

_____ Don't know

13. Were you satisfied with the outcome of your company's self-disclosure?

_____ Yes
_____ No
_____ Somewhat
_____ Don't know

Please explain: _____

14. What compliance or environmental improvements, if any, were made possible by the incentives offered under the Audit Policy?

15. What, if anything, should EPA do to increase the regulated community's awareness of the Audit Policy?

16. How can EPA promote the regulated community's use of the Audit Policy?

17. Would you use the Audit Policy again?

_____ Yes, if applicable
_____ No
_____ Don't know

18. Would you recommend the Policy to clients/counterparts?

_____ Yes
_____ No
_____ Don't know

19. Would you like to see any changes made to the terms of the Audit Policy?

_____ Yes
_____ No
_____ Don't know

Please provide any suggested changes here.

20. Do you have any other comments or suggestions about your experience with the Audit Policy?

21. Are you aware of EPA's "Final Policy on Compliance Incentives for Small Businesses," 61 FR 27984, June 3, 1996?

_____ Yes
_____ No

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 environmental audits and to subsequently correct any violations discovered.

22. Would you consider using the Small Business Policy?

_____ Yes
_____ No
_____ Not applicable because have >100 employees
_____ Don't know

Please explain why or why not.

Thank you for your participation.

[FR Doc. 98-12428 Filed 5-8-98; 8:45 am]

BILLING CODE 6560-50-P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Equal 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 to the public and part of the meeting will be closed.

MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Votes, and
2. Mid-year Operational Reports by the Office of General Counsel and Office of Field Programs.

Closed Session

Litigation Authorization: General Counsel Recommendations

Note: Any matter not discussed or concluded may be carried over to a later 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 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,

Executive Officer, Executive Secretariat.

[FR Doc. 98-12548 Filed 5-7-98; 11:19 am]

BILLING CODE 6750-06-M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

May 1, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing