

memorandum

DATE: November 8, 1996
REPLY TO:
ATTN OF: Office of Environmental Policy and Assistance(EH-413):Powers:6-7301
SUBJECT: Toxic Chemical Release Reporting; Recordkeeping; Supplier Notification; and Petitions under Section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA)
TO: Distribution

PURPOSE To notify Program Offices and Field Organizations of the availability of the consolidated Departmental response to a request from the Environmental Protection Agency (EPA) for information regarding the burden of EPCRA Section 313 (TRI) reporting.

BACKDROP On August 30, 1996, EPA published the subject Federal Register notice soliciting comments on the proposed renewal of the Information Collection Request (ICR). Pursuant to the Paperwork Reduction Act, EPA must report to the Office of Management and Budget on the nature of information collected, the estimated costs and expected burden related to information collection activities, in this case the TRI reporting. EPA has estimated the burden for each TRI Form R to be 52.1 hours.

On September 9, 1996, the Office of Environmental Policy and Assistance (EH-41) transmitted a copy of the ICR to designated TRI contacts throughout the Department. The ICR notice provided DOE with the opportunity to validate previous anecdotal information on the costs and burden of TRI reporting.

RESPONSE The consolidated Departmental response included comments from thirteen DOE sites that report under TRI. Estimated burden hours were notably higher than the EPA estimates presented in the ICR. The first year a listed TRI chemical is reported by DOE, the burden is estimated to average 171.7 person-hours; during subsequent reporting years, the burden is estimated to average 133.7 person-hours. The burden for a DOE site to determine whether they manufacture, process or otherwise use a listed TRI chemical above reporting threshold quantities is estimated to average 39.7 person hours.

ACCESS & ADD'L INFO A copy of the consolidated Departmental response submitted to EPA is available on EH-41 World Wide Website for viewing/downloading at <http://www.eh.doe.gov/oepa> under the "DOE Comments" and "What's New" sections. If you have any questions regarding this notice, please contact Jane Powers of my staff by...

- calling (202) 586-7301
 - faxing messages to (202) 586-3915
 - communicating electronically, via Internet, to jane.powers@eh.doe.gov
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Thomas P. Dracski
Director, RCRA/CERCLA Division
Office of Environmental Policy and Assistance

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Thru: BPA, RM 8G033

John Ganz, Morgantown Energy Technology Center
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Hazardous Waste Remedial Action Program, (HAZWRAP)
Remedial Action Program Information Center
Center for Environmental Management Information

Regulatory Contacts

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Department of Energy
Washington, DC 20585

October 25, 1996

TSCA Document Receipts (7407)
Room NE-G099
Office of Pollution Prevention and Toxics
Environmental Protection Agency
401 M St., SW
Washington, DC 20460

Administrative Record #AR-165 and EPA ICR #1363.05

Dear Sir or Madam:

Re: 61 FR 45964, "Proposed Renewal of an Agency Information Collection; Toxic Chemical Release Reporting; Community Right-to-Know; EPA ICR #1363.05"

On August 30, 1996, the Environmental Protection Agency (EPA) published the subject Federal Register notice soliciting comments on the proposed renewal of the Information Collection Request (ICR) entitled "Toxic Chemical Release Reporting; Recordkeeping; Supplier Notification; and Petitions under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA)." The ICR describes the nature of the information collection, the expected burden and estimated costs associated with the information collection, and includes the actual data collection instrument.

In response to EPA's request for public comment on the ICR, the Department of Energy (DOE) presents information collected from DOE facilities regarding the information collection activity and burden hour estimates for annual public reporting and recordkeeping per Form R response under EPCRA Section 313. The Department's estimated burden hours are notably higher than the EPA estimates presented in the ICR.

DOE appreciates the opportunity to formally comment on the reporting burden under EPCRA Section 313. If you have questions on the Department's comments, please contact Ms. Jane Powers of my staff at (202) 586-7301.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond W. Pelletier".

Raymond W. Pelletier
Director
Office of Environmental Policy
and Assistance

Enclosure



UNITED STATES DEPARTMENT OF ENERGY

**COMMENTS ON PROPOSED RENEWAL OF THE INFORMATION
COLLECTION REQUEST TOXIC CHEMICAL RELEASE REPORTING;
RECORDKEEPING; SUPPLIER NOTIFICATION; AND PETITIONS UNDER
SECTION 313 OF EPCRA (EPA ICR #1363.05, OMB Approval #2070-0093)**

FEDERAL REGISTER NOTICE (61 FR 45964; August 30, 1996)

UNITED STATES DEPARTMENT OF ENERGY
COMMENTS ON PROPOSED RENEWAL OF THE INFORMATION COLLECTION
REQUEST TOXIC CHEMICAL RELEASE REPORTING; RECORDKEEPING;
SUPPLIER NOTIFICATION; AND PETITIONS UNDER SECTION 313 OF EPCRA
(EPA ICR #1363.05, OMB Approval #2070-0093)

FEDERAL REGISTER NOTICE (61FR 45964; August 30, 1996)

In response to EPA's request for public comment on the subject ICR, the Department of Energy (DOE) presents the following information regarding the information collection activity and burden hour estimates presented by EPA for the annual public reporting and recordkeeping per Form R response.

The EPA estimated an average of 52.1 hours per Form R response, which 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 (sic) collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information". This is notably less than the burden DOE facilities have experienced when performing these activities. In addition, the EPA estimated burden for a facility to determine each year whether they manufacture, process or otherwise use a listed chemical above threshold quantities, which averages 4 hours per facility based on the EPA estimate of 185,266 facilities and total estimated burden of 741,064 hours, is also notably less than DOE's facility experience.

DOE sites have had considerable experience with the requirements of Section 313 reporting. Under the requirements of EPCRA, private contractors at DOE sites have been submitting Form R's for the past eight years. Since 1993, all DOE sites meeting the requirements for Section 313 reporting have been submitting Form R reports as federal facilities. A total of 643 Form R reports have been submitted for activities conducted at DOE sites since 1988.

DOE Burden Estimate:

Based on the data collected from the DOE sites shown in the attached table, the Department has developed the following estimated burden for TRI reporting. These estimates include the following activities: reviewing reporting instructions; analyzing available data sources; developing, operating and maintaining chemical tracking systems used for Form R reporting; training; calculating thresholds; collecting and/or calculating chemical release/transfer information; preparing, approving and submitting Form R reports; and maintaining records, worksheets and documentation of methodology used to develop threshold values and reported data. The first year a chemical is reported the burden is estimated to average 171.7 person-hours, with a range of 66.5 person-hours as a low estimate and 545 person-hours as a high estimate. During the subsequent years the chemical is reported, the burden is estimated to average 133.7 person-hours, with a range of 61.5 person-hours as a low estimate and 335 person-hours as a high estimate.

The burden for a DOE site to determine whether they manufacture, process or otherwise use a listed chemical above threshold quantities is estimated to average 39.7 person-hours, with a range of 10 person-hours as a low estimate and 122 person-hours as a high estimate. This estimate includes the activities described above from reviewing reporting instructions through and including the calculating of thresholds. The average number of chemicals for which thresholds are determined and Form R's are not required at a DOE site is 30.2. Therefore the total average burden per facility to determine thresholds for chemicals not required to be reported is 1,199 person-hours.

Attachment

ANNUAL DOE EPCRA SECTION 313 REPORTING BURDEN

Site Name	No. Years TRI Form R Reports Submitted	Total No. Of Form R's Submitted	Total Person-Hours		Total Person-Hours Per Form R Response Subsequent Year Reporting	Avg. Total Person-Hours		Avg. No. of Thresholds Completed For Which Form R's Not Required
			Per Form R Response 1st Year Reporting	Per Form R Response		Per Threshold Determination For Which A Form R Is Not Required	Per Threshold Determination For Which A Form R Is Not Required	
ETEC	3	5	100					
Fernald	8	26	177	152	38			1
INEL	3	15	545	335	122			96
Kansas City	7	39		80				
LLNL	2	3	202					
Mound	4	5		220				
Oak Ridge K-25	8	36	149.5	119.5	19			30
Oak Ridge NL	8	31	113.5	89.5	10			36
Oak Ridge Y-12	8	61	157.5	105.5	24			25
Paducah	5	31	118.5	107.5	11			50
Pantex	4	15	117	106	34			20
Portsmouth	8	60	66.5	61.5	29			10
Rocky Flats	7	30	142	94	70			4
Mean	5.8	27.5	171.7	133.7	39.7			30.2
Median	7	30	142	106	29			25