

the threat to EIA's Internet capabilities is reduced.

This approach to timing of the announcement of an impending unscheduled release of a WNGSR revision will allow for revisions to be released as early as the same day the need for a revision is identified including situations in which the need for a revision is identified shortly after the WNGSR is released. It achieves this result in a manner that should not create unnecessary costs for users with limited resources and helps to avoid potential difficulties that might jeopardize the operational integrity of EIA's Internet site.

Lastly, each new announcement that EIA makes about the natural gas storage data seems to have a significant influence on market trading. Announcement of a pending unscheduled release likely will be accompanied by price volatility or a virtual suspension of trading, either of which constitutes a disruption of normal trading. As a result, it seems prudent for EIA to adopt a threshold for an unscheduled release of a revision higher than the current 7 Bcf threshold for a regularly scheduled revision to the WNGSR. EIA selected a threshold of 10 Bcf. Using this threshold, EIA would have had one unscheduled release of a WNGSR revision between January 1, 2003, and March 31, 2005.

This new policy will become effective with the WNGSR released on May 19, 2005, containing data as of May 13, 2005. This date was chosen to ensure adequate time for developing and testing unscheduled release procedures, testing revised report formats, and working with WNGSR customers on the new formats. A test site for the modified report formats (which will be redesigned to accommodate revision markers) will be provided in early May. Information about the test site and changes will be provided on the WNGSR Web site in the first week of May.

### III. Current Actions

EIA is establishing a new policy for the unscheduled release of revisions to certain information disseminated in the WNGSR. In establishing this new policy, EIA recognizes the importance of timeliness in providing revised storage estimates. After considering all factors, EIA decided to establish a policy allowing for the unscheduled release of WNGSR revisions on any Federal workday at a set time between 2 and 2:10 p.m. after public notification between 1 and 1:10 p.m. This timetable would allow for a same-day correction to a morning WNGSR release in the

event that a significant error in the data submitted by respondents or in EIA's processing of that data is discovered shortly after it is issued.

This new policy will not apply to scheduled releases such as changes in methodology or estimation parameters, which are scheduled and announced in advance. It also will not apply to revised estimates resulting from respondents reclassifying gas already in underground storage facilities (between working gas and base gas inventories). Revisions based on reclassifications of gas will only be reported in the next regularly-scheduled release of the WNGSR. The timing of a reclassification is often discretionary for the respondent. Even when it is not (*e.g.*, it becomes final on the basis of regulatory agency action), the respondent has unique knowledge related to a potential revision. In order to limit the possible disruption to markets caused by the reclassification of previous working gas inventories, reclassifications will be included in the estimate for the next regularly scheduled WNGSR release, no matter when they are officially accounted for by the respondent. Reclassifications exceeding a 7 Bcf threshold will be noted in the WNGSR text, although as adjustments to the current week data, they are not actually revisions. As a result, reclassifications would not lead to mid-week revisions which would be known in advance by only one respondent. All revisions that continue to be disseminated in regularly-scheduled releases of the WNGSR will be handled according to the revision policy established in a prior notice published in the **Federal Register** on November 12, 2002 (67 FR 68581-68583). That policy also appears in the WNGSR Methodology documentation available at <http://tonto.eia.doe.gov/oog/info/ngs/methodology.html#revisions>.

#### *EIA WNGSR Policy for Unscheduled Release of Revisions*

The unscheduled release of revisions to weekly estimates of working gas held in underground storage caused by data changes or corrections when the cumulative effect of these changes is at least 10 Bcf shall be disseminated on a Federal workday between 2 p.m. and 2:10 p.m. (Eastern Time) following notice of the pending release to the public between 1 p.m. and 1:10 p.m. (Eastern Time). If a revision is made, changes to all affected regions shall be recorded in the 2-2:10 p.m. release. Public notification will occur in a number of ways including a Web site notice of the impending release of revised data that will replace the current *Weekly Natural Gas Storage Report*

(WNGSR), e-mail notification to selected media, and an e-mail notice that will be sent to all users of WNGSR data who have signed onto a free distribution service. There are two exceptions to the release of revised WNGSR data on an unscheduled basis. First, this unscheduled release policy will not apply to data changes resulting from changes in the methodology or estimation parameters. Second, revised estimates due to respondents reclassifying gas (between working gas and base gas inventories) will be reported only in regularly-scheduled releases of the WNGSR.

EIA reserves the right to revisit or amend this policy at any time at the discretion of the Administrator. However, EIA will provide prior notification in the *Weekly Natural Gas Storage Report* or the **Federal Register** before implementing any changes.

**Statutory Authority:** Section 52 of the Federal Energy Administration Act (Pub. L. 93-275, 15 U.S.C. 790a).

Issued in Washington, DC, April 20, 2005.

**Guy F. Caruso,**

*Administrator, Energy Information Administration.*

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## ENVIRONMENTAL PROTECTION AGENCY

[OECA-2005-0014; FRL-7903-6]

### Agency Information Collection Activities: Proposed Collection; Comment Request; State Review Framework; EPA ICR Number 2185.01

**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 a proposed Information Collection Request (ICR) to the Office of Management and Budget (OMB). This is a request for a new collection. 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 June 27, 2005.

**ADDRESSES:** Submit your comments, referencing docket ID number OECA-2005-0014 to EPA online using EDOCKET (our preferred method), by e-mail to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov), or by mail

to: EPA Docket Center, Environmental Protection Agency, OECA Docket, mail code 2201T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:**

Arthur Horowitz, Office of Planning Policy Analysis and Communication, mail code 2201A, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-2612; fax number: (202) 564-0027; e-mail address: [horowitz.arthur@epa.gov](mailto:horowitz.arthur@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has established a public docket for this ICR under Docket ID number OECA-2005-0014, which is available for public viewing at the OECA Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the OECA Docket is (202) 566-1514. An electronic version of the public docket is available through EPA Dockets (EDOCKET) at <http://www.epa.gov/edocket>. Use EDOCKET to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above.

Any comments related to this ICR should be submitted to EPA within 60 days of this notice. EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EDOCKET as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EDOCKET. The entire printed comment, including the copyrighted material, will be available in the public docket. Although identified as an item in the official docket, information claimed as CBI, or whose disclosure is otherwise restricted by statute, is not included in the official public docket, and will not be available for public viewing in EDOCKET. For further information about the electronic docket, see EPA's **Federal Register** notice describing the electronic docket at 67 FR 38102 (May

31, 2002), or go to <http://www.epa.gov/edocket>.

*Affected entities:* State and local governments.

*Title:* State Review Framework.

*Abstract:* The State Review Framework ("Framework") is an oversight tool designed to assess state performance in enforcement and compliance assurance. The Framework's goal is to evaluate state performance by examining existing data to provide a consistent level of oversight and develop a uniform mechanism by which EPA Regions, working collaboratively with their states, can ensure that state environmental agencies are consistently implementing the national compliance and enforcement program in order to meet agreed-upon goals. Furthermore, the Framework is designed to foster dialogue on enforcement and compliance performance between the states that will enhance relationships and increase feedback, which will in turn lead to consistent program management and improved environmental results.

Specifically, the Framework is a structured process that provides critical information on a state's (or Region's, for states with EPA-implemented programs) core enforcement and compliance assurance performance by employing existing data available in EPA's existing national databases and presented in management reports for each state. By the end of calendar year 2005 EPA expects to automate the management reports and make them available to the Regions and states. No new data collection is required for the national databases. Additional data will be obtained from the review of a state environmental agency's compliance and enforcement files. No new data is required in these files; however, they will be reviewed to ensure proper and adequate documentation.

The Framework process asks regions, states and local governments to examine the existing data described above in three core programs: Clean Air Act ("CAA"), Stationary Sources; Clean Water Act ("CWA"), National Pollutant Discharge Elimination System ("NPDES"); and Resource Conservation and Recovery Act ("RCRA"), Subtitle C. The Framework process looks at thirteen (13) elements. The EPA evaluates the twelve (12) primary elements, and a thirteenth optional element, using data and file review metrics that require no new reporting burden. The utility of the Framework's metrics and the Implementation Guide are a direct result of the collaboration between states, Regions, Headquarters, and environmental leaders over the

previous two years. These stakeholders provided extensive input and comments prior to the pilot phase of the project, which helped to shape the Framework. OECA is currently conducting an evaluation of pilot implementation, which includes additional comments from the pilot states. The results of the evaluation of the Framework's pilot program will be used to improve the Framework and further ensure that it is narrowly crafted and will only collect information that satisfies the Agency's needs.

The thirteen (13) elements mentioned above are: (1) The degree to which a state program has completed the universe of planned inspections (addressing core requirements and Federal, state, and regional priorities); (2) The degree to which inspection reports and compliance reviews document inspection findings, including accurate descriptions of what was observed to sufficiently identify violation(s); (3) The degree to which inspection reports are completed in a timely manner, including timely identification of violations; (4) The degree to which significant violations (e.g., significant noncompliance and high-priority violations) and supporting information are accurately identified and reported to EPA's national databases in a timely manner; (5) The degree to which state enforcement actions include required corrective or complying actions (i.e., injunctive relief) that will return facilities to compliance in a specific time frame; (6) The degree to which a state takes timely and appropriate enforcement actions, in accordance with policy relating to specific media; (7) The degree to which a state includes both gravity and economic benefit calculations for all penalties, appropriately using the BEN model or similar state model (where in use and consistent with national policy); (8) The degree to which penalties in final enforcement actions collect appropriate economic benefit and gravity in accordance with applicable penalty procedures; (9) The degree to which enforcement commitments in the PPA/PPG/categorical grants (i.e., written agreements to deliver a product/project at a specified time), if they exist, are met and any products or projects are completed; (10) The degree to which the minimum data requirements are timely; (11) The degree to which the minimum date requirements are accurate; (12) The degree to which the minimum data requirements are complete, unless otherwise negotiated by the region and state are prescribed by a national

initiative; and (13) (Optional) other program activities (e.g., using outcome data, compliance assistance, coordination with State Attorneys General). In the interest of accuracy and efficiency, the Framework also includes a five-step protocol for managing the process: (1) Pre-review; (2) offsite review; (3) onsite review; (4) drafting of the report; and (5) composing the final report and follow-up. After reviewing the level of performance based on the metrics developed under the 12 required performance elements, and the thirteenth optional element, EPA will determine if a state or Region meets minimum performance levels.

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 in 40 CFR are listed in 40 CFR part 9.

The EPA would like to solicit comments to:

(i) 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;

(ii) Enhance the quality, utility, and clarity of the information to be collected; and

(iii) 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 estimated burden for this Framework is 286.73 hours per respondent. The total number of respondents is 46, producing an approximate total burden of 13,189.58 hours. For each respondent, the proposed frequency of response is one time in a three-year cycle. The projected cost burden to respondents is \$437,113.62, which includes a total capital and start-up component of \$0.0, annualized over its expected useful life, and a total operation and maintenance component of \$0.0. 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: April 19, 2005.

**Michael Stahl,**

*Office Director, Office of Compliance, Office of Enforcement and Compliance Assurance.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7901-8]

### Proposed Penalty Order Issued Under the Clean Water Act and Safe Drinking Water Act; Notice of Intent To Provide Internet Notice

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Environmental Protection Agency (EPA), Region 5, will issue notices of proposed penalty orders issued under the Clean Water Act and the Safe Drinking Water Act via the Internet.

**DATES:** U.S. EPA Region 5 will commence use of Internet notice on May 26, 2005.

**ADDRESSES:** The address of the Internet notice site is: <http://www.epa.gov/region5/publicnotices>.

**FOR FURTHER INFORMATION CONTACT:** Richard R. Wagner, Senior Attorney Office of Regional Counsel, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or telephone him at (312) 886-7947.

**SUPPLEMENTARY INFORMATION:** By statute the Administrator of EPA is required to provide notice of many of its actions, and his officers and staff commonly do so through notification in newspapers of general circulation. However, given the current state of technology, Internet notice may provide a more effective and efficient means to provide such notice. The benefits of such notice include the speed with which such notices can be delivered as well as the relatively low cost to the public treasury of providing such notices. In addition, in practice, newspaper notices may not always reach the broadest audience. This is for two reasons. First, newspaper notices are nearly always published on one day only, irrespective of the length of any associated comment period. Secondly, in an attempt to provide notice to those most likely to be affected by an action,

notice is often published in local newspapers. However, these newspapers often have very finite distribution areas, and, as a consequence, interested individuals outside those distribution areas may have difficulty in obtaining the notices. Internet notice would provide more robust review of its proposed actions by allowing the notice to remain available to the public during the entirety of the comment period, and by providing access to a far greater audience than is possible under current practices. Benefits to the public include the relative ease of access, and low cost of access resulting from the opportunity to access a larger number of notices, in one place, for a longer period of time. We recognize that not all members of the public may have ready access to the Internet, however due to the considerations listed above, as well as the general availability of the Internet through schools, work and libraries, we believe that Internet notice will likely reach a larger audience than has the past practice of publishing a notice in a newspaper. Nonetheless, in particular instances where we believe additional notice may be helpful, we may supplement the Internet notice with newspaper notice, press release or other forms of communication.

Under the authority of the Administrator, Region 5 intends to commence Internet notice only for a subset of notices relating to proposed penalty orders issued under Sections 309(g) and 311(b)(6) of the Clean Water Act, 33 U.S.C 1319(g) and 33 U.S.C 1321(b)(6), respectively, as well as Section 1423(c)(3) of the Safe Drinking Water Act, 42 U.S.C. 300h-2(c)(3)(B). Under these provisions, the Administrator is authorized to assess civil penalties for violations of the Clean Water Act and the Safe Drinking Water Act, after providing the alleged violator notice of the proposed penalty and an opportunity for a hearing. Notice of the proposed penalty, and opportunity to provide comment must also be provided to interested members of the public. The Administrator by rule at 40 CFR Part 22 provides that notice to the public may be made "by a method reasonably calculated to provide notice." \* \* \* 40 CFR 22.45(b)(2). Given the wide use of the Internet among the public and the relatively greater accessibility provided by the Internet when compared to traditional means of notice, Region 5 believes that Internet notice of these orders meets the regulatory requirements of 40 CFR 22.45(b)(2).

The Region notes that public notice of certain proposed permitting actions under the National Pollutant Discharge