

additional email address data element; this would also trigger the requirement to correct emergency information within one month of a change. These changes to emergency contact information would be considered corrections and would not require a complete updating and re-submission of the RMP. EPA requests comment on this proposal.

#### *B. Changes to Executive Summary*

EPA proposes to remove the requirement for sources to briefly describe the off-site consequence analysis (i.e., worst-case accidental release scenario(s) and the alternative accidental release scenario(s) within the executive summary of the RMP.

Section 112(r)(7) of the Clean Air Act requires sources subject to the risk management program requirements to conduct an off-site consequence analysis (OCA) for one or more hypothetical accidental worst case and alternative release scenarios and report the results of the analysis in the RMP. In 1999, Congress passed the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISFRRA), governing the distribution of "off-site consequence [OCA] information." The statute defines "OCA information" as the OCA sections of the RMP (sections 2 through 5) and any EPA database derived from those sections, but expressly excludes the executive summary section of the RMP. Under CSISFRRA, EPA and the Department of Justice jointly issued regulations restricting access to OCA information and certain related information. This regulation (40 CFR part 1400) was published in the **Federal Register** on August 4, 2000 (65 FR 48108).

Promulgated prior to the passage of CSISFRRA, § 68.155(c) of the RMP rule currently requires sources to briefly describe in their RMP executive summary "the worst-case release scenario(s) and the alternative release scenario(s), including administrative controls and mitigation measures to limit the distances for each reported scenario." EPA, along with federal law enforcement agencies, believes that due to its sensitive nature, this information should not be included in executive summaries, which are available to the public without restriction under 40 CFR part 1400. For this reason, EPA is proposing to remove the requirement to summarize OCA results, and requests that sources not voluntarily provide this specific information, in the executive summary. Facilities must continue to provide details of the OCA in sections 2 through 5 of the RMP. The public would continue to have restricted access

to OCA information in the manner required by the regulations at 40 CFR part 1400. EPA requests comment on this proposed change.

#### *C. New Data Elements*

##### *1. Emergency Contacts E-Mail Address*

EPA proposes to add a mandatory data element to the RMP for sources to provide the e-mail address (if any) for the emergency contact.

Section 68.160(b)(6) of the RMP rule currently requires facilities to provide the name, title, telephone number, and a 24-hour telephone number of an emergency contact person. Similarly, § 68.160(b)(14) allows facilities to optionally provide an e-mail address for the source or parent company. From time to time, EPA is made aware of specific hazards. For example, in the Hazardous Materials Accident Report: Hazardous Materials Release From Railroad Tank Car With Subsequent Fire at Riverview, Michigan, July 14, 2001, the National Transportation Safety Board (NTSB) included the following recommendation:

"[EPA should] notify all facilities that are required to submit risk management plans to the Environmental Protection Agency that tank car excess flow valves cannot be relied upon to stop leaks that occur during tank car loading and unloading operations and that those companies that have included reliance on such valves in their risk management plans should instead identify and implement other measures that will stop the uncontrolled release of product in the event of a transfer line failure during tank car loading or unloading." (NTSB, R-02-17)

Having an e-mail address for the emergency contact would allow the Agency to quickly and directly communicate hazard information such as that provided above by the NTSB. Providing such notifications in a timely manner to all sources subject to RMP requirements would improve sources access to critical process safety information.

Additionally, RMPs have become a critical source of information for the federal government's homeland security efforts. In our new environment of heightened security, it may become necessary for an RMP implementing agency to communicate directly and on short notice with sources subject to the RMP program, or with a portion of that universe. The e-mail address for a source's emergency contact would be a necessary piece of information for this to occur.

As noted above, EPA is also proposing that any change to the email address for a source's emergency contact be followed by a corresponding change to the source's RMP within a month of the

address change. This requirement would trigger a correction; a re-submission would not be required for this particular change. The Agency requests comments on this proposal and also on the extent to which sources may not have an e-mail address. Some sources, such as small agricultural retailers or fertilizer warehouses, may not have e-mail capability.

##### *2. Reason for Subsequent RMP Submissions*

EPA is proposing to add a mandatory data element to the RMP for sources to identify the purpose of submissions that revise or otherwise affect their previously filed RMPs.

As noted above, sources are required to submit, update and resubmit their RMP by the schedule specified in section 68.190 of the RMP rule. Since the initial June 1999 reporting deadline, EPA has received thousands of submissions containing corrections, re-submissions, de-registrations (revised registrations) or withdrawals of previously submitted RMPs. However, at this time the RMP electronic submission program does not have an entry that provides the reason for the submission, making it difficult at times for RMP implementing agencies to determine their purpose.

This proposal would add a new data element in the RMP for sources to indicate what they are submitting and why. For example, a source that modifies its RMP to correct minor technical errors, make minor administrative changes (i.e., updates to contact names, addresses, telephone numbers, e-mail addresses), fill in missing data elements, or reflect facility ownership changes, would indicate that it was making such a correction. Similarly, a source that revised the RMP for its update and re-submission as required every five years or when certain changes are made, such as introducing a regulated substance in a process, would indicate that it was sending an RMP re-submission and why. A source that was previously required to submit an RMP, but due to changes in operations was no longer required to report, would indicate why it was submitting a de-registration (revised registration) of the chemical or process. Sources that had originally submitted an RMP in error (i.e. they were never subject to RMP regulation) would indicate why they were withdrawing their RMP from the national database. To help sources provide this information, we would anticipate adding to the RMP electronic submission program a pop-up menu of typical reasons for submissions. Sources