

January 19, 2006

Gentlemen:

This E-mail response to the OMB request (71 FR 2600) for information regarding the need to update information contained in the Federal Register.

I read the Federal Register each business day. In particular, I review the EPA Rules. I find the reader is handicapped by the lack of specific information regarding the assumption used by Agencies in developing cost estimates for Executive Order 12866. A good example relates to the assumptions used by EPA in justifying cost of the modification of 40 CFR Part 112, published 17 July 2002 at 67 FR 47140.

I questioned the cost summarized in the Final Rule by sending an FOIA request, which resulting in learning EPA had assumed all existing Spill Prevention, Control and Countermeasure Plans conformed to the prospective rule. In fact, the thousands of Plan complied with the then existing rule, but not the prospective rule. My comments regarding the proposed rule could have been directed at this fallacious assumption, if the Agency was required to divulge this information in the proposed rule.

Respectfully submitted,

G.H. Holliday, Ph.D., P.E., DEE
President
Holliday Environmental Services, Inc.
P.O. Box 2508
Bellaire, TX 77402
ghh@houston.rr.com