

SUPPORTING STATEMENT FOR THE NATIONAL ESTUARY PROGRAM

A. JUSTIFICATION

1. Identification of the Information Collection

1(a) Title - National Estuary Program (Renewal)

1(b) Characterization/Abstract

Section 320 of the Clean Water Act (CWA) amendments of 1987 established the National Estuary Program (NEP) to promote long-term planning and management in nationally significant estuaries threatened by pollution, development, or overuse. The NEP's objectives are to protect, preserve, and restore estuaries. The strategy of the program is to focus on estuaries that are nationally significant in recreational and commercial value, and of great importance for fish and wildlife resources. Another facet of national significance is whether lessons learned in working with the estuary can be applied to other coastal areas. The NEP strategy emphasizes estuaries with problems which detract from the estuary's value and where there is a greater likelihood that NEP efforts will result in improvements in water and sediment quality, as well as in the abundance and variety of living resources.

Nationally significant estuaries are identified in one of two ways: 1) the estuary is nominated by the State in which it lies; or 2) the Administrator identifies an estuary and decides to convene a Management Conference (the local managing entity of an NEP). When the Governor of the State in which the estuary is located nominates the estuary for acceptance into the NEP, the EPA then evaluates the Governor's nomination. If the EPA approves the addition of an estuary to the NEP, a Management Conference is convened which involves community stakeholders including Federal, State, local, and interstate agencies with jurisdiction over the estuary, and other interested groups.

The addition of estuaries into the NEP has been conducted in five groups or tiers. The first two tiers included twelve estuaries which the Congress recommended for priority consideration: in 1987, Albemarle-Pamlico Sounds in North Carolina, Buzzards Bay in Massachusetts, Long Island Sound in New York and Connecticut, Narragansett Bay in Rhode Island, Puget Sound in Washington, and San Francisco Bay in California; and in 1989 Delaware Inland Bays in Delaware, Delaware Bay in Delaware, New Jersey and Pennsylvania, Galveston Bay in Texas, New York-New Jersey Harbor in New York and New Jersey, Santa Monica Bay in California and Sarasota Bay in Florida. The nominations were evaluated using EPA guidance on the content of Governor's nominations. In 1991, a third tier of estuaries was designated based on Governor's nominations: Indian River Lagoon in Florida, Tampa Bay in Florida, Barataria-Terrebonne Estuarine Complex in Louisiana, Casco Bay in Maine, and Massachusetts Bays.

The first 17 estuaries were established on the basis of completing a Comprehensive Conservation and Management Plan (CCMP) in five years. In an effort to maximize successes of these, the Administrator opened a fourth tier of nominations in 1991 which called for the completion of the planning process in four years. In 1992, four estuaries were designated under this streamlined approach: Peconic Bay in New York, San Juan Harbor in Puerto Rico, Corpus Christi Bays in Texas and Tillamook Bay in Oregon. Continuing the theme of streamlining, the Administrator designated seven new estuaries in 1995 which were to complete their CCMPs in three years: Great Bay in New Hampshire, Barnegat Bay in New Jersey, Maryland Coastal Bays in Maryland, Charlotte Harbor in Florida, Mobile Bay in Alabama, Morro Bay in California and Lower Columbia River in Washington.

Once an estuary is designated by the Administrator, an agreement of intent between the EPA and the State or States, called a Conference Agreement, establishes the governing entity for the project which is called a Management Conference. The Management Conference performs an objective, technical assessment of the condition of the estuary. Based on this assessment, the Conference summarizes the estuary's problems and indicates which problems will be addressed by the Conference. After the estuary's programs are identified, the Management Conference establishes goals and objectives for the estuary. Goals may range from improving the current status of the estuary to maintaining pristine quality. Specific actions and commitments to protect and restore the estuary are developed and the costs and benefits of options are evaluated. This information is used by the Management Conference to develop a CCMP for the estuary. Once the CCMP is approved by the Administrator, the NEP is responsible for oversight, coordination, and facilitation of CCMP implementation activities.

To obtain funding to administer Management Conferences, to characterize and define problems of the estuary, and to develop the CCMP, States and other eligible applicants may apply for federal funds using a standard General Federal Assistance application. To ensure efficient use of allotted resources, an annual work plan for each estuary program must be developed by the Management Conference before individual awards can be approved. The approved work plan then becomes a part of the grant agreement between EPA and the recipient.

In addition, NEPs must also prepare an implementation review report every three years. The purpose of these implementation review reports is to document progress made in implementing the CCMPs, to highlight successes, strengths, and environmental results, as well as to identify areas for improvement. This information is used by EPA to make sound decisions regarding continued funding to NEPs implementing their management plans, to transfer lessons learned in the NEPs to other coastal watersheds and EPA programs, and to provide guidance and programmatic support to NEPs based on needs identified in the report.

Individual NEPs must also develop Government Performance Results Act (GPRA) reports that provide information about environmental results and progress implementing their CCMPs. These are submitted annually with the information being presented to the Office of Management and Budget (OMB) with other EPA GPRA measures.

2. Need for and use of the Collection

2(a) Need/Authority for the Collection

Statutory authority for the NEP is provided by '320 of the Clean Water Act, as amended. The terms and conditions of grants under the NEP are provided in 40 CFR '35.9040 and '35.9045, including the requirement for the 50 percent matching funds from non-Federal sources and applications that are consistent with the annual work plan prepared by each Management Conference.

For each NEP, other than standard application data, EPA needs: 1) the Governor's voluntary nomination to determine whether an estuary should be included in the NEP; 2) the annual work plan to determine how the Federal and non-Federal matching funds will be spent; 3) An implementation review report documenting program implementation progress to justify continued EPA funding under section 320; and 4) annual GPRA reports to show environmental results being achieved.

The State's participation in the NEP is voluntary. A Governor nominates an estuary for the NEP on his or her own initiative using guidance which EPA has established. The information from the Governor presents already available knowledge about the estuary and its importance. The nomination also contains the Governor's views concerning the significance of the estuary, the need for the designation, and the State's goals and objectives for the estuary and its strategy for meeting them. To select an estuary for designation, EPA uses information in the nomination and other existing public information on the national significance of the estuary, the importance of the estuary on a regional scale, the environmental problems facing the estuary, and the most likely causes of these problems.

To obtain funding under the NEP, the General Federal Assistance Grant application must be filed and an annual work plan must be prepared. The burden of the actual grant application is covered under the ICR for General Federal Assistance applications (ICR No. 0938.11; OMB No. 2030-0020). The only burdens covered under this ICR are the burdens of preparing the annual work plan, the implementation review, and GPRA reports which are specific to the NEP. General Federal Assistance Grant application burdens are not unique to the NEP and are not covered by this document.

The annual work plan identifies and discusses the major goals and milestones and projects to be pursued in the year to come. The goals are comprehensive and broad, based on the program goals established by the Management Conference. In addition, the work plan must document the kinds, amounts, and sources of funds for the upcoming year's activities, including a demonstration of how the required matching funds will be provided from non-Federal sources.

NEPs must report every three years to EPA on their progress in implementing the CCMP and achieving environmental results.

NEPs must also annually prepare a GPRA report estimating the number of acres of habitat being restored within their study areas and also indicate the number of CCMP priority actions being initiated.

2(b) Practical Utility/Users of the Data

The EPA Administrator uses the information collected under this information collection request (ICR) to: 1) evaluate Governor’s voluntary nominations of estuaries for the NEP; and 2) evaluate whether grant applications under the NEP should be approved. The following paragraphs describe information required by the NEP:

- \$ Respondents

- \$ Processes and techniques used to obtain this information

- \$ How and by whom the information is used

- \$ Flow of informationBwhere it is submitted, filed etc.

(A) Governor’s Nomination

A Governor’s nomination is submitted on a one-time basis only by States that wish to participate in the NEP, and nominations are accepted only when the Administrator determines that additional programs are needed and that sufficient resources are available to support them. At this time, the EPA does not anticipate soliciting nominations in the information collection period of 2006-2009. A Governor’s nomination is submitted by a State in which the target estuary lies. If the estuary is located in more than one State, a single nomination may be submitted for the estuary which combines the information from all the participating States.

EPA’s guidance concerning the contents of the Governor’s nomination AThe National Estuary Program Final Guidance on the Contents of the Governor’s Nomination, @ states that three general topics should be addressed.

1. The national significance of the estuary
2. The need for a conference
3. The likelihood of success

Much of the information included in a Governor’s nomination is available from work already accomplished by States, EPA Regions, and local organizations. Some information is also available in EPA’s 305(b) reports, NOAA’s National Estuarine Inventory, NOAA’s Coastal Zone Management, Estuarine Research and Marine Sanctuary Programs, and university studies. In the guidance, States are urged to use existing and readily available information in the nominations. New research and studies are not required. For example, data attained from the State economic development agency or a community business group can be used to evaluate

recreational and/or commercial value of the estuary. The uses of the specific information recommended for inclusion in the nomination by the program guidance are described below.

Describe estuary's boundaries

-To determine if estuary meets CWA definition.

Describe estuary's value

-To determine if estuary is nationally significant.

Demonstrate how problems will yield transferable results

-To determine how an estuary will enhance results that can be applied to other estuarine or coastal watersheds.

Data on economic and living resources

-To determine if estuary has significant local or regional value.

Data on problems

-To determine if problems reduce value of estuarine resources.

Discussion of cause and effect

-To determine if the problem is sufficiently understood so as to be addressed effectively.

Assess existing laws, regulations, control programs, enforcement and coordination

-To determine if the proposed estuary program entails studies and control efforts beyond these programs.

List overall goals for the estuary, and provide examples of specific objectives and action plans

-To demonstrate whether State has an understanding of the work which must be done to mitigate problems.

List structure and membership of proposed Management Conference

-To demonstrate broad stakeholder support for the program.

Document existence of and/or potential for generating public support

- To determine whether there is or will be sufficient public support for successful implementation of the program.

Discuss interests and agencies already working in the estuary

-To determine these public entities' interest in and commitment to protecting or restoring estuarine water quality.

Discuss ability to fund the management of the conference and action plans

-To determine if the non-Federal cost share requirement of the statute can be met and if sufficient funding exists to implement the program.

After an estuary is accepted into the program, the information in the Governor's nomination is then used to initiate consensus among Management Conference members on priority problems to be addressed by the program and to set goals and objectives.

(B) Annual Work Plan

In order to receive funds, grantees must submit an annual work plan to EPA. The contents of annual work plans are specified in 40 CFR Section 35.9045. Work plans should include a listing and discussion of completed projects and projects planned for the upcoming year, as well as describe the types of funding and amounts to be supplied by each funding

source. The work plan is reviewed by EPA and also serves as the scope of work for the grant agreement. Annual work plans must be approved by the EPA after they are approved by the Management Conference so that assistance funding can be awarded. EPA also uses these work plans to track performance of each of the 28 estuary programs currently in the NEP.

Information presented in the work plan is based on the EPA/State Conference Agreement developed for the Management Conference, but may further define the goals and milestones in the overall plan and modify them based on the success or failure of activities completed in the previous years. The information is available from the Management Conference and from the Conference Agreement. EPA uses the work plan to determine whether the monies requested in the grant application serve the seven statutory purposes of the Management Conference, whether they fund activities consistent with the individual program goals, and whether their expenditure is an efficient use of resources. The budget information is also used to determine whether 50 percent of the funding is provided by non-Federal sources as required by 40 CFR 35.9040.

(C) Implementation Reviews

NEPs must submit a report documenting the implementation progress that has been made by the program. The purpose of these reviews is to highlight progress, identify opportunities and issues, and determine whether some level of continued base funding is warranted. These reviews must be conducted and a report on implementation progress submitted every three years.

Each NEP should provide written information on the following set of topics:

- \$ Status of CCMP implementation (programmatic progress)
- \$ Environmental results and monitoring, including environmental indicators
- \$ Technical assistance and public education
- \$ Resources
- \$ Institutional coordination and public involvement
- \$ Overall program strengths and limitations
- \$ Feedback on EPA's involvement in CCMP implementation

While annual work plans are submitted as a component of the implementation reviews, they cannot serve in place of the implementation review because annual work plans are limited to the activities of the grant recipient. The implementation review encompasses the progress made by the overall estuary program which is a collaboration of many stakeholders each contributing to the implementation of the management plan and the restoration and protection of

the estuary. Only the NEP can collect this information from many stakeholders because, according to purpose (6) of '320 of the CWA, the NEP is responsible for monitoring the effectiveness of actions taken to implement the management plan. In addition, '320(h) of the CWA requires grant recipients to report on the progress made under '320. The standard recordkeeping requirement for EPA grants is 3 years after the date the recipient submits the final Financial Status Report (FSR).

(D) Government Performance Results Act (GPRA) Reporting

The Government Performance and Results Act (GPRA) requires that each agency report annually to Congress on the results of its activities in each fiscal year. This Annual Performance Report forms the bridge between the goals and objectives presented in the EPA Strategic Plan and budgeted activities. The Annual Performance Report tracks the progress made toward implementing goals and objectives in any single fiscal year. To assist in fulfilling this requirement, the NEPs are asked to report on two items. The first is determining the number of acres of habitat that have been restored within individual study areas; information is provided on the type of restoration being performed and type of habitat being restored. The second item is how many priority action items within the CCMP have been initiated. This is a good indicator of progress being made in implementing the CCMP. NEP reporting on these items helps to measure EPA's overall goal of clean and safe water.

Use of Improved Information Technology

States can access numerous computerized data bases to obtain information necessary for the Governor's nomination. These data bases are particularly useful in assessing water quality. EPA data bases which are available are the Surf Your Watershed, Index of Watershed Indicators (IWI), Reach File, Water Quality File, Industrial Facilities Discharge File, Permit Compliance System, BIOS, Complex Effluent Toxicity Information System, Water Body File, Federal Reporting Data System, Needs Survey File, and Grants Information Control System. EPA encourages the use of internet resources to the maximum extent in all NEP transactions. It is conceivable that nominations and work plans of the near future could be transmitted to EPA electronically.

3. Non Duplication, Consultations, and Other Collection Criteria

3(a) Non Duplication

The NEP is a program administered by the Office of Wetlands, Oceans, and Watersheds (OWOW). The Governor's nomination, the annual work plan, the implementation review, and GPRA reporting are unique documents addressing particular requirements of the NEP. No other program or office at the EPA or any other Federal, State, or local agency requests this same data organized in this particular manner.

Although there are no duplicative reporting requirements, some data required for the Governor's nomination may be available from other EPA programs and from other Federal, State and local agencies. However, no one source contains all the data required for the Governor's nomination. Therefore, the data must be compiled from other sources and organized in a manner detailed in the NEP guidance and it must reflect the Governor's priorities and recommendations. The nomination guidance also affords the States considerable flexibility in style and interpretation. Some of the Federal agencies that compile information relevant to the Governor's nomination are the Department of Interior, National Oceanic and Atmospheric Administration, and the Natural Resources Conservation Service. In addition, public interest groups, such as the Nature Conservancy, may possess appropriate information. For example, data on declining fish catches to assess the estuary's commercial and recreational value can be obtained from the National Oceanic and Atmospheric Administration sources. Listings of participating sources of data and information appear in the ICR for the National Estuary Program, Appendix A, Nov. 22, 1989. For annual work plans, implementation reviews, and GPRA reporting, the NEP Management Conferences are the only source of information.

3(b) Public Notice Required Prior to ICR Submission to OMB

EPA Published a Federal Register notice on May 23, 2006 on pages 29619 – 29621 to announce the renewal of this ICR. No comments were received.

3(c) Consultations

EPA convenes two national conferences with the NEP each year. A main purpose is to meet with respondents and receive feedback on how EPA can better provide service. Discussions on how reporting can be made less burdensome is also routine. This offers an opportunity for EPA to continually evaluate its policies and guidance to make them as effective as possible.

EPA also has regulations that address the grants portion of the NEP. These regulations require that a Management Conference be convened and that certain program objectives are complete before funds are awarded to program participants under section 320(g)(3) of the CWA. In addition, EPA has issued the guidance package entitled *The National Estuary Program: Final Guidance on the Contents of a Governor's Nomination.*

3(d) Effects of Less Frequent Collection

A Governor's nomination is submitted on a one-time basis only by States that elect to participate in the NEP, and only when the Administrator determines that there is a need for additional programs and that there are sufficient resources to support these actions. At this time, the EPA does not anticipate soliciting nominations in the information collection period of 2006-2009. Therefore, frequency of collection is not an issue for the reporting requirements contained in this ICR.

Annual work plans are prepared every year and are submitted with the grant application. Priorities for Management Conferences can change during a year, and numerous projects are tied to the results of projects completed during the year. Therefore, work plans must be developed

annually to plan and track the progress of this program.

Implementation reviews are now conducted every three years, which is less frequent than in the past when they were required every two years. Three years is adequate time for significant progress to be made implementing the CCMP. Longer than three years poses the risk of not identifying program issues which, left unaddressed, may result in program failure before corrective action can be recommended. This also puts the Agency at risk of funding programs that are not using EPA funds for appropriate purposes or achieving expected results. Less than three years would be a significant burden with nominal, if any, increases in useful information.

GPRA reporting is performed on an annual cycle, typically around the beginning of the new fiscal year. Therefore, the NEP GPRA reports need to be provided annually to measure progress toward annual targets.

3(e) General Guidelines

This information collection is consistent with OMB guidelines contained in 5 CFR 1320.6 in that:

- \$ Information is not collected more often than quarterly.
- \$ Responses are not required in less than 30 days.
- \$ Respondents are not required to submit more than an original and two copies of the document.
- \$ It does not provide for remuneration of respondents other than contractors or grantees.
- \$ It does not require records to be kept for more than three years.
- \$ It is not in conjunction with a statistical survey.
- \$ Provisions for small businesses and other small entities are appropriate.
- \$ Confidentiality is protected.
- \$ It does not require provision of information in a format other than that which it is customarily maintained.

3(f) Confidentiality

The Governor's nomination is considered an application and is confidential until a Management Conference is convened. Similarly, applications for 320(g)(3) grants are confidential until an offer or award is accepted by the applicant. After acceptance, all documents are public.

3(g) Sensitive Questions

No information of a sensitive nature is requested by this ICR.

4. The Respondents and the Information Requested

4(a) Respondents/SIC Codes

Respondents are mainly State and local government workers. The SIC code applicable to the State and local governments is 9511.

4(b) Information Requested

(i) Data items: Annual Work Plans, Implementation Review Report, GPRA Reports. For annual workplans the standard recordkeeping requirement for EPA grants is 3 years after the date the recipient submits the final Financial Status Report (FSR).

(ii) Respondent Activities: Compiling information on activities for each NEP program such as restoration projects, outreach material that has been developed, and workshop proceedings. This may include reviewing and transmitting information or searching established databases.

5. The Information Collected, Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

For annual workplans, implementation review reports, and GPRA reports, the Agency typically will answer respondent questions, hold conference calls, review and analyze the submissions, record the submissions, and store the information.

5(b) Collection Methodologies and Management

Annual workplans serve as a scope of work for the grant agreement and are submitted in hard copy form as part of the grant application. Implementation review reports are submitted partly in paper because of examples of brochures, pictures, and other public outreach tools that have been developed, and partly electronically. GPRA reports are mainly provided electronically in a standard Microsoft Word table format. Quality is checked by follow-up conversations with the respondents. For example, with the implementation review, conference calls are set up to go over the specific submittals and discuss overall progress being made implementing the CCMP. This allows for detailed scrutiny of the information provided. The processing technology at this time is standard desktop computer with word processing software. Agency staff will enter and store some data electronically using these formats. GPRA information is also stored in a manner that allows the public access through the EPA website. Much of the other information is not electronic and will be disseminated at conferences and workshops, as appropriate. In the future there is a possibility much of the information could be scanned to make it more accessible to the public.

5(c) Small Entity Flexibility

States and local governments are the most likely respondents to this information request. The burden on small organizations is therefore not an issue for the reporting requirements contained in this ICR.

5(d) Collection Schedule

Annual workplans are required each year from the 28 NEPs by February 28th. Implementation Reviews are scheduled as follows: 12 programs are scheduled for FY >07, nine for FY >08, and seven for FY >09. GPRA reports are submitted annually to correspond with the Agency reporting process and are requested to be provided by the end of the fiscal year.

6. Estimating The Burden and Cost of the Collection

6(a) Estimating Respondent Burden

The total number of estuary programs in the NEP is limited by the amount of funds appropriated from Congress. Current status and budget projections provide for up to a total of 28 estuaries in the NEP in FY 2006. During the term of this ICR, all 28 are operating in the post-CCMP implementation stage which, as discussed in the abstract in section 1(b), concerns oversight and implementation of the CCMP. During the post-CCMP phase, the NEP programs receive significantly less funding and the annual work plan encompasses less effort than those of the pre-CCMP period. Based on the experience of program participants to date, we will continue to use the burden hour estimates developed for the 2002 ICR calculations for the agency as well as respondents, except for the GPRA hours which decreased slightly.

(A) Annual Work Plans: It is estimated that 100 burden hours are required for State personnel to prepare and gather information to summarize the previous years activities, to plan for the current year, and to produce the annual work plan. This is the same value used in the previous review cycle. It is expected that Management Conferences will be moving to more improved records keeping and tracking, which should result in a lower burden for the following cycle.

The annual workplan burden to respondent is:

FY 07: 28 Annual Work Plans	28 Annual Work Plans * 100 hrs/workplan	‘ 2,800 hrs/year
FY 08: 28 Annual Work Plans	2,800 hrs/year * 3 years	‘ 8,400 hrs/3 years
FY 09: 28 Annual Work Plans		

(B) Implementation Review: It is estimated that 250 burden hours are required for respondents to prepare and gather information to summarize the previous period’s activities. Because it is expected that NEPs will be continually reviewing and reassessing priorities within each program, 250 hours is considered to be an upper limit on the effort required to prepare an implementation review report. The 2002 ICR value of 250 burden hours will again be used for this cycle. The

personnel required to complete this effort is a mix of white collar staff: approximately 55 percent technical, 5 percent secretarial and 40 percent administration or managerial level.

The implementation review report burden to the respondent is:

FY07: 12 Implementation Review Reports

FY08: 9 Implementation Review Reports

FY09: 7 Implementation Review Reports

28 Implementation Review Reports * 250 hours/report ' 7,000/3 years

(C) Government Performance Results Act Reporting: Based on discussions with respondents, it is estimated that an upper limit for burden hours to the NEPs for reporting GPRA information is 60 hours with a lower limit of 10 hours for those programs with established information management systems in place. As more programs have established tracking systems and information management systems the burden hours have decreased from the last reporting cycle. The annual average estimate of burden hours for the NEPs to collect and report GPRA information is presently 25 hours per report.

The GPRA reporting burden to the respondent is:

FY07: 28 GPRA Reports 28 GPRA Reports * 25hrs/report ' 700hrs/year

FY08: 28 GPRA Reports 700hrs/year * 3 years ' 2,100hrs/3 years

FY09: 28 GPRA Reports

6(b) Estimating Respondent Costs 6(b)(I) Estimating Labor Costs

(A) Annual Workplans: The post-CCMP annual workplan is estimated to take 100 hours of preparation time by State and local government personnel. In the last ICR cycle, in 2002, a labor rate of \$60/hour was used that included fringe benefits and other overhead costs as well as travel and other material costs. The average hourly 2006 rate for this ICR is \$66.96, as adjusted with the Employment Cost Index (ECI), using the 2002 ICR baseline of \$60/hour. It reflects the total cost to employ an individual and includes salaries, fringe benefits and other overhead costs.

The annual workplan cost to the respondent is:

FY 07: 28 Annual Work Plans 28 Annual Work Plans * 100 hrs/workplan ' 2,800 hrs/year

FY 08: 28 Annual Work Plans 2,800 * 3 years ' 8,400 hrs/3 years

FY 09: 28 Annual Work Plans 2,800 hrs/year * \$66.96hr ' \$187,488/year

(B) Implementation Review: It is estimated that 250 burden hours are required for respondents to prepare and gather information to summarize the previous period's activities. Because it is expected that NEPs will be continually reviewing and reassessing priorities within each program, 250 hours is considered to be an upper limit on the effort required to prepare an implementation review report. The State and local government labor rate of \$66.96 which reflects adjustment

from the 2002 ICR baseline using the ECI, will be used (see Annual Workplan cost description). The implementation review report cost to the respondent is:

FY07: 12 Implementation Review Reports

FY08: 9 Implementation Review Reports

FY09: 7 Implementation Review Reports

28 Implementation Review Reports * 250 hours/report ' 7,000/3 years
7,000/3 years * \$66.96 ' \$468,720 \$468,720/3 years ' \$156,240/ year

(C) Government Performance Results Act Reporting: Based on discussions with respondents, it is estimated that an upper limit for burden hours to the NEPs for reporting GPRA information is 60 hours with a lower limit of 10 hours for those programs with established information management systems in place. As programs begin to establish tracking systems and information management systems the burden hours should decrease. Presently, the annual average estimate of burden hours for the NEPs collecting and reporting GPRA information is 25 hours per report. The State and local government labor rate of \$66.96, which reflects adjustment from the 2002 ICR baseline using the ECI, will be used (see Annual Workplan cost description).

The GPRA annual reporting cost to the respondent is:

FY07: 28 GPRA Reports	28 GPRA Reports * 25hrs/report ' 700hrs/year
FY08: 28 GPRA Reports	700 hrs/year * 3 years ' 2,100hrs/3 years
FY09: 28 GPRA Reports	700hrs/year * \$66.96hr ' \$58,600

(6)(b)(ii) Estimating Capital and Operations and Maintenance Costs:

As in the last review cycle, 2002, no Capital and Operations and Maintenance Costs are expected.

(6)(b)(iii) Capital/Start-up Operating and Maintenance (O&M) Costs:

As in the last review cycle, 2002, no Capital and Operations and Maintenance Costs are expected.

(6)(b)(iv) Annualizing Capital Costs: N/A

6(c) Estimating Agency Burden and Cost

(A) Annual Workplans:

Part of the overall burden and cost to the Federal Government is based on the number of annual work plans expected each year as estimated in Item No. 6(a). The burden and cost are also based on the last ICR cycle in 2002. In the last ICR cycle, reviewing the post-CCMP annual work plan required 16 hours of Federal workers' time. These estimates were collected from several EPA Regional Offices and also from Headquarters staff reviewers. The 16 hour value is still

applicable for this review cycle. Also in the last ICR cycle, 2002, a labor rate of \$52/hour was used which was lower than the State and local government rate because the mix of staff requires less senior level involvement. The average hourly 2006 rate for a Federal worker is \$58.03, as adjusted with the Employment Cost Index (ECI) using the 2002 ICR baseline of \$52/hour. The burden and cost to the Federal Government for reviewing annual workplans is summarized below.

(A) Post-CCMP Annual Work Plan

FY07: 28 NEP Annual Work Plans

FY08: 28 NEP Annual Work Plans

FY09: 28 NEP Annual Work Plans

28 Work Plans * 16 hours/plan = 448 hours/year

448 hours/year * 3 years = 1,344 hours/ 3 years

448 hours/year * \$58.03/hour = \$25,997/ year

(B) Implementation Reviews:

Part of the overall burden and cost to the Federal Government is based on the number of implementation review reports expected each year as estimated in Item No. 6(a). The burden and cost are based on the last ICR cycle. In the last ICR cycle reviewing the implementation review reports required 40 hours of Federal workers' time. The burden is based on experience with the implementation reviews conducted during the past few years. These estimates were collected from several EPA Regional Offices and also from HQ staff reviewers. The 40 hour value is still applicable for this review cycle. Also in the last ICR cycle, 2002, a labor rate of \$52/hour was used which was lower than the State and local government rate because the mix of staff requires less senior level involvement. The average hourly Federal worker rate for this ICR is \$58.03/hour, adjusted with the Employment Cost Index (ECI) using the 2002 ICR baseline of \$52/hour. The burden and cost to the Federal Government for reviewing implementation review reports is summarized below.

The implementation review report burden and cost to the Agency is:

FY07: 7 Implementation Review Reports

FY08: 12 Implementation Review Reports

FY09: 9 Implementation Review Reports

28 Implementation Review Reports * 40 hours/report = 1,120hrs/3 years

1120hrs/3 years * \$58.03/hour = \$64,994 \$64,994/3 years = \$21,665/year

(C) Government Performance Results Act Reporting:

Part of the overall burden and cost to the Federal Government is based on the number of GPRA

reports expected each year as estimated in Item No. 6(a). Based on Headquarters experience approximately 8 hours of Federal workers time is required to review a GPRA report. The hourly rate for staff is \$58.03 per hour as described in (B) above. The GPRA review burden and cost is:

FY07: 28 GPRA Reports	28 GPRA Reports * 8hrs/report ‘ 224hrs/year
FY08: 28 GPRA Reports	224 hrs/year * 3 years ‘ 672hrs/3 years
FY09: 28 GPRA Reports	224hrs/year * \$58.03/hr ‘ \$12,999

6(d) Estimating the Respondent Universe and Total Burden and Costs

The total universe of respondents is 28, as every NEP is required to submit annual workplans, implementation reviews, and GPRA reports over this three year cycle.

Total Burden to Respondent:

Annual Workplans	8,400 hrs/3 years
Implementation Reviews	7,000 hrs/3 years
GPRA Reports	<u>2,100 hrs/3 years</u>
Total	17,500 hrs/3 years

Annualized 5,833 hours/year

Total Cost to Respondent:

Annual Workplans	\$562,464/3 years
Implementation Reviews	\$468,720/3 years
GPRA Reports	<u>\$175,800/3 years</u>
Total	\$1,206,984

Annualized \$402,328/year

Total Burden for Agency:

Annual Workplans	1,344 hours/3 years
Implementation Reviews	1,120 hours/3 years
GPRA Reports	<u>672 hours/3 years</u>
Total	3,136 hours/3 years

Annualized 1,045 hours/year

Total Cost to Agency:

Annual Workplans	\$ 77,992
Implementation Reviews	\$ 64,996
GPRA Reports	<u>\$ 38,998</u>
Total	\$181,986

Annualized \$60,662/year

6(e) Bottom Line Burden Hours and Cost Tables

(I) Respondent Tally Total Burden: **5,833 hrs/year** Total Cost: **\$402,328yr**

(ii) The Agency Tally Total Burden: **1,045 hours/year** Total Cost: **\$60,662/yr**

(iii) Variations in the Annual Bottom Line: It is not anticipated that there will be a significant variation (>25%) for the burden or cost to either respondents or Agency over this ICR cycle.

6(f) Reasons for Change in Burden -

EPA instituted an implementation review process for the NEPs to ensure that continued EPA funding under section 320 is appropriate. Implementation review reporting was reduced from every two years to every three years in 2002, thereby creating less burden on the respondents. This review is made periodically to ensure that each NEP remains on track and continues to make progress implementing their CCMP and reporting environmental results. In the implementation of the CCMP the GPRA reporting of environmental results is less burdensome as reporting has become more streamlined and electronic submittals more common.

6(g) Burden Statement

The public reporting and recordkeeping burden for this collection of information is estimated to average 100 hours per response for Annual Workplans, 250 hours per response for Implementation Review reports, and 25 hours per response for GPRA reporting. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, 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. 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.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2006-0369, which is available for on-line viewing at www.regulations.gov or in person at the Water 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 Water Docket is (202) 566-2426).

An electronic version of the public docket is available through the Federal Docket Management System (FDMS) at www.regulations.gov. Use FDMS to 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 Asearch,@ then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. (EPA-HQ-OW-2006-0369) and OMB control number 2040-0138 in any correspondence.

NOTE: The EPA Docket Center suffered damage due to flooding during the last week of June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to make hand deliveries or visit the Public Reading Room to view documents. Consult EPA's Federal Register notice at 71 FR 38147 (July 5, 2006) or the EPA website at <http://www.epa.gov/epahome/dockets.htm> for current information on docket operations, locations, and telephone numbers. The Docket Center's mailing address for U.S. mail and the procedure for submitting comments to www.regulations.gov are not affected by the flooding and will remain the same.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This section is not applicable because no statistical procedures are employed for the data collection.