

**Information Collection Request
Supporting Statement for the
8-hour Ozone National Ambient Air Quality Standard
Implementation Rule
EPA ICR # 2236.02**

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**EPA Information Collection Request for the
8-hour Ozone National Ambient Air Quality Standard
Implementation Rule**

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1. Identification of the Information Collection Request

1(a) Title of the Information Collection

The title of the Information Collection Request is 8-hour Ozone National Ambient Air Quality Standard Implementation Regulations, ICR number 2236.02.

1(b) Abstract/Executive Summary

The Paperwork Reduction Act requires the information found in this Information Collection Request (ICR) number 2236.02, to assess the burden (in hours and dollars) of the 8-hour Ozone National Ambient Air Quality Standard Implementation (NAAQS) Rule as well as the periodic reporting and record keeping necessary to maintain the rule. The rule was proposed June 2, 2003 (68 FR 32802) and promulgated in two Phases: Phase 1 published April 30, 2004 (69 FR 23951) and Phase 2 published November 29, 2005 (70 FR 71612). The preamble to the proposed and final regulation addressed the administrative burden in general terms. The preamble to the final Phase 2 rule stated that an ICR would be prepared (70 FR at 71692).

The time period covered in this ICR is a three year period from May 1, 2007 through April 30, 2010. The milestones include the attainment demonstration, Reasonable Further Progress (RFP) State Implementation Plan (SIP) submission, and the Reasonable Available Control Technology (RACT) SIP submission. However, not all of the milestones and associated burden and administrative cost estimates apply to areas with design values in excess of the 8-hour Ozone NAAQS.¹

- **Early Action Compact Areas.** None of the aforementioned milestones apply to Early Action Compact (EAC) Areas. These areas have a deferral of their

¹ Section 51.905(c) and (d), (published in the phase 1 8-hour ozone implementation rule (69 FR at 23998, April 30, 2004)) set forth requirements for anti-backsliding purposes for areas designated attainment for the 8-hour standard. These provisions require these areas to submit a 10-year maintenance plan under section 110(a)(1) of the Clean Air Act (CAA or Act) if they also were a non-attainment area, or an attainment/unclassifiable area with a section 175A maintenance plan, under the 1-hour ozone standard. For purposes of this ICR, 8-hour attainment areas that were designated nonattainment for the 1-hour standard immediately prior to 8-hour designation are presumed to have the same burden that they would have if we did not revoke the 1-hour standard and the area attained the standard and developed a 10 year maintenance plan for redesignation to attainment of the 1-hour standard. In addition, 8-hour attainment areas that had section 175A maintenance plans under the 1-hour standard immediately prior to 8-hour designation are presumed to have the same burden they would have if we did not revoke the 1-hour standard and the area had to develop its second 10-year maintenance plan under section 175A of the Act. In either case, there would also be a public hearing on the projections. We did not prepare an ICR for the section 51.905(c) and (d) section 110(a)(1) maintenance plan requirement. This requirement was issued under the Phase 1 final 8-hour Ozone NAAQS implementation rule. The preamble to that rule states that the preparation of an ICR is not warranted.

non-attainment designations dates until 12-31-06, with the potential for a final deferral until 12-31-07. There are 14 such areas.²

- **Subpart 2 moderate and above and all Subpart 1 non-attainment areas.** These areas have to prepare an attainment demonstration. However, almost all 71 non-EAC Subpart 1 areas can demonstrate attainment using modeling already completed by the Environmental Protection Agency (EPA or Agency).
- **Subpart 2 moderate and above areas as well as Subpart 1 areas with projected attainment after 6-15-09.** These 8-hour non-attainment areas would have to prepare an RFP SIP submission and an RACT SIP submission.

The incremental administrative burden for the areas and activities covered by this ICR is mitigated by 3 factors.

1. Some states may use some parts of EPA analyses conducted as part of the Clean Air Interstate Rule (CAIR) and 8-hour Ozone NAAQS Implementation Rule. Included in these analyses were emissions projections and air quality modeling design value predictions and interpolations for 2007, 2009, 2010, etc.
2. Promulgated federal rules which reduce future emissions of ozone precursors. As a consequence:
 - i. Some designated non-attainment areas are projected to attain and maintain the 8-hour Ozone NAAQS without additional state emission reducing regulations or programs.
 - ii. Some designated non-attainment areas do not design and adopt additional state rules to fulfill RFP requirements set forth by the 8-hour Ozone NAAQS Implementation rule. The emission reductions associated with federal emission reducing rules are creditable toward RFP requirements.
3. Experience with the 1-hour O₃ NAAQS. Twenty-one of the original 26 subpart 2 moderate and above 8-hour non-attainment areas were also moderate or above for the previous 1-hour Ozone NAAQS. Hence, there is familiarity with SIP activities for an Ozone NAAQS. Furthermore, many of these areas completed attainment demonstrations and fulfilled RFP and some RACT obligations for the 1-hour Ozone NAAQS.

The Agency anticipates additional administrative burden for state governments and the Agency of 856,000 hours and 94,160 hours, respectively. Fifty percent of the hours are expended in the 1st year with the remainder evenly divided between the 2nd and 3rd years of the ICR period. Tribes are not required to conduct attainment demonstrations or submit RFP or RACT SIPs.

The present value of the total additional costs for state governments, the respondents, estimated at \$45.7 million for the 3 year period. On an equivalent annual basis that is \$17.1 million per year during the 3 year period of the ICR.

² The list of Early Action Compact and other non-attainment areas (their design values, coverage, and Subpart 2 classifications) can be found at <http://www.epa.gov/air/oaqps/greenbk/gntc.html>

The present value of the Agency administrative cost burden is estimated at \$4.9 million dollars. This is equivalent to an equal annual stream of costs of \$1.5 million per year during the three year period.

2. Need For and Use of the Collection

2(a) Need/Authority for the Collection

Part D of Title I of the Clean Air Act sets forth the plan (implementation) requirements for areas designated non-attainment with a promulgated National Ambient Air Quality Standard. When the Clean Air Act amendments of 1990 were enacted, the Subpart 2 provisions were specific to designated non-attainment areas for the 1-hour Ozone NAAQS, but that standard was revised in 1997. As a result of litigation and subsequent court decisions, an implementation framework was developed for the 8-hour Ozone NAAQS, promulgated in 1997.

The 8-hour Ozone NAAQS Implementation Rule was issued in two phases: Phase 1 was published April 30, 2004 and Phase 2 was published November 29, 2005. When the review and comment periods on the draft and final federal implementation rules closed, the affected parties could begin to assess the milestones and begin the planning process.

This ICR is developed in response to the implementation framework to fulfill requirements of the Paperwork Reduction Act.

2(c) User/Users of the Data³

The data collected from respondents include attainment demonstrations, RFP SIP submissions, and RACT SIP submissions. The attainment demonstrations indicate what emission reductions are necessary to attain and maintain the 8-hour Ozone NAAQS. The RFP SIP describes how the RFP obligation will be met by the affected non-attainment areas as emission reductions are phased in over time. The RACT SIP identifies the assessment of present controls on affected sources of emissions to see if they meet RACT requirements and identifies where additional measures and emission reduction requirements are required. The RACT requirements can be used to meet RFP requirements. And, the RACT and RFP requirements can be used to satisfy the emission reduction requirements to attain and maintain the 8-hour Ozone NAAQS. The similarities between the RACT and RFP requirements may be reflected in the attainment demonstration.

The states use the attainment demonstrations, RFP SIP submissions, and RACT SIP submissions to inform their citizenry, including potentially regulated entities.

³ Attainment demonstrations as well as RFP and RACT SIP submissions are viewed as analytical products to some; but are regulations to others. In the context of the Paperwork Reduction Act, the attainment demonstration and RFP and RACT SIP submissions are considered data.

They also use this information and analysis to fulfill federal obligations under Title I, Subpart D of the Clean Air Act and the 8-hour Ozone Implementation Rule.

The potentially regulated entities use this information in assessing future emission reduction requirements.

The regional and headquarters EPA use the information as part of their review of attainment demonstration, RFP SIP, and RACT SIP adequacy. Emission reducing regulations developed by the states and approved by the EPA are federally enforceable.

3. Non-Duplication, Consultations, and Other Collection Criteria

3(a) Non-Duplication

There are 3 parts to the information collection for this ICR: the attainment demonstration, the RFP SIP submission, and the RACT SIP submission.

There are other activities covered by existing ICRs which complement the activities required for the attainment demonstration, RFP SIP submission, and RACT SIP submission. One example is the Consolidated Emissions Reporting Rule. Salient ICRs and their titles are identified below.

- Requirements for Preparation, Adoption, and Submittal of Implementation Plans
 - o 51.121-51.122 NOx SIP Call.....2060-0445
 - o 51.160-51.166 New Source Review.....2060-0003
 - o 51.321-51.323 Air Quality Data Reporting.....2060-0088
 - o 51.353-51.354 Inspection/Maintenance.....2060-0252
 - o 51.365-51.366 Inspection/Maintenance.....2060-0252
- Approval and Promulgation of Implementation Plans
 - o 52.21 Prevention of Significant Deterioration.....2060-0003
 - o 52.741 O3 Control Strategy for Chicago, IL-6 counties.....2060-0203
- Ambient Air Monitoring Reference and Equivalent Methods
 - o 53.42080-0005
 - o 53.9(f),(h),(i).....2080-0005
 - o 53.14.....2080-0005
 - o 53.152080-0005
 - o 53.16(a)-(d),(f).....2080-0005
- Outer Continental Shelf Air Regulations
 - o 55.4-55.82060-0249
 - o 55.11-55.142060-0249
- Ambient Air Quality Surveillance

- o 58.11-58.142060-0084
- o 58.20-58.232060-0084
- o 58.25-58.282060-0084
- o 58.30-58.312060-0084
- o 58.332060-0084
- o 58.352060-0084
- o 58.40-58.412060-0084
- o 58.432060-0084
- o 58.452060-0084
- o 58.502060-0084
- Determining Conformity of Federal Actions to State or Federal Implementation Plans
 - o 91.150-93.1602060-0279

Attainment Demonstration. The attainment demonstration requirement appears as 40 CFR 51.908 which implements Clean Air Act subsections 172(c)(1), 182(b)(1) (A), and 182(c)(2)(B). The attainment demonstration for the 8-hour Ozone NAAQS is unique and does not duplicate other implementation plan requirements. However, the states are encouraged to build upon related implementation planning processes they used for the 1-hour Ozone NAAQS, regional haze rule, and/or PM NAAQS. Taking such steps, where appropriate, may reduce the incremental administrative burden and enable identification of control strategies that achieve requisite multi-pollutant environmental progress at a lower cost.

RFP SIP Submission. This unique requirement is described in 40 CFR 51.910. Although the RFP submission does not duplicate other plan requirements, the RFP submission may complement them. For example, the emission reductions associated with the RFP SIP may also demonstrate attainment.

The states are encouraged to build upon related analyses for federal emission reducing rules as well as salient PM NAAQS and regional haze implementation requirements where appropriate. Taking such steps may reduce the incremental administrative burden. For example, the temporal and spatial nature of emission reductions associated with the federal rules may be sufficient to meet the RFP requirements. Hence, the need to identify additional emission reductions to meet RFP requirements may be mitigated in some instances.

In addition, states are encouraged, where appropriate, to take into account similar analyses and planning efforts to meet certain PM NAAQS and regional haze implementation requirements. Such actions may result in RFP plans which achieve requisite multi-pollutant environmental progress at a lower cost.

RACT SIP Submission. This unique requirement is described in 40 CFR 51.912 which implements CAA subsections 172(c)(1) 182(b)(2),(c),(d), and (e). But, it is related to the Best Available Retrofit Technology (BART) requirement for the regional haze rule and RACT requirements for the PM NAAQS implementation rule.

The states are encouraged to take into account these related requirements and analyses where appropriate. Taking such steps can reduce administrative burden and foster achievement of multi-pollutant environmental progress at a lower cost.

3(b) Public Notice Required Prior to ICR Submission to the Office of Management and Budget (OMB)

The preamble for the final 8-hour Ozone NAAQS Phase 2 implementation rule stated that an ICR would be prepared. The EPA published a Federal Register notice on November 15, 2006 (Volume 71, Number 220 Page 66515) that solicited comment on the Agency Information Collection Activities: Proposed Collection; Comment Request; 8-Hour Ozone National Ambient Air Quality Standard Implementation Rule; EPA ICR No. 2236.02, OMB Control No. 2060-0594. The comment period closed on January 16, 2007 with EPA receiving no comments.

3(c) Consultations

The EPA solicited comment on the proposed and final 8-hour implementation rules including public hearings. The public hearings were held at the following locations:

- Marriott Dallas/Ft. Worth Airport North, 8440 Freeport Parkway, Irving, Texas, 75063, on June 17, 2003;
- Palace Hotel, 2 New Montgomery Street, San Francisco, California 94105, on June 19, 2003; and
- Holiday Inn Select Old Town Alexandria, 480 King Street, Alexandria, Virginia 22314, on June 27, 2003.

3(d) Effects of Less Frequent Collection

The collections under 40 CFR 51.908, 51.910, and 51.912 are necessary to provide assurances that identified level of emission reductions are adequate to ensure timely attainment and maintenance of the Ozone NAAQS while adhering to the mandatory measures and requirements for moderate and above Subpart 2 non-attainment areas, as well as Subpart 1 areas whose attainment dates are beyond 5 years after designation.

3(c) General Guidelines

The Agency completed OMB form 83-1, the Paperwork Reduction Act Submission in accordance with the guidelines set forth by the Office of Management and Budget. Those guidelines reflect the requirements of 5 CFR 1320.6. The final 8-hour Ozone NAAQS implementation rule does not require:

- reporting more than once a year;
- respondents to participate in a statistical survey;
- responses to Agency inquiries in less than 30 days;

- respondents to receive remuneration for preparation of reports;
- records to be kept more than 3 years,⁴and,
- manual methods of reporting.⁵

⁴ However, the states may choose to retain the information for more than 3 years.

⁵ However, the states must still submit their attainment demonstration, RFP SIP, and RACT SIP.

3(f) Confidentiality

The information is requested from the states. To fulfill the attainment demonstration, RFP SIP submission, and RACT SIP submission requirements, the states will use emissions levels and control efficiency data provided by certain facilities in the private and public sector. This information is available from a variety of sources. It is the assimilation and analysis of that data that is required in the attainment demonstration, RFP SIP submittal, and the RACT SIP submittal.

There are 38 non-attainment areas that must prepare an attainment demonstration as well as submit an RFP and RACT SIP. States should already have information from emission sources, as facilities should have provided this information to meet 1-hour SIP requirements, operating permits, and/or emissions reporting requirements. Such information does not generally reveal the details of production processes. But, to the extent it may, the affected facilities are protected. Specifically, the completion of the emissions and control efficiency information that is confidential, proprietary, and trade secret is protected from disclosure under the requirements of subsections 503(e) and 114 (c) of the Clean Air Act.

3(g) Sensitive Information

The requested attainment demonstration, RFP SIP submission, and RACT SIP submission do not include questions whose answers would require sensitive information.

4.0 The Respondents and the Information Requested

4(a) Respondents and the Non-Attainment areas

Table 1 lists the states and regional offices affected by the attainment demonstration, RFP SIP submission, and RACT SIP submission for the 38 non-attainment areas. Local, state, and federal agencies are part of the North American Industrial Classification System code number 924110.⁶

There are other entities that may be indirectly affected, as they may comment on the draft submissions before they are forwarded to EPA's Regional Offices. These include potentially regulated entities, representatives of special interest groups, and individuals. Consideration of the burden on these entities is beyond the scope of the Paperwork Reduction Act.

⁶ <http://www.census.gov/naics> Code number 924110 includes "administration of air & water resources & solid waste management programs"

Table 1. Classifications of 8-Hour Ozone Non-attainment Areas As of March 02, 2006 (see <http://www.epa.gov/air/oaqps/greenbk/gnc.html>)

n = area has whole or part county or counties in a previous 1-hr Ozone nonattainment area (as of June 15, 2005) no longer subject to the 1-hour standard

m = area has whole or part county or counties in a previous 1-hr Ozone maintenance area (as of June 15, 2005) no longer subject to the 1-hour standard

* = area has whole or part county or counties in a CO, PM-10, or PM-2.5 nonattainment or maintenance area or previous 1-hr Ozone nonattainment or maintenance area (as of June 15, 2005)

The 1-hour ozone standard, as well as designations and classifications for all 1-hour ozone nonattainment and maintenance areas, have been revoked except for the Greensboro, NC, Nashville, TN, and Denver, CO maintenance areas. See [details here](#).

Category/Classification (Attainment Date)

SEVERE 17 (June 2021)

[Los Angeles South Coast Air Basin, CA](#) [n*]

SERIOUS (June 2013)

[Riverside Co, \(Coachella Valley\), CA](#) [n*]

[Sacramento Metro, CA](#) [n*]

[San Joaquin Valley, CA](#) [n*]

MODERATE (June 2010)

[Baltimore, MD](#) [n*]

[Boston-Lawrence-Worcester \(E. MA\), MA](#) [n*]

[Boston-Manchester-Portsmouth\(SE\), NH](#) [n*]

[Charlotte-Gastonia-Rock Hill, NC-SC](#) [m*]

[Chicago-Gary-Lake County, IL-IN](#) [n*]

[Cleveland-Akron-Lorain, OH](#) [m*]

[Dallas-Fort Worth, TX](#) [n*]

[Greater Connecticut, CT](#) [n*]

[Houston-Galveston-Brazoria, TX](#) [n*]

[Jefferson Co, NY](#) [n*]

[Los Angeles-San Bernardino Cos\(W Mojave\), CA](#) [n*]

[Milwaukee-Racine, WI](#) [n*]

[New York-N. New Jersey-Long Island, NY-NJ-CT](#) [n*]

[Philadelphia-Wilmin-Atlantic Ci, PA-NJ-MD-DE](#) [n*]

[Poughkeepsie, NY](#) [n*]

[Providence \(All RI\), RI](#) [n*]

[Sheboygan, WI](#) [m*]

[Springfield \(Western MA\), MA](#) [n*]

[St Louis, MO-IL](#) [m*]

[Ventura Co, CA](#) [n*]

[Washington, DC-MD-VA](#) [n*]

MARGINAL (June 2007)

[Atlanta, GA](#) [m*]

[Baton Rouge, LA](#) [n*]

[Beaumont-Port Arthur, TX](#) [n*]

[Cass Co, MI](#)

[Detroit-Ann Arbor, MI](#) [m*]

[Imperial Co, CA](#) [n*]

[Kent and Queen Anne's Cos, MD](#) [m*]

[La Porte, IN](#)

[Lancaster, PA](#) [n*]

[Memphis, TN-AR](#) [m*]

[Muskegon, MI](#) [m*]
[Norfolk-Virginia Beach-Newport News \(HR\),VA](#) [m*]
[Portland, ME](#) [n*]
[Richmond-Petersburg, VA](#) [m*]
[San Francisco Bay Area, CA](#) [n*]

SUBPART 1 (June 2009)

[Albany-Schenectady-Troy, NY](#) [n*]
[Allegan Co, MI](#) [m*]
[Allentown-Bethlehem-Easton, PA](#) [n*]
[Altoona, PA](#) [n*]
[Amador and Calaveras Cos \(Central Mtn\), CA](#)
[Benton Harbor, MI](#)
[Benzie Co, MI](#)
[Birmingham, AL](#) [m*]
[Buffalo-Niagara Falls, NY](#) [n*]
[Canton-Massillon, OH](#) [m*]
[Charleston, WV](#) [m*]
[Chico, CA](#) [n*]
[Cincinnati-Hamilton, OH-KY-IN](#) [m*]
[Clarksville-Hopkinsville, TN-KY \(TN portion\)](#)
[Clearfield and Indiana Cos, PA](#) [*]
[Columbus, OH](#) [m*]
[Dayton-Springfield, OH](#) [m*]
[Door Co, WI](#) [m*]
[Erie, PA](#) [n*]
[Essex Co \(Whiteface Mtn\), NY](#) [n*]
[Flint, MI](#) [m*]
[Fort Wayne, IN](#)
[Franklin Co, PA](#) [n*]
[Grand Rapids, MI](#) [m*]
[Greene Co, PA](#) [n*]
[Hancock, Knox, Lincoln & Waldo Cos, ME](#) [nm*]
[Harrisburg-Lebanon-Carlisle, PA](#) [n*]
[Haywood and Swain Cos \(Great Smoky NP\), NC](#)
[Huntington-Ashland, WV-KY](#) [m*]
[Huron Co, MI](#)
[Indianapolis, IN](#) [m*]
[Jamestown, NY](#)
[Johnstown, PA](#) [n*]
[Kalamazoo-Battle Creek, MI](#)
[Kern Co \(Eastern Kern\), CA](#) [m*]
[Kewaunee Co, WI](#) [m*]
[Knoxville, TN](#) [m*]
[Lansing-East Lansing, MI](#)
[Las Vegas, NV](#) [*]
[Lima, OH](#)
[Louisville, KY-IN](#) [m*]
[Macon, GA](#) [*]
[Manitowoc Co, WI](#) [m*]
[Mariposa and Tuolumne Cos \(Southern Mtn\),CA](#)
[Mason Co, MI](#)
[Murray Co \(Chattahoochee Nat Forest\), GA](#)
[Nevada Co. \(Western Part\), CA](#)
[Parkersburg-Marietta, WV-OH](#) [m*]
[Phoenix-Mesa, AZ](#) [m*]
[Pittsburgh-Beaver Valley, PA](#) [m*]

[Raleigh-Durham-Chapel Hill, NC](#) [m*]
[Reading, PA](#) [m*]
[Rochester, NY](#)
[Rocky Mount, NC](#)
[San Diego, CA](#) [m*]
[Scranton-Wilkes-Barre, PA](#) [n*]
[South Bend-Elkhart, IN](#) [m*]
[State College, PA](#)
[Steubenville-Weirton, OH-WV](#) [m*]
[Sutter Co \(Sutter Buttes\), CA](#) [n*]
[Tioga Co, PA](#)
[Toledo, OH](#) [m*]
[Wheeling, WV-OH](#) [*]
[York, PA](#) [n*]
[Youngstown-Warren-Sharon, OH-PA](#) [nm*]

As indicated in Table 1, some areas have non-attainment area segments in more than one state. Furthermore, sometimes these multi-state areas span more than 1 EPA Region. For example, the Philadelphia-Wilmington- Atlantic City non-attainment area encompasses part of Pennsylvania, Maryland, and New Jersey. Pennsylvania and Maryland are in EPA Region 3 jurisdiction, while New Jersey is in EPA Region 2 jurisdiction. This could increase the administrative burden of the attainment demonstration, RFP SIP submission, and RACT SIP submission.

The size of the list of non-attainment areas also suggests greater administrative burden. However, the administrative requirements for attainment demonstrations, RFP SIP submittals, and RACT SIP submittals are less for the Subpart 2 marginal areas and the Subpart 1 areas that attain the 8-hour Ozone NAAQS within 5 years or less of the non-attainment designation. Furthermore, illustrative air quality simulations and interpolations done without considering the effects of the CAIR for geographic areas excluding AZ, CA, CO, and NV showed only 4 Subpart 1 areas with predicted design values above the 8-hour Ozone NAAQS in 2007. The number of Subpart 1 areas decreased to one in 2009.

The numbers of non-attainment areas or parts of areas in each state and the associated EPA Regional Office are presented in Table 2. These were derived from the March 3, 2006 information at: <http://www.epa.gov/air/oaqps/greenbk/gncs.html>. The numbers of areas predicted to be in attainment were derived by looking at air quality model simulation results. See Table 3.

Table 2. The Numbers of Non-Attainment Areas or Parts of Areas in Each State

<u>State or District</u>	<u>No. of Areas or Parts of Areas</u>	<u>EPA Region</u>	<u>No. of Subpart 1 Areas Predicted in Attainment by 2009</u>	<u>No. of Subpart 2-Marginal Areas Predicted in Attainment by 2007</u>	<u>No. of Subpart 2-Moderate Areas Predicted in Attainment by 2009</u>
Alabama	1	4	1	0	0
Arizona	1	9	Not in simulation	Not in simulation	Not in simulation
Arkansas	1	6	0	1	0
California	15	9	No such areas	Not in simulation	Not in simulation
Connecticut	2	1	No such areas	No such areas	0
Delaware	1	3	No such areas	No such areas	0
District of Columbia	1	3	0		
Georgia	3	4	2		
Illinois	2	5	No such areas	No such areas	1
Indiana	7	5	5	1	0
Kentucky	3	4	3	No such areas	No such areas
Louisiana	1	6	No such areas	1	No such areas
Maine	2	1	1	1	No such areas
Maryland	4	3	No such areas	0	0
Massachusetts	2	1	No such areas	No such areas	2
Michigan	12	5	9	2	No such areas
Missouri	1	7	No such areas	No such areas	1
New Hampshire	1	1	No such areas	No such areas	1
New Jersey	2	2	No such areas	No such areas	0
New York	8	2	4	No such areas	2
North Carolina	4	4	3	No such areas	1
Ohio	11	5	9	No such areas	0
Pennsylvania	17	4	14	0	0
Rhode Island	1	1	No such areas	No such areas	0
South Carolina	1	4	No such areas	No such areas	1
Tennessee	3	4	2	1	No such areas
Texas	3	6	No such areas	0	0
Virginia	3	3	No such areas	2	0
West Virginia	5	3	5	No such areas	No such areas
Wisconsin	5	5	2	No such areas	0

Table 3. Summary of Results of CAM-X Simulations for Base Case Runs and Interpolations which do not include emission reductions from the Clean Air Interstate Rule*

Nonattainment Area	Classification	Projected attainment
2007 Nonattainment Area Count = 23		
Philadelphia-Wilmington-Atlantic City, PA-DE-MD-NJ	Moderate	N/A
Houston-Galveston-Brazoria, TX	Moderate	N/A
Baltimore, MD	Moderate	N/A
New York - N. NJ - Long Is., NY-NJ-CT	Moderate	N/A
Milwaukee-Racine, WI	Moderate	N/A
Chicago-Gary-Lake Co, IL-IN	Moderate	N/A
Atlanta, GA	Marginal	2012
Dallas-Fort Worth, TX	Moderate	2012
Sheboygan, WI	Moderate	2015
Cleveland-Akron-Lorain, OH	Moderate	2013
Buffalo-Niagara Falls, NY	Basic (Subpart 1)	N/A
Kent and Queen Anne Co, MD	Marginal**	2012
Providence (All RI), RI	Moderate	2012
Washington, DC-MD-VA	Moderate	2015
Beaumont-Port Arthur, TX	Marginal	N/A
Boston-Lawrence-Worcester, MA	Moderate	2009
Charlotte-Gastonia-Rock Hill, NC-SC	Moderate	2009
Detroit-Ann Arbor, MI	Marginal**	N/A
Lancaster, PA	Marginal**	2009
Allentown-Bethlehem-Easton, PA	Basic (Subpart 1)	2009
Columbus, OH	Basic (Subpart 1)	2009
Door Co, WI	Basic (Subpart 1)	2009
Greater Connecticut, CT	Moderate	2009

* This is an illustrative simulation and is not necessarily a substitute for the work undertaken by the states in response to requirements for attainment demonstrations, RFP SIP submittals, and RACT SIP submittals.

** These areas were originally classified as moderate, but were reclassified to marginal.

4(b) Information Requested

The information requested under this ICR is prescribed by 40 CFR 51.908 (attainment demonstration), 51.910 (RFP SIP Submission), and 51.912 (RACT SIP Submission). The implementation framework set forth in the regulation does not adopt a “one-size-fits all” approach to meeting the attainment demonstration or RFP and RACT SIP submissions. This additional flexibility enables the states to customize, to the extent allowed by the Clean Air Act, their approach to attaining and maintaining the 8-hour Ozone NAAQS.

Data Items. The emissions and control efficiency data required for the attainment demonstration, RFP SIP submission, and RACT SIP submission should have been collected as a result of reporting activities required by other OMB approved ICRs. For example, see the ICR associated with the Consolidated

Emissions Reporting Rule: <http://www.epa.gov/ttn/chief/cerr/index.html>. In addition, air pollutant concentration data is covered already by ICR 0940-18, OMB Control Number 2060-0084; the New Source Review provisions are covered by ICR 1230.10 and 1230.11, OMB Control Number 2060-003; and the Reformulated Gasoline Requirements are covered ICR 1951.08, OMB Control Number 2060-0277.

There may be other data that the states use. For example, states may identify economic and population growth rates, federal rules that reduce future emissions of ozone precursors, and meteorological data. These data are presently available.

Respondents' Activities. The states will compile and reference the data, set forth the methodology, conduct analyses, develop initial drafts, hold hearings, adopt rules, regulations, and programs, have discussions with EPA staff as appropriate, refine the draft demonstration and RFP and RACT SIP submissions as appropriate, adopt the SIP, and forward to EPA.

Agency Activities. EPA staff in the regional offices may facilitate timely receipt of the attainment demonstration, RFP SIP submission, and RACT submission by reviewing materials and answering questions from the states regarding: requirements, potential data sources, analysis tools, the draft attainment demonstration and other submissions. The EPA Regional Offices will evaluate the SIP submissions and take rulemaking actions to approve or disapprove the SIP revisions.

EPA headquarters staff will facilitate information flow amongst the regions and states to foster timely attainment of acceptable demonstrations and SIP submissions.

Reporting Protocols. The dates for the submissions are set forth in the final implementation rule (40 CFR 51.508, 51.910, and 51.912).

5.0 The Information Collected—Agency Activities, Collection Methodology, and Information Management

5(a) States, EPA Regional Offices, and EPA Headquarters Offices

States: The states agencies' activities include⁷:

- Forecast baseline emissions, develop and evaluate emission reduction strategies where warranted, conduct air quality modeling to verify maintenance and attainment of the 8-hour Ozone NAAQS
- Calculate the emission reductions necessary to fulfill RFP requirement, determine creditable emission reductions, where necessary determine

⁷ In some instances, there are local air pollution control districts within the states. These local agencies work in partnership with the states to facilitate accomplishment of the activities noted below.

additional emission reductions and compliance timing to meet RFP requirement. Draft findings, hold state hearings, make revisions as warranted. Submit RFP SIP to EPA Regional office. Have discussions with EPA.

- Identify RACT applicable sources and their control measures under baseline and attainment conditions; and evaluate alternatives. Draft findings, hold state hearings, make revisions as warranted. Submit RACT SIP to EPA Regional Office. Have discussions with EPA.

EPA Regional Offices. The regional office activities include:

- Answering inquiries put forth by the states.
- Reviewing data, analysis, and findings of attainment demonstration, RFP SIP and RACT SIP.
- Rulemaking actions approving or disapproving the SIP submissions

EPA Headquarters. The EPA headquarters office activities include:

- Facilitating information flow and problem solving amongst the regions regarding demonstrations and submittals from the states
- Answering questions regarding application and interpretation of salient rule provisions.

5(b) Collection Methodology and Management

The attainment demonstration and the RFP and RACT SIP submittals will set forth the data sources and analytical methods, as well as the emission reduction and air quality improvement verification procedures.

5(c) Small Entity Flexibility

For an approved ICR, the Agency must demonstrate that it has taken all practical steps to develop separate and simplified requirements for small businesses and other small entities. See 5 CFR 1320.6(h). The 8-hour Ozone NAAQS implementation regulation does not provide a direct administrative burden on small entities.

5(d) Collection Schedule

During the period from September 1, 2006 through August 31, 2009, there are three sets of scheduled deliverables: attainment demonstration; RFP SIP submission; and RACT SIP submission.

Attainment Demonstration. The demonstration submission date is June 15, 2007 for Subpart 1 designated non-attainment areas. The submission date for Subpart 2 designated non-attainment areas which are classified as moderate and above is the same.

RFP SIP Submission. The RFP SIP submission date is June 15, 2007 for Subpart 1 designated non-attainment areas. However, Subpart 1 areas that demonstrate attainment as expeditiously as practicable but no more than 5 years following designation meet RFP. Subpart 2 designated non-attainment areas which are classified as moderate or above, have June 15, 2007 as their RFP SIP submission date.

RACT SIP Submission. For Subpart 1 designated non-attainment areas which demonstrate attainment as expeditiously as practicable, but no later than 5 years following designation, RACT is met. For Subpart 1 areas having an attainment date of more than 5 years, the RACT SIP submission date is June 15, 2007. For Subpart 2 designated non-attainment areas which are classified as moderate or above, the RACT SIP submission date is September 15, 2006.

6. Estimating the Burden of the Collection

This section provides information on the cost and hours associated with the information collection for both the respondents (the affected states) and the Agency (regional and headquarters offices). Hours and costs are presented for the activities associated with each collection item for a non-attainment area (or segment) in a given state, as well as the equivalent annual and present value numbers.

6(a) Estimating Respondent Burden

The estimated respondent burden is that associated with the activities which result in the attainment demonstration, RFP SIP submission, and RACT SIP submission.

The estimated burden is incremental to that required by other EPA environmental reporting obligations. The incremental burden for some areas may be less than for others. There are several reasons for this disparity.

- The severity of the non-attainment problem varies among the designated areas.
- Certain areas or parts of areas may already have developed and implemented RACT requirements.
- Some areas may have future predicted 8-hour ozone design values which demonstrate attainment in expeditious and practicable fashion, within 5 years of designation, under baseline conditions.
- Some areas may fulfill the RFP requirement as a result of creditable emission reductions resulting from federal rules that reduce ozone precursor emissions.

In the course of conducting the Clean Air Interstate Rule analysis and the economic assessment for the 8-hour Ozone NAAQS Implementation Rule, the

EPA staff conducted air quality simulations. Some of the results are summarized in Table 3. This information, together with that in Tables 1 and 2 can serve in estimating the burden hours.

Subpart 1 Non-attainment Areas. EPA has identified 65 Subpart 1 areas (<http://www.epa.gov/air/oaqps/greenbk/gnsum.html>). The base case air quality modeling simulations were used to develop burden hour estimates for the Subpart 1 non-attainment areas. There were 9 Subpart 1 areas omitted in those simulations. These were the Subpart 1 areas in Arizona, California, and Nevada. These simulations and interpolations assumed no additional emission reductions as a result of the states developing emission reductions as part of an 8-hour Ozone NAAQS SIP. Furthermore, the simulations did not assume any additional emission reductions from the Clean Air Interstate Rule. Under these conditions, of the 56 Subpart 1 areas included in the analysis, only one did not have a predicted 8-hour ozone design value simulated to meet 8-hour NAAQS by 2009. For the 56 Subpart 1 areas included in the air quality simulation, 52 were projected to attain the standard by 2007 and 55 projected design values that met the standard by 2009. If that progress is presumed to be as expeditious as practicable, over 98% of the Subpart 1 areas should have little problem in developing simulations demonstrating attainment and using that information to fulfill the RACT and RFP SIP requirements. The states with these (55) Subpart 1 areas may wish to use the emission projections, air quality modeling simulations, and design value predictions to fulfill most of their attainment demonstration requirement.

As a starting point for developing burden estimates, the Agency looked at the total hours expended in related EPA level of effort work assignments, exclusive of the air quality modeling. The total was about 2000 hours in level of technical effort.⁸ The potential scope of that effort was geographically broad including all non-attainment areas outside AZ, CA, and NV. Examples of the specific scope of the effort included:

- Design of lower cost control strategies for 16 Subpart 2 moderate and certain Subpart 1 areas
- Examination of alternative emission reduction targets and geographic areas (e.g., staying in state but going up to 100km for VOC emissions reductions and up to 200km for NOx emission reductions for some non-attainment areas).
- Assessment of RFP requirements for certain non-attainment areas,
- Assessment of RACT if there was not a previous requirement
- Differences in cost, emission reductions, economic, and energy impacts looking at alternative frameworks for Phases 1 and 2 of the Implementation Rule.

These activities are related to but do not precisely mimic the incremental activities undertaken by a state to fulfill the attainment demonstration including

⁸ EPA Contract No. 68-D-00-283; Work Assignments 3-53 and 4-66.

the reasonably available control measure analysis as well as the RACT SIP, and RFP SIP submissions for a given Subpart 1 non-attainment area.

To avoid understating the state burden, an estimate of 3000 hours per non-attainment area per state was assumed and applied to the 55 Subpart 1 areas that were projected to be in attainment by 2009.⁹

Most of this estimated burden would be incurred in the first year. This is because of the overlap of emission reductions associated with the attainment demonstration, RACT requirements and the RFP requirements. For example, emission reductions resulting from RACT may be creditable toward attainment and RFP. Furthermore, for Subpart 1 areas which are projected to meet the standard in an expeditious manner by 2009, that demonstration fulfills the RACT and RFP requirements. Hence, although the attainment demonstration is not due until 6/15/07, it benefits the state and potentially regulated entities to make the attainment demonstration and, where appropriate, the RACT/RFP requirements early in the implementation planning process. The presumed allocation of total incremental burden across time is 50% in year 1, 25% in year 2, and 25% in year 3.

For the Buffalo-Niagara Subpart 1 non-attainment area, the total incremental burden hour estimate was increased by a factor of 6. Specifically, the estimated burden for that area was 18,000 hours. This estimate may be too high. However, directionally, one would expect more burden for the attainment demonstration in an area not expected to attain the standard within 5 years of designation under base case conditions. The allocation of burden hours across time was the same for Buffalo-Niagara as that for the other Subpart 1 areas.

In the case of the 9 Subpart one areas in AZ, CA, and NV, the estimated total incremental burden was put at 9,000 hours per area per state. The rationale for a number lower than 18,000 hours, but higher than 3,000 is based on the results of the base case air quality simulations for the other states. The 9,000 total incremental burden hours per area per state is consistent with the assumption that on average more of these areas will be in projected to be in non-attainment by 2009/2010 under base case. The presumed allocation of total incremental burden across time is the same as for the other Subpart 1 areas. To wit: 50% in year, 25% in year 2, and 25% in year 3.

The estimated incremental burden for Subpart 1 non-attainment areas is presented in Table 4. There you see the differences between estimated burden for Indiana and West Virginia on the one hand and New York on the other. The difference is explained by the great incremental burden estimate for the Buffalo-Niagara non-attainment area.

⁹ For example, if a Subpart 1 area which is projected to attain the standard by 2009 is in two states, the assumed burden is 6000 hours: 3000 hours for each state. If a similar Subpart 1 area is found in only one state, the burden is assumed to be 3000 hours.

Table 4. Estimated Incremental Burden for the States Attainment Demonstration, RACT SIP Submission, and RFP SIP Submission for the Subpart 1 Non-Attainment Areas.

State	EPA Region	No. of Areas or Parts of Areas	Additional Hours Year 1	Additional Hours Year 2	Additional Hours Year 3
Alabama	4	1	1500	750	750
Arizona	9	1	4500	2250	2250
California	9	7	31500	15750	15750
Georgia	4	2	3000	1500	1500
Indiana	5	5	7500	3750	3750
Kentucky	4	3	4500	2750	2750
Maine	1	1	1500	750	750
Michigan	5	9	13500	6750	6750
Nevada	9	1	4500	2250	2250
New York	2	5	15000	7500	7500
North Carolina	4	3	4500	2250	2250
Ohio	5	10	15000	7500	7500
Pennsylvania	3	15	22500	11250	11250
Tennessee	4	2	3000	1500	1500
West Virginia	3	5	7500	3750	3750
Wisconsin	5	3	4500	2250	2250
Total	Not Applicable	73	145000	72500	72500

Subpart 2 Moderate and Above Non-attainment Areas. For Subpart 2 Moderate and above areas, most of these areas have met previous RACT requirements. Also, many of these areas had RFP plans in place for the 1-hour Ozone NAAQS. Furthermore, for some of these areas, the RFP requirement is met or reduced because of creditable emission reductions resulting from federal rules reducing emissions of volatile organic compounds (VOCs) and/or nitrogen oxides (NO_x). Currently, there are 25 moderate and above Subpart 2 areas.

Nineteen of these areas were included in the base case air quality simulation. Six of the 19 areas were predicted to have 8-hour Ozone design values that meet the standard in 2009. These six areas are presumed to have a smaller administrative burden. Furthermore, in assessments done for the Phase 2 final implementation rule, many Subpart 2 areas were able to meet the RFP requirement because of anticipated creditable emission reductions associated with federal rules reducing VOC and/or NO_x.¹⁰ The estimated amount of incremental additional burden for these 6 Subpart 2 areas is 5,000 hours per area per state.

The 5000 hour total incremental burden estimate for these 6 areas is two thirds more than that for Subpart 1 areas which were simulated to achieve the 8-hour standard under base case conditions. This higher burden estimate reflects the perception of a more prescriptive structure for Subpart 2 areas. However, that perception may not be valid. Hence, the estimates for these 6 Subpart 2 areas may be too high.

For the 13 other Subpart 2 areas included in the air quality simulation, plus the 6 Subpart 2 areas in California, the estimated total incremental additional

¹⁰ The Second Addendum to the Economic Assessment for the 8-hour Ozone Implementation Rule, U.S. EPA 8-29-05.

burden is 20,000 hours per area per state. This represents 15,000 more hours to develop and submit the attainment demonstration.

Because of the overlap in emission reductions for attainment, RACT, and RFP, states are often spending 50% of the total estimated incremental burden in the 1st year and 25% in each of the 2nd and 3rd years of the ICR period. The estimated incremental burden for Subpart 2 and above areas is presented in Table 5.

Table 5. Estimated Additional Burden for Attainment Demonstrations, RACT SIP Submittals, and RFP SIP Submittals for States with Part of or entire Subpart 2 Moderate and above Non-attainment Areas.

State or District	EPA Region	Number of Areas or Parts of Areas	Additional Hours Year 1	Additional Hours Year 2	Additional Hours Year 3
California	9	6	60000	30000	30000
Connecticut	1	2	20000	10000	10000
Delaware	3	1	10000	5000	5000
District of Columbia	3	1	10000	5000	5000
Illinois	5	2	12500	6250	6250
Indiana	5	1	10000	5000	5000
Maryland	3	3	30000	15000	15000
Massachusetts	1	2	5000	2500	2500
Missouri	7	1	2500	1250	1250
New Hampshire	1	1	2500	1250	1250
New Jersey	2	2	20000	10000	10000
New York	2	3	15000	7500	7500
North Carolina	4	1	2500	1250	1250
Ohio	5	1	10000	5000	5000
Pennsylvania	3	1	10000	5000	5000
Rhode Island	1	1	10000	5000	5000
South Carolina	4	1	2500	1250	1250
Texas	6	2	20000	10000	10000
Virginia	3	1	10000	5000	5000
Wisconsin	5	2	20000	10000	10000
Total	Not Applicable	35	282500	141250	141250

6(b) Estimating Respondent Cost

Labor costs are estimated for state governments using the total of projected additional hours for the Subpart 1 and Subpart 2 moderate and above areas. These estimates do not reflect staff experience and economies of scale. The hourly rates are the result of estimated directed and indirect cost per employee. The main source of the information is <http://www.opm.gov/oca/payrates/index.htm>

The estimated weighted direct salary cost per employee is \$35.88 per hour. This results from a summation of the professional, managerial, and support staff components.

- Hourly equivalent 2006 Salary of Permanent Professional Staff at GS 11, Step 3 is \$29.06. This is the average of hourly equivalent rates for the San Francisco, CA and Washington, D.C. areas.
- To account for permanent managerial staff, 1/11 or 9% of the hourly rate for GS 13, Step 3 is added to the professional staff hourly rates. The average hourly equivalent rate for GS-13 using rates for San Francisco, CA and Washington, D.C. is \$41.42. Nine percent of that is \$3.73.
- To account for permanent support staff at GS-6, Step 6, 1/8 or 16% of the hourly rate is added to the professional staff hourly rates. The average hourly equivalent rate for GS-6, Step 6 using rates for San Francisco, CA and Washington, D.C. is \$19.33. Sixteen percent of that is \$3.09.

The estimated hourly indirect cost per employee is \$20.81. This amount is the sum of the following:

- Benefits at 16% of the weighted direct hourly equivalent salary cost per employee or \$5.74.
- Sick and annual leave at 10% of the weighted direct hourly equivalent salary cost per employee or \$3.59.
- General overhead at 32% of the weighed direct hourly equivalent salary cost per employee or \$11.48.

The estimated total weighted direct and indirect hourly equivalent salary cost per employee is \$56.69. The estimated total incremental respondent burden for the attainment demonstration, RACT SIP submittal, and RFP SIP submittal is provided in Table 6.

Table 6. Estimated Total Incremental Cost and Hour Burden for the States (Respondents) to Fulfill the Attainment Demonstration, RACT SIP Submittal, and RFP SIP Submittal Requirements.

<u>Areas</u>	<u>Additional Cost for Year 1</u>	<u>Additional Cost for Year 2</u>	<u>Additional Cost for Year 3</u>	<u>Burden for the 3 year ICR period</u>
Subpart 1 areas	\$8.2 million	\$4.1 million	\$4.1 million	290 thousand hours
Subpart 2 areas	\$16 million	\$8.0 million	\$8.2 million	565 thousand hours
Total	\$24 million	\$12 million	\$12 million	855 thousand hours

6(c) Estimating Agency Burden and Cost

The estimated agency burden is derived from the estimates for the respondents. Draft estimates were developed by the headquarters staff with review by regional office staff and subsequent refinement of the Agency burden and cost estimates.

The respondent burden was summed by EPA regional offices and a percentage was applied to the yearly burden estimate to reflect the actions taken on the part of the regional offices. Once yearly burdens were estimated for the Agency's Regional Offices, a percentage of those amounts are specified to derive estimates for the Agency's Headquarters Office Burdens. Discussions were held

with Regional Office and Headquarters staff regarding the percentages and resulting burden estimates.

Agency Regional Office Burden. Table 7 summarizes total incremental respondent burden by Regional Office and provides estimates of total incremental Agency Regional Office burden. The summary of total incremental respondent burden comes from Tables 4 and 5. The Agency Regional Office burden is presumed to be 10% of the estimated total incremental burden for respondent by EPA Regional Office. The total incremental burden allocation for the Agency Regional Offices in Table 7 is 50% in year 1, 25% in year 2, and 25% in year 3.

In discussions with Agency Regional Office staff, they indicated that the total incremental burden estimates were ballpark. However, some regional office staff felt that a more reasonable allocation of total incremental Agency Regional Office burden would be 37.5% in year 1, 37.5% in year 2, and 25% in year 3. If that allocation were used, the corresponding Agency Regional Office burden estimates in years 1, 2, and 3 would be 32,000; 32,000; and, 21,000 respectively. Recognize that there is no provision in OMB form I-83 for identifying the estimated total incremental burden for the Agency which submits the Information Collection Request.

Table 7. Estimated Agency Regional Office Burden Derived by Taking 10% of Regional Respondent Burden Total for Years 1, 2, and 3

EPA Regional Office	Year 1 Respondents' Burden	Year 1 Agency Reg. Office Burden	Year 2 Agency Reg. Office Burden	Year 3 Agency Reg. Office Burden
1	39000	3900	1950	1950
2	50000	5000	2500	2500
3	100000	10000	5000	5000
4	21500	2150	1075	1075
5	93000	9300	4650	4650
6	20000	2000	1000	1000
7	2500	250	125	125
8	No Subpart 1 or Subpart 2 moderate or above areas	NA	NA	NA
9	100500	10050	5025	5025
10	No O3 Non-attainment areas	NA	NA	NA
Total	426500	42650	21325	21325

Agency Headquarters Burden. The Regional Office burden estimates for years 1, 2, and 3 are multiplied by 10% to arrive at an estimate for Headquarters burden for the same 3 years. Resulting hours for years 1, 2, and 3 are 4265, 2133, and 2133, respectively.

Total Incremental Burden for the Agency. The regional and headquarters office burden estimate for year 1 is 46,915 hours. The estimates for years 2 and 3 are 23,458 hours each year.

Total Cost for the Agency. Using the weighted direct and indirect salary equivalent hour rate derived in section 6(b), the total incremental burden hours are

multiplied by that rate. The result is the total cost estimate for the Agency; see Table 8.

Table 8. Total Cost Estimate for the Agency

Entity	Year 1	Year 2	Year 3
Regional Office	\$2.4 million	\$1.2 million	\$1.2 million
Headquarters Office	\$0.2million	\$0.1 million	\$0.1 million
Total Agency Cost	\$2.6 million	\$1.3 million	\$1.3 million

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

Title I of the Clean Air Act of 1990 provided a classification system for 1-hour Ozone NAAQS non-attainment areas along with prescribed programs and measures for those areas. In essence, there was no incremental administrative burden associated with the implementation of the 1-hour standard associated with discretionary action on the part of the Agency. However, with the promulgation of the 8-hour Ozone NAAQS, the non-attainment designations, and the finalization of Phases 1 and 2 of the Ozone Implementation rule, the Office of Management and Budget believed there were there were additional administrative burdens by the Agency. This ICR attempts to develop estimates of the incremental burden resulting from the transition from a 1-hour to an 8-hour form of the standard.

The methodology does not subtract the decreased burden that some areas experienced because of the move to an 8-hour standard. For example, the Los Angeles South Coast area was classified as Subpart 2-extreme for the 1-hour standard, but is Subpart 2-severe 17 for the 8-hour standard. In this case, the burden estimates presented may be biased high. Failure to consider staff experience and economies of scale given related Particulate Matter NAAQS implementation and Regional Haze activities may also impart an upward bias to the estimates. On the other hand, areas classified as Subpart 2-marginal have to attain the standard by 2007. If any of these areas do not attain the 8-hour standard by 2007, there could be additional burdens for such areas not reflected in the present estimates.

The major set of respondents is the states, as they have over 90% of the estimated additional burden. There is also burden imposed on the Regional and Headquarters Offices of the Agency. Because of the overlap in work for the attainment demonstration, RACT SIP submittal, and RFP SIP submittal, most of the cost will be incurred in year 1 of the 3 year period covered by this ICR. In the Agency's roles as facilitator, compiler, reviewer, and preparer, the estimated burden for the Agency is also expected to be greater in the 1st year than in the 2nd or 3rd years.

The total incremental respondent universe burden and cost estimates are presented in Table 9.

Table 9. Total Incremental Respondent & Agency Universe Burden and Cost Estimates

Entity	Average Yearly Burden	3-Year Burden Hours	Present Value of Costs for 3-Year Burden
States	285333	856000	\$45.7 million
Agency	31387	94160	\$ 4.9 million
Total	316720	950160	\$50.6 million

*The estimates are in current year (2006) dollars. Costs for years 2 and 3 are calculated using the equation Present Value = Future Value/ (1 + interest rate)^t, where “t” is the number of years hence (i.e., 0 for year 1, 1 for year 2, 2 for year 3). The adjusted values for years 1, 2, and 3 are then summed.

6(e) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9,511 hours for this reporting period. This estimate is derived by taking 285,333 hours, the average yearly burden for the states identified in Table 9, and dividing by 30, the number of affected states. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information or for a Federal agency other than EPA to do so. This estimate includes the time and burden needed to conduct the tasks associated with 3 milestones covered during this ICR reporting period. Those milestones are the RACT SIP submittal, RFP SIP submittal, and the attainment demonstration. In meeting these milestones, such incremental efforts may include reviewing instructions as well as verifying, processing, maintaining, and disclosing information. Such efforts may require incremental development, acquisition, installation, and/or utilization of technological systems for several purposes. These purposes include collecting, verifying, validating, processing, maintaining and disclosing information associated with the 3 milestones. The incremental efforts may result from adjusting the ways to comply with the previously applicable instructions associated with the 1-hour Ozone National Ambient Air Quality Standard. Consequently, in meeting the 3 milestones, there could be some incremental burden associated with learning/training, searching data sources, and transmitting the deliverables.

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. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR part 9 in the Federal Register to display the OMB control number for the approved information collection requirements contained in the final implementation rule. However, as stated in the November 29, 2005 Federal Register Notice for the 8-hour Ozone Implementation Rule on page 71,693, “... the failure to have an approved ICR for this rule does not affect the statutory obligation for the States to submit SIPs as required under part D of the CAA.”

The Agency established a docket for the 8-hour Ozone National Ambient Air Quality Standard Implementation Rule under Docket ID No. EPA-HQ-OAR-2003-0079, which is available for online viewing at: <http://www.regulations.gov>. Although listed in the index, some information such as Confidential Business Information is not publicly available. Other information such as copyrighted materials are not placed on the internet, but are available in hard copy form at the EPA Docket Center (Air Docket), EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The 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 Public Reading Room is (202) 566-1744. The telephone number for the Office of Air and Radiation Docket and Information Center is (202) 566-1742. That docket is not open at present, but is available for viewing.