

EPA

Office of Air and Radiation
Office of Air Quality Planning and Standards
Air Quality Policy Division
New Source Review Group

August 2006

**INFORMATION COLLECTION REQUEST
FOR CHANGES TO PREVENTION OF
SIGNIFICANT DETERIORATION AND
NONATTAINMENT NEW SOURCE
REVIEW: EMISSIONS TEST FOR
ELECTRIC GENERATING UNITS**



Executive Summary

This ICR applies to a rulemaking that proposes to revise the applicability test used to determine whether existing electric generating units (EGUs) are subject to the regulations governing the Prevention of Significant Deterioration (PSD) and nonattainment major New Source Review (NSR) programs (collectively “major NSR”) mandated by parts C and D of title I of the Clean Air Act (CAA or Act). The rulemaking proposes three options for revising this applicability test. The proposed rule would not affect new EGUs, which would continue to be subject to major NSR preconstruction review.

Under Option 1, we are proposing to compare the maximum hourly emissions rate at that unit during the past 5 years to the maximum hourly emissions rate at that unit after the change to determine whether an emissions increase would occur. If so, the change would qualify as a “modification” and would be subject to the requirements of the major NSR program.

The proposed regulations under Option 1 would simplify applicability determinations for sources and Reviewing Authorities (RAs). It would eliminate the burden of projecting future annual emissions and distinguishing between annual emissions increases caused by the change and those due solely to demand growth, because any increase in the emissions under the hourly emissions test would be logically attributed to the change. It would reduce recordkeeping and reporting burdens on sources because compliance would no longer rely on synthesizing emissions data into rolling average emissions. It would improve compliance by making the rules more understandable, which would correspondingly reduce the RAs’ compliance and enforcement burden.

Under Option 2, an existing EGU would first be subject to the same hourly emissions test that applies under Option 1. If the change qualifies as a modification under the hourly emissions test, the unit would then be subject to the existing actual-to-projected-actual annual emissions test to determine whether the change would result in a significant net emissions increase. If so, the change would qualify as a “major modification” and would be subject to the requirements of the major NSR program. We expect no change in burden currently imposed on industry sources for each permit action under Option 2. This is because the information used in computing the hourly emissions would be used in computing the annual emissions.

Under Option 3, an existing EGU would be subject only to the actual-to-projected-actual annual emissions test to determine whether the change would result in a significant net emissions increase. If so, the change would qualify as a “major modification” and would be subject to the requirements of the major NSR program. The proposed rules under this option would differ from the current rules for EGUs in only one respect—

the look-back period for the unit's baseline actual emissions would be 10 years instead of the 5 years that currently applies. This would make the look-back period for EGUs the same as currently applies to non-EGUs under the existing rules. Because Option 3 entails only a relatively small change from the existing rules, the burden for each permit action would not change under Option 3.

We believe that none of the three proposed rule options would change the number of major NSR permit actions for existing sources compared to the actual-to-projected-actual methodology that currently applies to utilities under the major NSR program. This is because all three options and the existing rule are based on the hourly emissions test and/or the actual-to-projected-actual annual emissions test. Both of these methodologies allow increases in production up to the amount that the source can achieve at its current capacity. That is, both emissions tests allow sources to use existing capacity.

Under all three options, the proposed regulations would promote the safety, reliability, and efficiency of EGUs. Consistent with the primary purpose of the major NSR program, the proposed regulations balance the economic need of sources to utilize their existing physical and operating capacity with the environmental benefit of regulating those emissions increases related to a change.

The overall effect of proposed Option 1 would be a relaxation of the burden currently imposed on industry sources for each permit action. We also anticipate that proposed Option 1 would have a corresponding effect on the burden imposed on the RAs due to reduced effort needed for review of data submissions and preparation of submissions for processing. However, RAs would be required to submit changes to their existing SIP programs or demonstrate that their existing programs are at least equivalent to EPA's new requirements, resulting in a small one-time burden to them in the short term.

The overall effect of proposed Options 2 and 3 would be no change in the burden currently imposed on industry sources for each permit action. We also anticipate that proposed Options 2 and 3 would have no effect on the burden imposed on the RAs to process each permit. As with Option 1, RAs under Options 2 and 3 would be required to submit changes to their existing SIP programs or demonstrate that their existing programs are at least equivalent to EPA's new requirements, resulting in a small one-time burden to them in the short term. Table E.1 summarizes the estimated change in burden resulting from proposed Option 1. Table E.2 summarizes the estimated change in burden resulting from proposed Options 2 and 3.

Table E.1 Average Annual Change in Burden and Cost for Option 1^{a, b}

Regulatory Change	Average Number of Affected Entities per Year	Average Annual Burden Hours	Average Annualized Cost (\$1,000)	Average Cost per Entity (\$1,000)
SOURCES				
Baseline	6.33 ^c	4,440	\$472	\$74
Option 1	6.33 ^c	4,182	\$450	\$71
Change		-259	-\$22	-\$3
RAs				
Permit Actions				
Baseline	6.33 ^c	1,179	\$52	\$8.2
Option 1	6.33 ^c	1,139	\$50	\$7.9
Change	0	-40	-\$2	-\$0.3
SIP Revisions				
Baseline	37.33 ^d	0	0	0
Option 1	37.33 ^d	747	\$33	\$0.9
Change	0	747	\$33	\$0.9
Overall Change		707	\$31	
FEDERAL				
Permit Actions				
Baseline	1 ^e	85	\$3.7	\$3.7
Option 1	1 ^e	79	\$3.5	\$3.5
Change	0	-6	-\$0.3	-\$0.3
SIP Revisions				
Baseline	1 ^f	0	0	0
Option 1	1 ^f	187	\$8.2	\$8.2
Change	0	187	\$8.2	\$8.2
Overall Change		181	\$7.9	\$7.9

^a Costs are in 2005 dollars.

^b Any discrepancies are the result of rounding error.

^c Total number of affected entities over 3 years is 19; annual average number affected is $19 \div 3 = 6.33$. See Section 6.4.1 of this document for how we determined the number of affected entities.

^d Burden incurred in year 2 only. Total number of affected RAs is 112; annual average number affected is $112 \div 3 = 37.33$.

^e EPA is the only affected Federal entity. Over 3 years, EPA would review 19 affected permits issued by RAs (annual average of 6.33).

^f EPA is the only affected Federal entity. Burden to review 112 SIP revisions submitted by RAs incurred in year 3 only (annual average over 3 years of 37.33).

Table E.2 Average Annual Change in Burden and Cost for Options 2 and 3^{a, b}

Regulatory Change	Average Number of Affected Entities per Year	Average Annual Burden Hours	Average Annualized Cost (\$1,000)	Average Cost per Entity (\$1,000)
SOURCES				
Baseline	6.33 ^c	4,440	\$472	\$74
Option 1	6.33 ^c	4,440	\$472	\$74
Change		0	0	0
RAs				
Permit Actions				
Baseline	6.33 ^c	1,179	\$52	\$8.2
Option 1	6.33 ^c	1,179	\$52	\$8.2
Change	0	0	0	0
SIP Revisions				
Baseline	37.33 ^d	0	0	0
Option 1	37.33 ^d	747	\$33	\$0.9
Change	0	747	\$33	\$0.9
Overall Change		747	\$33	
FEDERAL				
Permit Actions				
Baseline	1 ^e	85	\$3.7	\$3.7
Option 1	1 ^e	85	\$3.7	\$3.7
Change	0	0	0	0
SIP Revisions				
Baseline	1 ^f	0	0	0
Option 1	1 ^f	187	\$8.2	\$8.2
Change	0	187	\$8.2	\$8.2
Overall Change		187	\$8.2	\$8.2

^a Costs are in 2005 dollars.

^b Any discrepancies are the result of rounding error.

^c Total number of affected entities over 3 years is 19; annual average number affected is $19 \div 3 = 6.33$. See Section 6.4.1 of this document for how we determined the number of affected entities.

^d Burden incurred in year 2 only. Total number of affected RAs is 112; annual average number affected is $112 \div 3 = 37.33$.

^e EPA is the only affected Federal entity. Over 3 years, EPA would review 19 affected permits issued by RAs (annual average of 6.33).

^f EPA is the only affected Federal entity. Burden to review 112 SIP revisions submitted by RAs incurred in year 3 only (annual average over 3 years of 37.33).

Since the aggregate long-term effect of the individual parts of this rulemaking constitute a reduction in the burden imposed by the Federal government on sources and State and local environmental management organizations, this rulemaking is consistent with the Office of

Management and Budget's (OMB's) guidance for the reduction of burden when and wherever possible.¹

¹ Office of the President of the United States, Office of Management and Budget, Office of Information and Regulatory Affairs; April 2002; Managing Information Collection and Dissemination; http://www.whitehouse.gov/omb/inforeg/paperwork_policy_report_final.pdf

CONCLUSION:

This rulemaking represents a POTENTIAL DECREASE IN BURDEN to sources and Reviewing Authorities related to permit actions.

This rulemaking represents a ONE-TIME INCREASE IN BURDEN to States and other Reviewing Authorities to revise SIPs.

Because this rulemaking represents a decrease in burden on sources, the Agency determined this rulemaking represents NO SIGNIFICANT IMPACT ON A SUBSTANTIAL NUMBER OF SMALL ENTITIES.

CAVEAT: Nothing in this analysis should be construed as constituting the full effect of any of the program elements discussed. This analysis pertains to only a subset of the full effect - to those affected sources located in areas attaining the appropriate air quality standard and that are also Federally managed. The full effect of these programs, while discussed briefly in this analysis, lags the promulgation of this rulemaking due to the time needed for States to modify their SIPs.

1 Identification of the Information Collection

This document fulfills the Agency's requirements under the Paperwork Reduction Act (PRA) with regard to determining the regulatory burden associated with the proposal of a new emissions test for modifications at sources subject to parts C and D of title I of the Clean Air Act (the Act, or CAA), Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR). It has been assigned EPA tracking number 1230.19. The title of this Information Collection Request (ICR) is "Information Collection Request for Changes to Prevention of Significant Deterioration and Nonattainment New Source Review: Emissions Test for Electric Generating Units."



1.2 Description

The program called the "major NSR program" under authority of parts C and D of Title I of the Act is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants. In areas not meeting National Ambient Air Quality Standards (NAAQS) and in ozone transport regions (OTR), the program is the "nonattainment" NSR program, implemented under the requirements of part D of title I of the Act. In attainment areas (areas meeting NAAQS) or in areas where there is insufficient information to determine whether they meet the NAAQS ("unclassifiable" areas), the Prevention of Significant Deterioration (PSD) program is implemented under the requirements of part C of Title I of the Act. Applicability of the major NSR program must be determined in advance of construction and is pollutant-specific. When a source triggers major NSR in attainment areas, it must install best available control technology (BACT) and conduct modeling and monitoring as necessary. If the source is located in a nonattainment area, it must install technology that meets the lowest achievable emission rate (LAER), secure emission reductions to offset any increases above baseline emission levels, and perform other analyses.

Before 1970, the CAA existed primarily as a mechanism for funding research grants and State air pollution control agencies. Congress added substantive provisions to the CAA for the first time in 1970, including emission standards for new stationary sources. This program, known as the NSPS program, applies to EGUs and other stationary sources of criteria pollutants, which are SO₂, NO_x, particulate matter (PM), CO, ozone, and lead. Preconstruction permitting for EGUs and other new stationary sources of criteria pollutants was considered in 1970, but not added to the CAA until it was amended again in 1977. The preconstruction program for major stationary sources is commonly called the major NSR program. The

NSPS and major NSR programs ensure that no new sources of pollution – whether from new sources or modifications to existing sources – can be constructed unless the source complies with new source requirements.

We are proposing to revise the emissions test for existing EGUs under the major NSR program. We are proposing three alternatives that we designate as Options 1, 2, and 3.

Under Option 1, we are proposing to determine whether a physical or operational change to an existing EGU would cause an emissions increase by comparing the maximum hourly emissions rate at the unit during the past 5 years to the maximum hourly emissions rate at that unit after the change. If the change would cause an increase in hourly emissions, the change would qualify as a “modification” and would be subject to the requirements of the major NSR program. Major NSR is a preconstruction permitting program, so the analysis must be conducted before a modification occurs. The owner/operator may select the hourly emissions rate at that unit at any time during the 5 years prior to the change. Thus, EGU owner/operators may select the hourly rate that is representative of the unit’s maximum emissions in the past 5 years.

Under Option 2, an existing EGU would first be subject to the same hourly emissions test that applies under Option 1. If the change qualifies as a modification under the hourly emissions test, the unit would then be subject to the existing actual-to-projected-actual annual emissions test to determine whether the change would result in a significant net emissions increase. If so, the change would qualify as a “major modification” and would be subject to the requirements of the major NSR program.

Under Option 3, an existing EGU would be subject only to the actual-to-projected-actual annual emissions test to determine whether the change would result in a significant net emissions increase. If so, the change would qualify as a “major modification” and would be subject to the requirements of the major NSR program. The proposed rules under this option would differ from the current rules for EGUs in only one respect—the look-back period for the unit’s baseline actual emissions would be 10 years instead of the 5 years that currently applies. This would make the look-back period for EGUs the same as currently applies to non-EGUs under the existing rules.

We are proposing these rule revisions only for existing EGUs. Specifically, the revised emissions test is available only for existing units as defined in the regulations governing the major NSR programs at 40 CFR 51.165, 51.166, or 52.21, and Appendix S of part 51. That is, the EGU must have existed for more than 2 years from the date that it first operated.

The revised emissions test for major NSR is not available to greenfield sources or to new emissions units.

We are proposing to define EGU as fossil-fuel fired boilers and turbines serving an electric generator with a nameplate capacity greater than 25 megawatts (MW) producing electricity for sale. Fossil fuel is described as natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material. The term "fossil fuel-fired" with regard to a unit means combusting fossil fuel, alone or in combination with any amount of other fuel or material. This definition of EGU is broader than the definition of electric utility steam generating unit (EUSGU) currently found in the NSR regulations. The EGU definition includes simple cycle gas turbines that would not qualify under EUSGU definition. That is, the revised emissions test would apply to EUSGUs (including cogeneration units) and simple cycle gas turbines.

2 Need and Use of the Collection

2.1 Need / Authority for the Collection

Title I of the Act authorizes EPA to collect this information. Through the NSR program it requires owners or operators of emissions units that emit air pollutants to submit an application for a permit to construct, modify, or significantly alter the operations of each source of criteria pollutants.

2.2 Practical Utility / Users of the Data

For EPA to carry out its required oversight function of reviewing construction permits and assuring adequate implementation of the program, it must have available to it information on proposed construction and modifications. The burden estimates included in this ICR provide emissions, source, and control information for the PSD/NSR program.

2.3 Caveats and Considerations

The information in this ICR is based upon the best data available to the Agency at this time. However, inconsistencies in reviewing authority (RA) reporting techniques, and incomplete data sets, and sampling limitations imposed necessitated a certain amount of extrapolation and “best-guess” estimations.² Consequently, the reader should not consider the conclusions to be an exact representation of the level of burden or cost that *will* occur. Instead, this ICR should be considered a directionally correct assessment of the impact the programmatic changes included in this rulemaking *may* have over the next 3 years.

Throughout this ICR, the reader will observe estimated values that show accuracy to the single hour or dollar. However, reporting values at the single unit level can be misleading. In most situations, the proper way to present estimated data would be to determine an appropriate level of precision and truncate values accordingly, usually in terms of thousands or millions of units. For instance, a spreadsheet generated estimation of \$5,456,295 could be presented in the text as \$5.5 (millions) or \$5,456 (thousands). One problem with such an approach is the loss of data richness when the report contains a mixture of very large and very small numbers. Such was the case with this ICR, where source values are consistently in the millions and federal and State values in the tens of thousands. Consequently, to avoid the loss of information through rounding, this ICR reports all values at the most meaningful unit level for the range of values being presented and reminds the reader that there is no implied precision inherent in this style of reporting.

² The term “reviewing authority” is synonymous with the term “permitting authority” used in previous permit-related analyses. The reader should consider these terms interchangeable for comparison purposes.

3 Non-Duplication, Consultation, and Other Collection Criteria

3.1 Non-Duplication

For approval of a proposed ICR, the Agency must ensure that it has taken every reasonable step to avoid duplication in its paperwork requirements in accordance with 5 CFR 1320.9. Although the RAs will be required to revise a State's SIP, the proposed action imposes no new paperwork requirements.

3.2 Public Notice Requirements

For any existing rule, § 3507(g) of the PRA limits how long a Director may take to approve a collection of information to 3 years. The ICR for the 40 CFR Part 51 and 52 Prevention of Significant Deterioration and New Source Review Program was renewed last in October 2004. This ICR analysis presents an update to that renewal, based upon programmatic changes completed since then.

A 60-day public comment period will be provided after proposal, during which all affected parties will be given the opportunity to comment on the proposed changes. All received comments will be considered, and some may be reflected in the development of the final regulatory language.

3.3 Consultations

This ICR is an update to the renewal for the ICR program (ICR #1230.17), completed in October 2004. This ICR incorporates the base elements of the overall program as they relate to these changes. As such, extensive consultation through public meetings and stakeholder meeting with environmental groups; industry; and State, local, and Federal agency representatives has been conducted for the permit application and review elements affected in this ICR update.

3.4 Less Frequent Collection

The Act defines the rate of reporting by sources, States, and local entities. Consequently, less frequent collection is not possible.

3.5 General Guidelines

OMB's general guidelines for information collections must be adhered to by all Federal Agencies for approval of any rulemaking's collection methodology. In accordance with the requirements of 5 CFR 1320.5, the Agency believes:

1. The NSR regulations do not require periodic reporting more frequently than semi-annually.
2. The NSR regulations do not require respondents to participate in any statistical survey.
3. Written responses to Agency inquiries are not required to be submitted in less than thirty days.
4. Special consideration has been given in the design of the NSR program to ensure that the requirements are, to the greatest extent

- possible, the same for Federal requirements and those RAs who already have NSR construction permitting programs in place.
5. Confidential, proprietary, and trade secret information necessary for the completeness of the respondent's permit are protected from disclosure under the requirements of §503(e) and §114(c) of the Act.
 6. The NSR regulations do not require more than one original and two copies of the permit application, update, or revision to be submitted to the Agency.
 7. Respondents do not receive remuneration for the preparation of reports required by the Act or parts 51 or 52.
 8. To the greatest extent possible, the Agency has taken advantage of automated methods of reporting.
 9. The Agency believes the impact of NSR regulations on small entities to be insignificant and not disproportionate.

The recordkeeping and reporting requirements contained in the current NSR program and the changes proposed in this rulemaking do not exceed any of the Paperwork Reduction Act guidelines contained in 5 CFR 1320.5, except for the guideline which limits retention of records by respondents to 3 years. The Act requires both respondents and State or local agencies to retain records for a period of 5 years. The justification for this exception is found in 28 U.S.C. 2462, which specifies 5 years as the general statute of limitations for Federal claims in response to violations by regulated entities. The decision in U.S. v. Conoco, Inc., No. 83-1916-E (W.D. Okla., January 23, 1984) found that the 5-year general statute of limitations applied to the Clean Air Act.

3.6 Confidentiality

Confidentiality is not an issue for this rulemaking. In accordance with the Clean Air Act Amendments of 1990, the monitoring information to be submitted by sources as a part of their major NSR permit application is a matter of public record. To the extent that the information required is proprietary, confidential, or of a nature that could impair the ability of the source to maintain its market position, that information is collected and handled subject to the requirements of §503(e) and §114(c) of the Act. Information received and identified by owners or operators as confidential business information (CBI) and approved as CBI by EPA, in accordance with Title 40, Chapter 1, Part 2, Subpart B, shall be maintained appropriately (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 39999, September 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

3.7 Sensitive Questions

The consideration of sensitive questions, (i.e., sexual, religious, personal or other private matters), is not applicable to this rulemaking. The

information gathered to establish a major NSR permit does not include personal data on any owner or operator.

**3.8 Environmental
Justice
Considerations**

The President's priorities in promoting environmental justice (EJ) are contained in Executive Order #12898. Because the NSR program operates nation-wide and across all industry classifications, the Agency does not believe there is a disproportionate EJ effect in the NSR program.

4 The Respondents and the Information Requested

4.1 Respondents/SIC and NAICS Codes

The proposed emissions tests applies only to existing EGUs. The industry classifications affected by the proposed rule are presented in Table 4.1.

Table 4.1 Potentially Affected Entities

Industry Group	SIC	NAICS
Electric Services	491	221111, 221112, 221113, 221119, 221121, 221122

Eventually, this rulemaking will affect all States, territories, and possessions of the United States, as well as all local and Tribal governments, but for the first 3-year period of this rulemaking (the period covered by this ICR), most States will not be affected by this regulation due to the regulatory lag necessary for SIP review, revision, and approval. During the first 2 years that this ICR covers, the only entities potentially affected by this final action will be located in areas where the Federal government has direct regulatory authority. These “Federally controlled areas” include, but are not limited to, Guam, Puerto Rico and the Virgin Islands; Washington D.C.; Hawaii, Illinois, Michigan, Minnesota, North Dakota, Nevada, New Hampshire, New Jersey, New York, and South Dakota. The Federal government also has authority in Texas and Washington State, but only for one source category in each SIP, so this analysis will treat Texas and Washington State as though their SIPs were fully approved.

For our analysis of the number of respondents in each year of the 3-year period, see Section 6.4.1 of this document.

4.2 Information Requested

The data required by sources for a complete major NSR construction permit application can be found in the various parts of Title 40 of the Code of Federal Regulations (40 CFR). 40 CFR 50.166 specifies the minimum requirements that a PSD permit program under Part C of the Act must contain to warrant approval as a revision to a State Implementation Plan (SIP). 40 CFR 52.21 delineates the Federal PSD permit program which applies to all Federally controlled areas, such as Tribal lands, outer continental shelf sources, and States that have not submitted a PSD program meeting the requirements of 40 CFR 51.166. 40 CFR 51.165 specifies the elements of an approvable State permit program for preconstruction review in nonattainment areas under Part D of the Act. 40 CFR Part 51, Appendix S (Offset Ruling) and 40 CFR 52.24 (construction moratorium) apply when a nonattainment area SIP has not been fully approved by EPA as having met the requirements of Part D of the Act. These citations can be found on the EPA website at:

<http://www.epa.gov/docs/epacfr40/chapt-I.info/subch-C.htm>

Respondent data and information requirements can be found in the current ICR for the PSD/NSR program (EPA Tracking Number 1230.17, Appendix A, October 2004), including appropriate references in 40 CFR part 51 for the data and information requirements that govern the way States implement NSR programs.

5 The Information Collected - Agency Activities, Collection Methodologies, and Information Management

5.1 Agency Activities

Table A-3 of Appendix A of the current ICR (EPA Tracking Number 1230.17) summarizes the data and information requirements which State and local agencies must meet. For convenience, Table 5.1, below, recreates this information. Table 5.1 also shows the Part 51 references for the data and information requirements specified. The appropriate language from the CAA, 40 CFR 51 and 40 CFR 52 for State and local agencies is also included.

Table 5.1 Permitting Agency Data and Information Requirements

Requirement	Regulation Reference
Early FLM notification and opportunity to participate in meetings	40 CFR 51.166(p)(1)(ii)
Submission of all permit applications to EPA	40 CFR 51.166(q)(1)
Submission of notice of application, preliminary determination, degree of increment consumption, and opportunity for public comment	40 CFR 51.166(q)(2)(iv)
Submission to FLM of permit applications	40 CFR 51.166(p)(1)
Submission of written request to exempt sources from review	40 CFR 52.21(i)(4)(vi)
Written request for use of innovative control technology	40 CFR 51.166(s)
Establishing and operating a permitting program for all new sources	40 CFR 51.160
Provide notice to EPA of all permits	40 CFR 51.161(d)
Provide for public comment for all NSR permits	40 CFR 51.161

5.2 Collection Methodology and Management

This section discusses the development of burden estimates and their conversion into costs, which are separated into burden costs and capital and O&M costs. According to the latest guidance for ICRs (EPA 1995), capital and O&M costs display the cost of any new capital equipment the source or RA may have to purchase solely for information collection, assimilation, and storage purposes. For example, if a source had to purchase a new mini-computer to store and manipulate data, that computer would be a cost of administration subject to reporting in the ICR. In addition, the latest guidance instructs the Agency to differentiate the burden associated with a source's labor and that which it hires through outside contractors. To the extent a source contracts out for administrative purposes (e.g., employing consultants to perform monitoring functions), the burden associated with those contracted tasks are not a burden to the source - but they still remain a cost. The reader should read this section with the following considerations in mind:

- The Agency believes the time necessary to perform a task is independent of the origins of its labor. In other words, if a

source would employ 20 hours of burden to fully perform a function, then a contractor hired by the source would also take 20 hours to perform that same task. Furthermore, the Agency assumes no economies or diseconomies of scale. The linear combination of any amount of contractor and source effort will also sum to 20. Therefore, the burden estimates in this ICR act as an accurate assessment of the total burden to affected sources and RAs, given the affected entity does not employ contracted labor.

- For some burden categories, the Agency believes the hours assigned to them will be divided between the source and outside contractors. For these categories, the Agency established a composite cost per hour by developing a weighted average of the source and contractor wages, with the weight defined by the percentage of total effort each burden source applied. Consequently, the cost developed in this ICR should be interpreted as an upper bound on the actual cost of administration by the source or RA. The methodology for determining cost per hour can be found in greater detail in section 6.2, below.

The owners or operators of new or modified major stationary sources affected by the major NSR regulations must submit construction permit applications to the RA, who logs in the permit applications, stores applications in a central filing location, notifies the Federal Land Manager (FLM) of the permit, and provides a copy of the application (if applicable) to the FLM and transmits copies of each application to EPA. Upon permit approval, the RA submits control technology information to EPA's RBLC database.

The RA reviews the permit application and checks the quality of data submitted by the applicant on a case-by-case basis. The applicant will be required to submit information on how the data were obtained (*e.g.*, indicate whether emissions data were obtained through the use of emissions factors or test data) and how the calculations were performed. The RA personnel will check data quality by reviewing test data and checking engineering calculations, and by reviewing control technology determinations for similar sources. The RBLC and other sources will be reviewed for information on control technology determinations made for sources similar to the sources included in the permit application. Confidential information submitted by the applicant will be handled by the RA's confidential information handling procedures. The public will be provided the opportunity to review a permit application and other materials relevant to the RA's decision on issuing the permit, including FLM findings, by obtaining a copy from the permit reviewing authority or by

attending the public hearing. The NSR regulations will not require information through any type of survey.

5.3 Small Entity Flexibility

The Regulatory Flexibility Act (RFA) requires regulatory agencies, upon regulatory action, to assess that actions potential impact on small entities (businesses, governments, and small non-governmental organizations) and report the results of the assessments in (1) an Initial Regulatory Flexibility Analysis (IRFA), (2) a Final Regulatory Flexibility Analysis (FRFA), and (3) a Certification. For ICR approval, the Agency must demonstrate that it "has taken all practicable steps to develop separate and simplified requirements for small businesses and other small entities" (5 CFR 1320.6(h)). In addition, the agencies must assure through various mechanisms that small entities are given an opportunity to participate in the rulemaking process.

A Regulatory Flexibility Act Screening Analysis (RFASA) developed as part of a 1994 draft Regulatory Impact Analysis (RIA) and incorporated into the September 1995 ICR renewal analysis reported an initial regulatory flexibility screening analysis showed that the changes to the NSR program due to the 1990 Clean Air Act amendments would not have an adverse impact on small entities.³ This analysis encompassed the entire universe of applicable major sources that were likely to also be small-businesses. The Agency estimates there are approximately 50 "small business" major sources.⁴ Because the administrative burden of the NSR program 16 the primary source of the NSR program's regulatory costs, the analysis estimated a negligible "cost to sales" (regulatory cost divided by the business category mean revenue) ratio for this source group. Currently, there is no economic basis for a different conclusion at this time.

We believe that today's proposed Option 1 will relieve the regulatory burden associated with the major NSR program for all EGUs, including any EGU that are small businesses. This is because Option 1 would simplify applicability determinations, eliminate the burden of projecting future annual emissions and distinguishing between emissions increases caused by the change from those due solely to demand growth, and reduce recordkeeping and reporting burdens. We believe that proposed Options 2 and 3 will not affect the major NSR regulatory burden for any EGUs. As a result, the program changes provided in the proposed rule are not expected to result in any increases in expenditure by any small entity. We have therefore concluded that, depending on the option ultimately selected,

³ "Economic Assessment of the Impacts of Part C and D Regulatory Changes," June 2, 1994.

⁴ The definition for "small business" employed for all SIC categories in this analysis was any business employing fewer than 500 employees.

today's proposed rule either would have no effect on the regulatory burden for all small entities, or would relieve regulatory burden for all small entities.

5.3.1 Measures to Avert Impacts on Small Entities

The Agency may not, as a general rule, exempt a major source of air pollution. Since the impacts of NSR regulations which may impact small entities occur predominantly at major sources, little room exists for regulatory flexibility to avert the impact of the proposed rulemaking on small entities through exemption. However, even though the Title V program does not have an adverse impact on a significant number of small businesses, EPA takes measures to assist sources in affected small entities through the implementation of small business stationary source technical and environmental compliance assistance programs, as called for in section 507 of the Act. These programs can reduce the reporting burden of small entities which are subject to major NSR and may significantly alleviate the economic burden on small sources by establishing programs to assist small businesses with determining what Act requirements apply to their sources and when they apply, and guidance on alternative control technology and pollution prevention for small businesses.

5.3.2 Measures to Mitigate Impacts on Small Entities

Generally, EPA has several methods by which it can minimize the disproportionate effect of a rulemaking on small entities. Net costs can be reduced through the use of small business stationary source technical and environmental compliance assistance programs, the Agency can defer applicability for one or several source categories, and mitigation can be achieved by discretion of the Federal government. However, these avenues do not apply to the NSR program.

We believe that today's proposed Option 1 will relieve the regulatory burden associated with the major NSR program for all EGU, including any EGU that are small businesses. This is because Option 1 would simplify applicability determinations, eliminate the burden of projecting future annual emissions and distinguishing between emissions increases caused by the change from those due solely to demand growth, and reduce recordkeeping and reporting burdens. Proposed Options 2 and 3 would not affect the major NSR regulatory burden. As a result, the program changes provided in the proposed rule are not expected to result in any increases in expenditure by any small entity.

We have therefore concluded that, depending on the option ultimately selected, today's proposed rule either would have no effect on the regulatory burden for all small entities, or would relieve regulatory burden for all small entities.

5.4 Collection Schedule

Respondents are not subjected to a collection schedule per se under NSR permitting regulations of parts 51 and 52. In general, each major stationary source is required to submit an application as a prerequisite to receiving a construction permit. Preparation of a major source construction permit application is a one-time-only activity for each project involving construction of a new major stationary source or major modification of an existing major stationary source. The applicable SIP typically states the time period that is necessary to process a permit application and issue a permit. Consequently, a prospective source would be obliged to work backward from the desired commencement date for construction to determine the optimum submittal date for the application.

6 Estimating the Burden and Cost of the Collection

Burden means the total time, effort, of financial resources expended by person to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This include 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; and transmit or otherwise disclose the information. The burden estimate should be composed of (1) a total capital and start-up cost component annualized over its useful life; (2) a total operation, maintenance and purchases of services component. Each component should be divided into burden borne directly by the respondent and any services that are contracted out.

6.1 Estimating Respondent Burden

Although there have been regulatory changes to the NSR program since the 2004 renewal, we believe that they have not changed the regulatory burden on a source that is subject to major NSR and must obtain a permit. Similarly, we believe that the burden on a State or local RA to review and issue a major NSR permit has not changed. Thus, we have retained the per-permit hourly burden estimates from the 2004 ICR renewal (1230.17) as the baseline for the current regulatory action for both industrial respondents and State and local RA respondents.

The proposed Option 1 emissions test would simplify applicability determinations for sources and reviewing authorities. It would eliminate the burden of projecting future annual emissions and distinguishing between emissions increases caused by the change from those due solely to demand growth, because any increase in the emissions under the maximum achievable emissions test would be logically attributed to the change. It would reduce recordkeeping and reporting burdens on sources because compliance would no longer rely on synthesizing emissions data into rolling total emissions. It would improve compliance by making the rules more understandable, which would correspondingly reduces the RAs' compliance and enforcement burden.

Specifically, we believe that proposed Option 1 would reduce the industry's burden related to determination of compliance requirements and preparation and submittal of permit applications. Accordingly, in estimating the respondent burden for Option 1 for this ICR, we have reduced the labor hour burden of certain activities by 20 percent to account for the reduced burden of a given permit action. We based the 20 percent reduction on engineering judgment and experience in reviewing major NSR permit actions.

Under Option 1, the RAs will see a corresponding reduced burden for logging in and reviewing data submissions, as well as preparing completed permit applications for processing. As discussed further in section 6.3, Federal authorities will see a reduced burden for reviewing and verifying applicability determinations under Option 1.

Because they retain an annual emissions test, proposed Options 2 and 3 are not expected to reduce the per-permit hourly burden experienced by industrial respondents or State and local RA respondents. As a result, we believe that the baseline burden estimates from the 2004 ICR renewal will continue to apply under these options.

Table 6.1 presents the average burden by activity for industrial respondents for the baseline case, Option 1, and Options 2 and 3. This burden consists of the activities required to obtain a major NSR construction permit, differentiated according to whether the permit is issued pursuant to Part C of the Act (PSD permits) or Part D of the Act (nonattainment major NSR permits).

Table 6.2 presents the average burden by activity for the RAs for the baseline case, Option 1, and Options 2 and 3. These activities are for issuing major NSR construction permits.

Table 6.1 Industrial Respondent (Source) Per-Permit Burden

Activity	Baseline Hours per Permit	Option 1 Hours per Permit	Options 2 and 3 Hours per Permit
I. Part C (PSD)			
A. Preparation and Planning			
Determination of Compliance Requirements	170	136	170
Obtain guidance on Data Needs	120	120	120
Preparation of BACT Engineering Analysis	85	85	85
B. Data Collection and Analysis			
Air Quality Modeling	200	200	200
Determination of Impact on Air Quality Related Values	100	100	100
Post-construction Air Quality Monitoring	50	50	50
C. Permit Application			
Preparation and Submittal of Permit Application	50	40	50
Public Hearings	24	24	24
Revisions to Permit	40	40	40
D. Total	839	795	839
II. Part D (nonattainment)			
A. Preparation and Planning			
Determination of Compliance Requirements	150	120	150
Obtain Guidance on Data Needs	100	100	100
B. Data Collection and Analysis			
Preparation of LAER Engineering Analysis	40	10	40
Demonstrate Offsets	40	10	40
Prepare Analysis of Alternative Sites, Processes, etc.	60	60	60
Air Quality Modeling	100	100	100
C. Permit Application			
Preparation and Submittal of Permit Application	38	30	38
Public Hearings	25	25	25
Revisions to Permit	24	24	24
D. Total	577	539	577

Table 6.2 State and Local RA Respondent Per-Permit Burden

Activity	Baseline Hours per Permit	Option 1 Hours per Permit	Options 2 and 3 Hours per Permit
I. PART C (PSD)			
A. Attend Pre-application Meetings	36	36	36
B. Answer Respondent Questions	20	20	20
C. Log In and Review Data Submissions	16	13	16
D. Request Additional Information	8	8	8
E. Analyze for and Provide Confidentiality Protection	24	24	24
F. Prepare Completed Applications for Processing	32	26	32
G. File and Transmit Copies	8	8	8
H. Prepare Preliminary Determination	24	24	24
I. Prepare Notices for and Attend Public Hearings	40	40	40
J. Application Approval	40	40	40
K. Notification of Applicant of RA Determination	8	8	8
L. Submittal of Information on BACT / LAER to RBLC	16	16	16
M. Total	272	263	272
II. Part D (Nonattainment)			
A. Attend Pre-application Meetings	7	7	7
B. Answer Respondent Questions	10	10	10
C. Log In and Review Data Submissions	8	6	8
D. Request Additional Information	4	4	4
E. Analyze for and Provide Confidentiality Protection	4	4	4
F. Prepare Completed Applications for Processing	12	10	12
G. File and Transmit Copies	4	4	4
H. Prepare Preliminary Determination	8	8	8
I. Prepare notices for and Attend Public Hearings	18	18	18
J. Application Approval	16	16	16
K. Notification of Applicant Determination	2	2	2
L. Submittal of Information on BACT/LAER to RBLC	16	16	16
M. Total	109	105	109

In addition to issuing permits, the RAs must ensure that their NSR programs meet the requirements that EPA specifies for such programs pursuant to Parts C and D. The proposed rule would revise the applicability requirements for EGUs. Therefore the RAs must incorporate these changes into their SIPs or demonstrate that an alternative approach is at least equivalent to the revised requirements.

This rulemaking results in a small increase in the burden imposed upon RAs in the short term. Each RA must submit changes to their existing SIP programs or demonstrate that their existing programs are at least equivalent to EPA’s new requirements. Because the changes needed for updating SIPs are small and the State requirements for SIP development differ from State to State, the EPA assumed it would take no more than 20 hours for each RA to fully incorporate this rulemaking into its plan. This assumption includes legislative review, public comment, and all legal and legislative processes necessary for all of the above components. We expect this burden to occur in year 2 of the period covered by this ICR.

6.2 Estimating Respondent Costs

In order to improve the accuracy of burden estimates, this ICR uses 2006 values with the wage rate methods established in the July 1997 renewal ICR and confirmed in the 2001 and 2004 renewal ICRs. The single exception is the estimate of pre-construction ambient air quality monitoring costs, which were adjusted from the 2001 renewal ICR due to the lack of computational detail provided in the 1997 renewal.

6.2.1 Estimating Labor Costs

We estimated industry labor costs using a two-step process. First, we calculated an estimated in-house labor rate using the latest data from the Bureau of Labor Statistics (BLS). We then calculated an industrial respondent's labor rate reflecting a division between in-house technical staff and contractor staff.

6.2.1.1 In-house Labor Rates

To calculate the in-house labor rate, \$72.20/hr, we have used a graded approach in calculating labor cost as recommended in the ICR handbook. We used wage rates for industry respondents retrieved from the BLS, specifically for Engineering Managers (management), Environmental Engineers (technical), and Word Processors and Typists (clerical) in the Electric Power Generation, Transmission, and Distribution industry. The latest data available on wage rates for this sector reflects May 2005; accordingly, we have used this period as the basis for all costs reported in this ICR. Based on BLS data on benefits compensation for Utilities in the private sector, we used 38.4 percent of the total compensation to estimate benefits.⁵ We calculated the overhead rate as 50 percent of the total compensation rate (i.e., salary plus benefits). The addition of benefits and overhead to the hourly rate produces a pay rate that reflects the true cost to employ an industry sector worker. Table 6.3 summarizes this result. Following is a summary of the computed wages for industry personnel.

Table 6.3 Calculated In-house Hourly Labor Rates

Labor Type	Base Salary, Hourly Rate ^a	Benefit Hourly Rate ^b	Overhead Hourly Rate ^c	Adjusted Hourly Rate	In-house Weighting (%)	In-house Hourly Rate
Management	46.29	17.76	32.03	96.10	5%	4.81
Technical	36.22	13.91	25.06	75.19	85%	63.91
Clerical	16.77	6.44	11.60	34.81	10%	3.48
Total					100%	\$ 72.20

a Dept of Labor: Bureau of Labor and Statistics <http://www.bls.gov/oes>. Data for May 2005. Accessed August 2006

b Benefits are 38.4% of Base Salary Hourly Rate based on 2nd Quarter 2005 data from the Dept of Labor: Bureau of Labor and Statistics <http://data.bls.gov>.

c Overhead rate is 50% of Base Salary Hourly Rate plus Benefit Hourly Rate.

⁵ U.S. Department of Labor: Bureau of Labor Statistics: Bureau of Labor Statistics Data. <http://data.bls.gov>. Data for 2nd Quarter 2005. Accessed August 2006.

6.2.1.2 Industrial Respondent Labor Rates

The labor rate used to calculate the industrial respondent's labor cost is \$85.20/hr and reflects a division of labor between in-house technical staff and managerial staff, and the involvement of outside consultants. The consultant rate in the 1997 ICR was estimated to be 60 percent higher than the loaded in-house rate. Therefore, we have estimated the current loaded consultant rate to be \$115.52 ($\$72.20 \times 1.60 = \115.52). The following methodology is detailed in the July 10, 1997 ICR. The industrial respondent's labor rate is calculated by taking 70% of the 2005 in-house rate ($\$72.20 \times 0.70 = \50.54), which is derived using fully loaded but weighted technical, clerical, and managerial staff wages, and adding the resulting labor rate to 30% of the 2005 fully loaded weighted consultant rate for technical, clerical, and managerial staff ($(\$115.52 \times 0.30 = \$34.66)$). The resultant industrial respondent's labor rate equals \$85.20/hr.

Following the same assumptions as the 2004 ICR renewal, approximately 13 percent of PSD sources submitting Part C (PSD) permit applications will conduct pre-construction ambient air quality monitoring. The average cost for this activity is estimated to be \$280,343, which is calculated using the same 3 year adjustment factor (1.16) as the previous ICRs and adding an additional growth of 10.66% (2/3 of 16%) for 2004 and 2005. We have assumed that one of the 9 PSD permits submitted during the 3-year period covered by this ICR would be required to do this monitoring.

6.2.1.3 State and Local Respondent Labor Rates

The labor rate used to calculate the State and local respondents' labor cost is \$43.88/hr. This rate is the result of inserting 2005 Federal government pay schedule wage rates for clerical, technical, and managerial staff into the weighting system developed in the 1997 renewal ICR and described in the November 2002 parts 51 & 52 ICR update.⁶ For this ICR, the Agency employed the same methodology to determine 2005 Federal burden costs. Table 6.4 summarizes this result.

⁶ U.S., Environmental Protection Agency, Office of Air Quality Planning and Standards, *Draft Information Collection Request For Changes To The 40 CFR Part 51 And 52 Prevention Of Significant Deterioration And New Source Review Applicability Requirements For Modifications To Existing Sources*, November 2002, p. 29.

Table 6.4 Determination of Federal and State Wage Rates

Annual Salary of Permit Staff, GS 11 Step 3 (FY 05 Schedule)*		\$48,255.00
Annual Cost of Supervisory Staff, GS 13 Step 3 (FY 05 Schedule)*	\$68,776.00	
Factor (1/11)	0.09	
		\$6,189.84
Annual Cost of Support Staff, GS 6 Step 6 (FY 05 Schedule)*	\$32,092.00	
Factor (1/8)	0.13	
		\$4,171.96
Annual Applicable Salary of Permit Staff		\$58,616.80
Benefits (at 16%)		\$9,378.69
Sick Leave / Vacation (at 10%)		\$5,861.68
General Overhead		\$17,413.37
Total Cost Per FTE		\$91,270.54
Total Hourly Cost (Total Per FTE divided by 2,080 hours per year)		\$43.88

a <http://www.opm.gov/oca/05tables/html/ga.asp> August 2006

6.2.2 Estimating Capital and Operations and Maintenance Costs including Purchase of Services

Even if an applicant is a brand new company and the prospective source is a “greenfield” source (the EPA estimates less than one percent of the combined number of major and minor industrial respondents fit that description) most, and perhaps all, of the equipment needed to prepare permit applications (for example, the computers and basic software) will be part of the source’s business operation inventory. Furthermore, much of the data and regulatory and policy information for making technology determinations and even models for performing ambient air impact analyses are available in electronic form from several different EPA bulletin boards for just the communication charges, which are typically absorbed in routine business overhead expenses.

The EPA has conservatively estimated that 13 percent of PSD permit applicants have to conduct pre-construction ambient monitoring for the impacts analyses and that monitoring is conducted for approximately 4 months. As a practical matter, sources would probably contract this type of activity since it would generally be a one-time exercise. Consequently, EPA believes this cost is most often a direct cost associated with preparing permit applications. Based on this assumption, cost of capital equipment for pre-construction monitoring is negligible. To account for this cost in the ICR, EPA has added a line item direct cost to the total annual cost based on a contracted service cost of \$280,343 per permit where pre-construction monitoring is required. This cost, although not a fixed-capital cost, is nonetheless considered a start-up cost and is reported as such in the OMB form for this ICR. As a result, the total estimated direct cost would be \$280,343 for the one PSD permit assumed to require ambient monitoring during the ICR period.

Since the purchase of capital equipment is believed to be an insignificant factor in permit application preparation, the EPA assumes the operation, maintenance, or services for same are negligible. Further, once a permit is issued, there is no operations and maintenance cost associated with it. It

remains unaltered unless the source or the permitting authority discovers specific reasons to reexamine it and change any conditions or specifications. If purely administrative, the changes are handled exclusively by the permitting authority. If changes have the potential for environmental consequences, the action may be significant enough to be counted as a separate and new application, to which a new burden and cost may be ascribed.

6.2.3 Capital/Start-up Operating and Maintenance (O&M) Costs

Capital/start-up and O&M costs are non-labor related costs. One-time capital/start-up costs are incurred with the purchase of durable goods needed to provide information. According to the Paperwork Reduction Act, capital/start-up cost should include among other items, preparations for collecting information such as purchasing computers and software, monitoring, sampling, drilling, and testing equipment. As stated above, we believe that as a practical matter sources would probably contract this type of activity rather than making a capital investment in equipment to be used as part of a one-time exercise. These costs, although not fixed-capital costs, have been included as start-up costs in the OMB form. For the same reason, that is, contracting out for this kind of expenditure/activity, the O&M costs associated with start-up capital equipment are zero for this ICR.

6.2.4 Annualized Capital Costs

Typically annualized capital cost would be derived from a discounted net present value of the stream of costs that would occur over the life of the permit, or the ICR, whichever is shorter. However, in the case of NSR, there are only up-front costs. The burden and cost of applying for and issuing each permit is unique, and since the cost of NSR permitting is incurred “up front,” it is a sunk cost to the source and does not require amortization over the life of the source. Therefore, the capital costs for the ICR to industry respondents after the first year of each permit are zero.

6.3 Estimating Agency Burden and Cost

Staff in EPA’s regional offices typically reviews major NSR permits. The EPA expects its review of NSR permits to comprise the tasks listed in Table 6.5. The table gives the baseline estimated average per-permit hourly burden, which reflects the values from the 2004 ICR renewal (1230.17), as well hourly burden under proposed Options 1, 2, and 3. For Option 1, we believe that EPA will see a reduced burden for reviewing and verifying applicability determinations. For Options 2 and 3, we believe that EPA’s burden will not be affected and will remain at the baseline level.

As described in section 6.2.1.3, we calculated Federal labor rates using the weighting developed in the 1997 ICR renewal and described in the November 2002 parts 51 and 52 ICR update. The estimated labor rate is \$43.88/hr based on data for 2005.

In addition, there will be Agency burden resulting from these changes to review SIPs to verify that their changes fully meet the requirements of the program. Due to the nature of the changes needed, the Agency expects that, when the rule is fully in effect, that each SIP will require about 5 hours of review. We expect this burden to occur in year 3 of the period covered by this ICR.

Table 6.5 Federal Per-Permit Burden

Activity	Baseline Hours per Permit	Option 1 Hours per Permit	Options 2 and 3 Hours per Permit
I. PART C (PSD)			
A. Review and Verify Applicability Determination	2	1	2
B. Review Control Technology Determination	3	3	3
C. Evaluate Air Quality Monitoring	4	4	4
D. Evaluate Alternative and Secondary Impact Analysis	2	2	2
E. Evaluate Class I Area Analysis	2	2	2
F. Administrative Tasks	1	1	1
G. Total	14	13	14
II. Part D (nonattainment)			
A. Review and Verify Applicability Determination	2	1	2
B. Review Control Technology Determination	3	3	3
C. Evaluate Offsets	1	1	1
D. Evaluate Air Quality Monitoring	4	4	4
E. Evaluate Alternative and Secondary Impact Analysis	2	2	2
F. Administrative Tasks	1	1	1
G. Total	13	12	13

6.4 Estimating the Respondent Universe and Total Burden and Cost

For the purpose of estimating burden in this ICR, the respondent universe is defined by the annual number of permit applications prepared by existing EGUs that would be subject to the proposed rules and the number of such permit applications processed by State and local RAs. It also includes the number of RAs that will have to revise their SIPs.

6.4.1 Estimating the Number of Respondents

We estimate that the number of NSR permit applications for EGUs over a 3-year period would be 182, based on an analysis we completed for the 2002 NSR Rule ICR.⁷ We recently conducted a survey of the RACT/BACT/LAER Clearinghouse (RBLC) database and determined that approximately 25 percent of the EGU permit applications over a 3-year period were for major modifications at existing sources. Since the proposed rule would apply only to such modifications, we assumed that 45 permit actions would be subject to the proposed rule during a 3-year period,

⁷ *Information Collection Request for Changes to the 40 CFR Parts 51 and 52 PSD and NSR Applicability Requirements for Modifications to Existing Sources.* U.S. Environmental Protection Agency, Research Triangle Park, NC. November 2002. p. 19.

once the rule is fully implemented, or approximately 15 permit actions per year.

In the third year of the period covered by this ICR, when the rule is fully implemented in all areas, we estimate that 15 permit actions would be subject to the proposed rule. During the first 2 years of the period covered by this ICR, while RAs are revising their SIPs for their SIP-approved Part C (PSD) and Part D (nonattainment major NSR) programs, only those PSD permit actions that occur in the States described in Section 4.1 (where the federal government has direct regulatory authority for PSD permits) would be subject to the proposed rule. Using the same survey of the RBLC database mentioned above, we estimate that there will be two PSD permit actions per year in such States that would be subject to the proposed rule. The other 13 major NSR permit actions expected in each of the first 2 years covered by this ICR would not be subject to the proposed rule because they would be Part D (nonattainment major NSR) permits or Part C (PSD) permits that occur in States not subject to the Federal PSD regulations.

Since the activities to prepare permit applications for Part C (PSD) and Part D (nonattainment major NSR) differ, we estimated the number of major modification EGU permit actions that would fall into each category. To estimate this number, we used data provided in the 2004 ICR renewal (1230.17), which show the percentage of major NSR sources preparing permit applications under each part (about 35 percent under Part C (PSD) and 65 percent under Part D (nonattainment major NSR)).⁸ We assumed that the EGU permit actions would follow the same breakdown. Therefore, of the 15 major modification EGU permit actions annually when fully implemented in the third year, 5 would be under Part C (PSD) and 10 would be under Part D (nonattainment major NSR). As noted above, in each of the first 2 years, two PSD permits would be subject to the proposed rule. Thus, in aggregate over the 3 years covered by this ICR, we estimate a total of 19 major NSR permit actions subject to the proposed rule (9 Part C permits and 10 Part D permits).

As noted above in Section 6.2.2, we have estimated that 13 percent of PSD permit applicants have to conduct pre-construction ambient monitoring. Using this factor, we estimate that one of the nine Part C (PSD) permits subject to the proposed rule that would be issued during the 3 years covered by this ICR would require such monitoring. As a result, the applicant for this permit would incur an estimated direct cost of \$280,343 for contracted services to conduct the required ambient monitoring.

⁸ A. Rios and J. Santiago. *Information Collection Request for 40 CFR Part 51 and 52 Prevention of Significant Deterioration and Nonattainment New Source Review*. U.S. Environmental Protection Agency, Research Triangle Park, NC. October 2004. p. 14.

For the number of respondent RAs associated with major NSR permit actions that are subject to the proposed rule, we use the number of subject permit actions discussed above. That is, in each of the first 2 years, we estimate two RAs issuing subject Part C permits. (We are assuming that these permit actions occur in States where we have delegated the Federal PSD program to the State and local RAs.) In the third year, we estimate 5 RAs issuing subject Part C permits and 10 issuing subject Part D permits.

For the number of respondent RAs associated with SIP revisions, we use the 112 RA count used by other permitting ICRs for one-time tasks of this type. We estimated that all RAs will have changes to their SIPs in place for the proposed rule by the third year of the period covered by this ICR.

6.4.2 Estimating Total Respondent Burden and Cost

Based on the estimates presented above for the hourly burden for each activity, the labor rates for industrial and RA respondents, and the number of respondents, we have estimated the total burden and cost for the baseline case and proposed Options 1, 2, and 3. Table 6.6 presents the baseline totals for industrial respondents aggregated across the 3 years covered by this ICR. This table also represents the totals for Options 2 and 3, which do not affect the burden for industrial respondents. Table 6.7 presents the totals under Option 1 for industrial respondents. Tables 6.8, 6.9, and 6.10 present the baseline totals, totals for Option 1, and totals for Options 2 and 3, respectively.

**Table 6.6 Burden for Industrial Respondents for Years 1 – 3 (Aggregate Total) –
Baseline and Options 2 and 3**

Activity	Number of Sources	Hours per Source	Total Hours	Total Cost
I. Part C (PSD)				
A. Preparation and Planning				
Determination of Compliance Requirements	9	170	1,530	\$130,356
Obtain guidance on Data Needs	9	120	1,080	\$92,016
Preparation of BACT Engineering Analysis	9	85	765	\$65,178
B. Data Collection and Analysis				
Air Quality Modeling	9	200	1,800	\$153,360
Determination of Impact on Air Quality Related Values	9	100	900	\$76,680
Post-construction Air Quality Monitoring	9	50	450	\$38,340
C. Permit Application				
Preparation and Submittal of Permit Application	9	50	450	\$38,340
Public Hearings	9	24	216	\$18,403
Revisions to Permit	9	40	360	\$30,672
D. Subtotal burden		839	7,551	\$643,345
E. Direct cost for Pre-construction Air Quality Monitoring	1			\$280,343
F. Total cost				\$923,688
II. Part D (nonattainment)				
A. Preparation and Planning				
Determination of Compliance Requirements	10	150	1,500	\$127,800
Obtain Guidance on Data Needs	10	100	1,000	\$85,200
B. Data Collection and Analysis				
Preparation of LAER Engineering Analysis	10	40	400	\$34,080
Demonstrate Offsets	10	40	400	\$34,080
Prepare Analysis of Alternative Sites, Processes, etc.	10	60	600	\$51,120
Air Quality Modeling	10	100	1,000	\$85,200
C. Permit Application				
Preparation and Submittal of Permit Application	10	38	380	\$32,376
Public Hearings	10	25	250	\$21,300
Revisions to Permit	10	24	240	\$20,448
D. Total		577	5,770	\$491,604
III. Grand Total	19		13,321	\$1,415,292
IV. Annual Average (Grand Total ÷ 3)	6.33		4,440	\$471,764

Table 6.7 Burden for Industrial Respondents for Years 1 – 3 (Aggregate Total) – Option 1

Activity	Number of Sources	Hours per Source	Total Hours	Total Cost
I. Part C (PSD)				
A. Preparation and Planning				
Determination of Compliance Requirements	9	136	1,224	\$104,285
Obtain guidance on Data Needs	9	120	1,080	\$92,016
Preparation of BACT Engineering Analysis	9	85	765	\$65,178
B. Data Collection and Analysis				
Air Quality Modeling	9	200	1,800	\$153,360
Determination of Impact on Air Quality Related Values	9	100	900	\$76,680
Post-construction Air Quality Monitoring	9	50	450	\$38,340
C. Permit Application				
Preparation and Submittal of Permit Application	9	40	360	\$30,672
Public Hearings	9	24	216	\$18,403
Revisions to Permit	9	40	360	\$30,672
D. Subtotal burden		795	7,155	\$609,606
E. Direct cost for Pre-construction Air Quality Monitoring	1			\$280,343
F. Total cost				\$889,949
II. Part D (nonattainment)				
A. Preparation and Planning				
Determination of Compliance Requirements	10	120	1,200	\$102,240
Obtain Guidance on Data Needs	10	100	1,000	\$85,200
B. Data Collection and Analysis				
Preparation of LAER Engineering Analysis	10	40	400	\$34,080
Demonstrate Offsets	10	40	400	\$34,080
Prepare Analysis of Alternative Sites, Processes, etc.	10	60	600	\$51,120
Air Quality Modeling	10	100	1,000	\$85,200
C. Permit Application				
Preparation and Submittal of Permit Application	10	30	300	\$25,560
Public Hearings	10	25	250	\$21,300
Revisions to Permit	10	24	240	\$20,448
D. Total		539	5,390	\$459,228
III. Grand Total	19		12,545	\$1,349,177
IV. Annual Average (Grand Total ÷ 3)	6.33		4,182	\$449,726

Table 6.8 Burden for RA Respondents for Years 1 – 3 (Aggregate Total) – Baseline

MAJOR NSR PERMITTING				
Activity	Affected RAs	Hours Per RA	Total Hours	Total Cost
I. PART C (PSD)				
A. Attend Pre-application Meetings	9	36	324	\$14,217
B. Answer Respondent Questions	9	20	180	\$7,898
C. Log In and Review Data Submissions	9	16	144	\$6,319
D. Request Additional Information	9	8	72	\$3,159
E. Analyze for and Provide Confidentiality Protection	9	24	216	\$9,478
F. Prepare Completed Applications for Processing	9	32	288	\$12,637
G. File and Transmit Copies	9	8	72	\$3,159
H. Prepare Preliminary Determination	9	24	216	\$9,478
I. Prepare Notices for and Attend Public Hearings	9	40	360	\$15,797
J. Application Approval	9	40	360	\$15,797
K. Notification of Applicant of RA Determination	9	8	72	\$3,159
L. Submittal of Information on BACT / LAER to RBLC	9	16	144	\$6,319
M. Total		272	2448	\$107,418
II. Part D (Nonattainment)				
A. Attend Preapplication Meetings	10	7	70	\$3,072
B. Answer Respondent Questions	10	10	100	\$4,388
C. Log In and Review Data Submissions	10	8	80	\$3,510
D. Request Additional Information	10	4	40	\$1,755
E. Analyze for and Provide Confidentiality Protection	10	4	40	\$1,755
F. Prepare Completed Applications for Processing	10	12	120	\$5,266
G. File and Transmit Copies	10	4	40	\$1,755
H. Prepare Preliminary Determination	10	8	80	\$3,510
I. Prepare notices for and Attend Public Hearings	10	18	180	\$7,898
J. Application Approval	10	16	160	\$7,021
K. Notification of Applicant Determination	10	2	20	\$878
L. Submittal of Information on BACT/LAER to RBLC	10	16	160	\$7,021
M. Total		109	1,090	\$47,829
III. Grand Total for Permits	19		3,538	\$155,247
IV. Annual Average for Permits (Grand Total ÷ 3)	6.33		1,179	\$51,749
SIP REVISIONS				
Activity	Affected RAs	Hours per Revision	Total Hours	Total Cost
V. Total for SIP Revisions (No SIP Revisions Required)	0	0	0	0
VI. Annual Average for SIP Revisions (Total ÷ 3)	0		0	0

Table 6.9 Burden for RA Respondents for Years 1 – 3 (Aggregate Total) – Option 1

MAJOR NSR PERMITTING				
Activity	Affected RAs	Hours Per RA	Total Hours	Total Cost
I. PART C (PSD)				
A. Attend Pre-application Meetings	9	36	324	\$14,217
B. Answer Respondent Questions	9	20	180	\$7,898
C. Log In and Review Data Submissions	9	13	117	\$5,134
D. Request Additional Information	9	8	72	\$3,159
E. Analyze for and Provide Confidentiality Protection	9	24	216	\$9,478
F. Prepare Completed Applications for Processing	9	26	234	\$10,268
G. File and Transmit Copies	9	8	72	\$3,159
H. Prepare Preliminary Determination	9	24	216	\$9,478
I. Prepare Notices for and Attend Public Hearings	9	40	360	\$15,797
J. Application Approval	9	40	360	\$15,797
K. Notification of Applicant of RA Determination	9	8	72	\$3,159
L. Submittal of Information on BACT / LAER to RBLC	9	16	144	\$6,319
M. Total		263	2,367	\$103,864
II. Part D (Nonattainment)				
A. Attend Preapplication Meetings	10	7	70	\$3,072
B. Answer Respondent Questions	10	10	100	\$4,388
C. Log In and Review Data Submissions	10	6	60	\$2,633
D. Request Additional Information	10	4	40	\$1,755
E. Analyze for and Provide Confidentiality Protection	10	4	40	\$1,755
F. Prepare Completed Applications for Processing	10	10	100	\$4,388
G. File and Transmit Copies	10	4	40	\$1,755
H. Prepare Preliminary Determination	10	8	80	\$3,510
I. Prepare notices for and Attend Public Hearings	10	18	180	\$7,898
J. Application Approval	10	16	160	\$7,021
K. Notification of Applicant Determination	10	2	20	\$878
L. Submittal of Information on BACT/LAER to RBLC	10	16	160	\$7,021
M. Total		105	1,050	\$46,074
III. Grand Total for Permits	19		3,417	\$149,938
IV. Annual Average for Permits (Grand Total ÷ 3)	6.33		1,139	\$49,979
SIP REVISIONS				
Activity	Affected RAs	Hours per Revision	Total Hours	Total Cost
V. Total for SIP Revisions	112	20	2,240	\$98,291
VI. Annual Average for SIP Revisions (Total ÷ 3)	37.33		747	\$32,764

Table 6.10 Burden for RA Respondents for Years 1 – 3 (Aggregate Total) – Options 2 and 3

MAJOR NSR PERMITTING (Same as Baseline)				
Activity	Affected RAs	Hours Per RA	Total Hours	Total Cost
I. PART C (PSD)				
A. Attend Pre-application Meetings	9	36	324	\$14,217
B. Answer Respondent Questions	9	20	180	\$7,898
C. Log In and Review Data Submissions	9	16	144	\$6,319
D. Request Additional Information	9	8	72	\$3,159
E. Analyze for and Provide Confidentiality Protection	9	24	216	\$9,478
F. Prepare Completed Applications for Processing	9	32	288	\$12,637
G. File and Transmit Copies	9	8	72	\$3,159
H. Prepare Preliminary Determination	9	24	216	\$9,478
I. Prepare Notices for and Attend Public Hearings	9	40	360	\$15,797
J. Application Approval	9	40	360	\$15,797
K. Notification of Applicant of RA Determination	9	8	72	\$3,159
L. Submittal of Information on BACT / LAER to RBLC	9	16	144	\$6,319
M. Total		272	2448	\$107,418
II. Part D (Nonattainment)				
A. Attend Preapplication Meetings	10	7	70	\$3,072
B. Answer Respondent Questions	10	10	100	\$4,388
C. Log In and Review Data Submissions	10	8	80	\$3,510
D. Request Additional Information	10	4	40	\$1,755
E. Analyze for and Provide Confidentiality Protection	10	4	40	\$1,755
F. Prepare Completed Applications for Processing	10	12	120	\$5,266
G. File and Transmit Copies	10	4	40	\$1,755
H. Prepare Preliminary Determination	10	8	80	\$3,510
I. Prepare notices for and Attend Public Hearings	10	18	180	\$7,898
J. Application Approval	10	16	160	\$7,021
K. Notification of Applicant Determination	10	2	20	\$878
L. Submittal of Information on BACT/LAER to RBLC	10	16	160	\$7,021
M. Total		109	1,090	\$47,829
III. Grand Total for Permits	19		3,538	\$155,247
IV. Annual Average for Permits (Grand Total ÷ 3)	6.33		1,179	\$51,749
SIP REVISIONS (Same as Option 1)				
Activity	Affected RAs	Hours per Revision	Total Hours	Total Cost
V. Total for SIP Revisions	112	20	2,240	\$98,291
VI. Annual Average for SIP Revisions (Total ÷ 3)	37.33		747	\$32,764

6.4.3 Estimating Total Federal Burden and Cost

Based on the estimates presented above for the Federal hourly burden for each activity, the Federal labor rate, and the number of permits and SIP revisions, we have estimated the total Federal burden and cost for the baseline case and proposed Options 1, 2, and 3. Tables 6.11, 6.12, and 6.13 present these totals aggregated across the 3 years covered by this ICR for the baseline case, Option 1, and Options 2 and 3, respectively.

Table 6.11 Federal Burden for Years 1 – 3 (Aggregate Total) – Baseline

MAJOR NSR PERMITTING				
Activity	Permits	Hours Per Permit	Total Hours	Total Cost
I. PART C (PSD)				
A. Review and Verify Applicability Determination	9	2	18	\$790
B. Review Control Technology Determination	9	3	27	\$1,185
C. Evaluate Air Quality Monitoring	9	4	36	\$1,580
D. Evaluate Alternative and Secondary Impact Analysis	9	2	18	\$790
E. Evaluate Class I Area Analysis	9	2	18	\$790
F. Administrative Tasks	9	1	9	\$395
G. Total	9	14	126	\$5,529
II. Part D (nonattainment)				
A. Review and Verify Applicability Determination	10	2	20	\$878
B. Review Control Technology Determination	10	3	30	\$1,316
C. Evaluate Offsets	10	1	10	\$439
D. Evaluate Air Quality Monitoring	10	4	40	\$1,755
E. Evaluate Alternative and Secondary Impact Analysis	10	2	20	\$878
F. Administrative Tasks	10	1	10	\$439
G. Total		13	130	\$5,704
III. Grand Total for Permits	19		256	\$11,233
IV. Annual Average for Permits (Grand Total ÷ 3)	6.33		85	\$3,744
SIP REVISIONS				
Activity	Affected RAs	Hours per Review	Total Hours	Total Cost
V. Total for SIP Revisions (No SIP Revisions Required)	0	0	0	0
VI. Annual Average for SIP Revisions (Total ÷ 3)	0		0	0

Table 6.12 Federal Burden for Years 1 – 3 (Aggregate Total) – Option 1

MAJOR NSR PERMITTING				
Activity	Permits	Hours Per Permit	Annual Hours	Annual Cost
I. PART C (PSD)				
A. Review and Verify Applicability Determination	9	1	9	\$395
B. Review Control Technology Determination	9	3	27	\$1,185
C. Evaluate Air Quality Monitoring	9	4	36	\$1,580
D. Evaluate Alternative and Secondary Impact Analysis	9	2	18	\$790
E. Evaluate Class I Area Analysis	9	2	18	\$790
F. Administrative Tasks	9	1	9	\$395
G. Total	9	13	117	\$5,134
II. Part D (nonattainment)				
A. Review and Verify Applicability Determination	10	1	10	\$439
B. Review Control Technology Determination	10	3	30	\$1,316
C. Evaluate Offsets	10	1	10	\$439
D. Evaluate Air Quality Monitoring	10	4	40	\$1,755
E. Evaluate Alternative and Secondary Impact Analysis	10	2	20	\$878
F. Administrative Tasks	10	1	10	\$439
G. Total		12	120	\$5,266
III. Grand Total for Permitting	19		237	\$10,400
IV. Annual Average for Permits (Grand Total ÷ 3)	6.33		79	\$3,467
SIP REVISIONS				
Activity	Affected RAs	Hours per Revision	Total Hours	Total Cost
V. Total for SIP Revisions	112	5	560	\$24,573
VI. Annual Average for SIP Revisions (Total ÷ 3)	37.33		187	\$8,191

Table 6.13 Federal Burden for Years 1 – 3 (Aggregate Total) – Options 2 and 3

MAJOR NSR PERMITTING (Same as Baseline)				
Activity	Permits	Hours Per Permit	Total Hours	Total Cost
I. PART C (PSD)				
A. Review and Verify Applicability Determination	9	2	18	\$790
B. Review Control Technology Determination	9	3	27	\$1,185
C. Evaluate Air Quality Monitoring	9	4	36	\$1,580
D. Evaluate Alternative and Secondary Impact Analysis	9	2	18	\$790
E. Evaluate Class I Area Analysis	9	2	18	\$790
F. Administrative Tasks	9	1	9	\$395
G. Total	9	14	126	\$5,529
II. Part D (nonattainment)				
A. Review and Verify Applicability Determination	10	2	20	\$878
B. Review Control Technology Determination	10	3	30	\$1,316
C. Evaluate Offsets	10	1	10	\$439
D. Evaluate Air Quality Monitoring	10	4	40	\$1,755
E. Evaluate Alternative and Secondary Impact Analysis	10	2	20	\$878
F. Administrative Tasks	10	1	10	\$439
G. Total		13	130	\$5,704
III. Grand Total for Permits	19		256	\$11,233
IV. Annual Average for Permits (Grand Total ÷ 3)	6.33		85	\$3,744
SIP REVISIONS (Same as Option 1)				
Activity	Affected RAs	Hours per Review	Total Hours	Total Cost
V. Total for SIP Revisions (No SIP Revisions Required)	112	5	560	\$24,573
VI. Annual Average for SIP Revisions (Total ÷ 3)	37.33		187	\$8,191

6.5 Bottom Line Burden and Cost

The first 3 years of this rulemaking have a limited affect on sources, since it will take at least 2 years for RAs to modify their SIPs and have them approved by the EPA. During this period, only Federally controlled areas will contain sources affected by this rulemaking. Those areas can be found listed in Section 4.1 of this ICR revision. For this analysis we have assumed that the proposed rule would be fully implemented in the third year covered by this ICR. During the period covered by this ICR revision, proposed Option 1 would produce a minor decrease in source burden hours (776 hours for all affected EGUs) and cost (\$66,115 overall, or about \$3,480 per source). Proposed Options 2 and 3 would have no affect on source burden hours or cost. Proposed Option 1 would increase the burden (2,119 hours) and cost (\$92,982 overall, or about \$830 per entity) for RAs. Proposed Options 2 and 3 would increase RA burden by a total of 2,240 hours and cost by a total of \$98,291. Note that these increases for RAs only occur in the short term. After the period covered by this ICR revision, the RAs' burden and costs would be associated only with permitting. Under Option 1 in later years, total burden hours and cost for all RAs are expected to be reduced by 40 hours and \$1,770. Under Option 2 or 3 would have no effect on RA burden or cost in later years.

Table 6.14 displays the change in annual burden and costs for sources, reviewing authorities, and the Federal government under proposed Option 1. The second column of Table 6.14 lists the number of entities affected, based upon the methodologies and assumptions discussed above in each section. The third column displays the average change in hours per year. The fourth column gives the average change in costs per year, and the fifth column gives the average change in cost per affected entity. In the third, fourth, and fifth columns, negative numbers indicate a reduction in burden or cost, zero indicates no change, and a positive value indicates an increased burden or cost. Table 6.15 displays the same information for proposed Options 2 and 3.

Table 6.14 Average Annual Change in Burden and Cost for Option 1 ^{a, b}

Regulatory Change	Average Number of Affected Entities per Year	Average Annual Burden Hours	Average Annualized Cost (\$1,000)	Average Cost per Entity (\$1,000)
SOURCES				
Baseline	6.33 ^c	4,440	\$472	\$74
Option 1	6.33 ^c	4,182	\$450	\$71
Change		-259	-\$22	-\$3
RAs				
Permit Actions				
Baseline	6.33 ^c	1,179	\$52	\$8.2
Option 1	6.33 ^c	1,139	\$50	\$7.9
Change	0	-40	-\$2	-\$0.3
SIP Revisions				
Baseline	37.33 ^d	0	0	0
Option 1	37.33 ^d	747	\$33	\$0.9
Change	0	747	\$33	\$0.9
Overall Change		707	\$31	
FEDERAL				
Permit Actions				
Baseline	1 ^e	85	\$3.7	\$3.7
Option 1	1 ^e	79	\$3.5	\$3.5
Change	0	-6	-\$0.3	-\$0.3
SIP Revisions				
Baseline	1 ^f	0	0	0
Option 1	1 ^f	187	\$8.2	\$8.2
Change	0	187	\$8.2	\$8.2
Overall Change		181	\$7.9	\$7.9

^a Costs are in 2005 dollars.

^b Any discrepancies are the result of rounding error.

^c Total number of affected entities over 3 years is 19; annual average number affected is $19 \div 3 = 6.33$. See Section 6.4.1 of this document for how we determined the number of affected entities.

^d Burden incurred in year 2 only. Total number of affected RAs is 112; annual average number affected is $112 \div 3 = 37.33$.

^e EPA is the only affected Federal entity. Over 3 years, EPA would review 19 affected permits issued by RAs (annual average of 6.33).

^f EPA is the only affected Federal entity. Burden to review 112 SIP revisions submitted by RAs incurred in year 3 only (annual average over 3 years of 37.33).

Table 6.15 Average Annual Change in Burden and Cost for Options 2 and 3 ^{a, b}

Regulatory Change	Average Number of Affected Entities per Year	Average Annual Burden Hours	Average Annualized Cost (\$1,000)	Average Cost per Entity (\$1,000)
SOURCES				
Baseline	6.33 ^c	4,440	\$472	\$74
Option 1	6.33 ^c	4,440	\$472	\$74
Change		0	0	0
RAs				
Permit Actions				
Baseline	6.33 ^c	1,179	\$52	\$8.2
Option 1	6.33 ^c	1,179	\$52	\$8.2
Change	0	0	0	0
SIP Revisions				
Baseline	37.33 ^d	0	0	0
Option 1	37.33 ^d	747	\$33	\$0.9
Change	0	747	\$33	\$0.9
Overall Change		747	\$33	
FEDERAL				
Permit Actions				
Baseline	1 ^e	85	\$3.7	\$3.7
Option 1	1 ^e	85	\$3.7	\$3.7
Change	0	0	0	0
SIP Revisions				
Baseline	1 ^f	0	0	0
Option 1	1 ^f	187	\$8.2	\$8.2
Change	0	187	\$8.2	\$8.2
Overall Change		187	\$8.2	\$8.2

^a Costs are in 2005 dollars.

^b Any discrepancies are the result of rounding error.

^c Total number of affected entities over 3 years is 19; annual average number affected is $19 \div 3 = 6.33$. See Section 6.4.1 of this document for how we determined the number of affected entities.

^d Burden incurred in year 2 only. Total number of affected RAs is 112; annual average number affected is $112 \div 3 = 37.33$.

^e EPA is the only affected Federal entity. Over 3 years, EPA would review 19 affected permits issued by RAs (annual average of 6.33).

^f EPA is the only affected Federal entity. Burden to review 112 SIP revisions submitted by RAs incurred in year 3 only (annual average over 3 years of 37.33).

6.6 Reasons for Change in Burden

Through years of negotiation, public meetings, and draft revisions, the Air Quality Policy Division has strived to streamline and simplify the reporting and recordkeeping requirements for the construction permit process mandated by the Act for sources of criteria and hazardous air pollutants. This rulemaking represents the culmination of many parts of that process. Because the goal of this effort was to reduce burden and costs, the reasons for the change in burden displayed in the tables above are self-evident.

6.7 Burden Statement

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously-applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. The 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 Number EPA-HQ-OAR-2003-0160, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW, Washington, D.C. 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 Air and Radiation Docket and Information Center is (202) 566-1927. An electronic version of the public docket is available at www.regulations.gov. This site can be used 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. When in the system, select "search," 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, D.C. 20503, Attention: Desk Officer for EPA. Please include

the EPA Docket ID Number EPA-HQ-OAR-2003-0160 and OMB Control Number 2060-0003 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 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 www.epa.gov/epahome/dockets.htm for current information on docket status, locations and telephone numbers.”