

**1PART A OF THE SUPPORTING STATEMENT****1. Identification of the Information Collection**

(a) Title and Number of the Information Collection.

“Revisions to Consolidated Federal Air Rule”. The Environmental Protection Agency (EPA) tracking number for this request is EPA ICR No. 2226.03.

(b) Short Characterization/Abstract.

Potential respondents are owners or operators who are required to conduct stack testing to demonstrate compliance with applicable standards under the Consolidated Federal Air Rule (40 CFR Part 65). The potential respondents under the final rule included only owners or operators who are required to conduct stack testing to demonstrate compliance with applicable standards under the Standards of Performance for New Stationary Sources (40 CFR Part 60), National Emission Standards for Hazardous Air Pollutants (40 CFR Part 61), and National Emission Standards for Hazardous Air Pollutants for Source Categories (40 CFR Part 63). There is no change in the currently approved burden because these requirements serve as an alternative to those under 40 CFR Part 63, which were approved with the ICR for the final rule.

The direct final amendments to the General Provisions of this Part allow source owners and operators to petition the Administrator for an extension of the regulatory deadline to conduct performance tests during force majeure events. A force majeure event is an event caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that results in not meeting the regulatory requirement to conduct performance tests within

the specified timeframe despite the affected facility's best efforts to fulfill the obligation. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazard beyond the control of the affected facility.

The source owner or operator must provide to the Administrator a written description of the event and a rationale for attributing the delay in testing beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which the performance test would be conducted.

## **2. Need For and Use of the Collection**

### *(a) Need/Authority for the Collection.*

The U.S. Environmental Protection Agency (EPA) is amending the General Provisions for the Consolidated Federal Air Rule (40 CFR Part 65). These reporting requirements are specifically authorized by section 114 of the Clean Air Act (42 U.S.C. 7414).

### *(b) Use/Users of the Data.*

The information required by the direct final rule will be used by the Agency to determine if an extension to a performance testing deadline is warranted.

## **3. Nonduplication, Consultations, and Other Collection Criteria**

### *(a) Nonduplication.*

This action is a new requirement that has not been implemented before. Therefore, there are no similar information requests being carried out by the Federal government.

### *(b) Public Notice Required Prior to ICR Submission to OMB.*

This section is not applicable because this is a rule-related ICR.

### *(c) Consultations.*

On May 16, 2007, the EPA published a final rule that revised

the General Provisions for Standards of Performance for New Stationary Sources, National Emission Standards for Hazardous Air Pollutants, and National Emission Standards for Hazardous Air Pollutants for Source Categories. We received no adverse public comments regarding the requirement to submit a written justification for a request to extend a performance test deadline. This action applies to source owners and operators who are required to conduct performance testing to demonstrate compliance with applicable standards under the General Provisions in 40 CFR Part 65, the Consolidated Federal Air Rule. A written explanation of the event and measures taken to minimize the delay in testing is a reasonable and non-burdensome requirement for source owners and operators seeking to avoid being found in violation of the regulatory requirement to conduct a performance test by a specific deadline.

*(d) Effects of Less Frequent Collection.*

The frequency of the reporting requirements is based solely on the frequency of the source owner's or operator's need to extend a testing deadline due to a force majeure event which will occur on a rare occasion if at all.

*(e) General Guidelines.*

None of the guidelines in 5 CFR 1320.6 are being exceeded.

*(f) Confidentiality.*

All information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B - - Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 39999, September 28, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

*(g) Sensitive Questions.*

This section is not applicable because this ICR does not involve matters of a sensitive nature.

**4. The Respondents and the Information Requested**

*(a) Respondents/NAIC Codes.*

Potential respondents have various NAIC codes since sources subject to 40 CFR Part 65 are subject to the direct final rule. However, the EPA believes that there will be very few respondents because a force majeure is an extremely rare event, and the likelihood of such an event interfering with a periodic testing requirement would be smaller still. The EPA estimates that 0.01 percent of the 6000 performance tests conducted annually (or 6 performance tests) may be affected by a force majeure event.

*(b) Information Requested.*

*(i) Data Items, Including Recordkeeping Requirements.*

The following information is required to be submitted: a written description of the event and a rationale for attributing the delay in testing to the force majeure; the measures taken or to be taken to minimize the delay; and a date by which the performance test will be conducted.

*(ii) Respondent Activities.* The respondent activities required by the direct final amendments are identified in Table 1 and introduced in section 6(a).

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

*(a) Agency Activities.*

Agency activities are provided in section 6.

*(b) Collection Methodology and Management.*

This is not relevant to this information collection request.

*(c) Small Entity Flexibility.*

A small entity for this industry is defined as a firm having no more than 1,000 employees. Potential respondents may be small entities.

*(d) Collection Schedule.*

A schedule for collection of information and publication of data is not applicable because reports are triggered by the action of the respondents.

**6. Estimating the Burden and Cost of the Collection**

*(a) Estimating Respondent Burden.*

The annual burden estimates for the additional information collection requirements in the direct final amendments are presented in Table 2.

*(b) Estimating Respondent Costs.*

The information collection activities for the direct final amendments are presented in Table 2.

*(i) Estimating Labor Costs.* Labor rates and associated costs are based on Bureau of Labor Statistics (BLS) data. Technical, management, and clerical average hourly rates for civilian workers were taken from the March 2005 Employment Cost Trends (<http://stats.bls.gov/news.release/ecec.t02.htm>). Wages for civilian workers (white-collar occupations) are used as the basis for the labor rates with a total compensation of \$25.87/hour for technical, \$42.40/hour for managerial, and \$19.69/hour for clerical. These rates represent salaries plus fringe benefits and do not include the cost of overhead. An overhead rate of 110 percent is used to account for these costs. The fully-burdened wage rates used to represent respondent labor costs are: technical at \$54.33, management at \$89.04, and clerical at \$41.35.

*(ii) Estimating Capital and Operations and Maintenance*

*(O&M) Costs.* As shown in Table 1, there are no capital nor operations and maintenance costs as a result of the direct final rule.

*(iii) Capital/Startup vs. O&M Costs.* There are no capital/startup costs or O&M costs as a result of the direct final rule.

*(iv) Annualizing Capital Costs.* There are no annualized costs of capital associated with the direct final rule.

*(c) Estimating Agency Burden and Cost.*

Because the information collection requirements were developed as an incidental part of standards development, no costs can be attributed to the development of the information collection requirements. Because reporting requirements on the part of the respondents are required under the National Emission Standards for Hazardous Air Pollutants (NESHAP) and the New Source Performance Standards (NSPS) General Provisions, no operational costs will be incurred by the Federal Government. The only costs that the Federal government will incur are user costs associated with the analysis of the reported information as presented in Table 2.

The Agency labor rates are from the Office of Personnel Management (OPM) 2005 General Schedule which excludes locality rates of pay. These rates can be obtained from Salary Table 2005-GS available on the OPM website, [http://www.opm.gov/oca/05tables/html/gs\\_h.asp](http://www.opm.gov/oca/05tables/html/gs_h.asp). The government employee labor rates are \$14.65/hr for clerical (GS-7, Step 1), \$30.90 for technical (GS-13, Step 1), and \$42.94 for management (GS-15, Step 1). These rates represent salaries plus fringe benefits and do not include the cost of overhead. The fully-burdened wage rates used to represent Agency labor costs are:

clerical at \$30.76, technical at \$64.89, and management at \$90.17.

*(d) Estimating the Respondent Universe and Total Burden and Costs.*

Details on the number of respondents affected by each individual burden item are provided in the footnotes of Table 1. The total burden, provided in Table 1, is 6 hours; the estimated cost is \$377.52 per year including technical, management, and clerical hours. The total cost given in Table 1, including the cost of labor, capital, operation, and maintenance, is \$377.52 per year.

*(e) Bottom Line Burden Hours and Cost Tables.*

*(i) Respondent tally.* The bottom line respondent burden hours and costs, presented in Table 1, are calculated by adding person-hours per year down each column for technical, managerial, and clerical staff, and by adding down the cost column. The total annual hours are 6 hours.

*(ii) The Agency tally.* The bottom line Agency burden hours and costs, presented in Table 2, are calculated as in the respondent table, by adding person-hours per year down each column for technical, managerial, and clerical staff, and by adding down the cost column. The total annual hours are 6. The total annual cost is \$434.85.

*(iii) Variations in the annual bottom line.* This section does not apply since no significant variation is anticipated.

*(f) Reasons for Change in Burden.*

This section does not apply because this is a new ICR.

*(g) Burden Statement*

The annual reporting and recordkeeping burden for this collection of information is estimated to average 1 hour per

response. 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. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2006-0085, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742. An electronic version of the



public docket is available at [www.regulations.gov](http://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 17<sup>th</sup> Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID No. EPA-HQ-OAR-2006-0085 and OMB Control Number 2060-0599 in any correspondence.



11	0
Operation and maintenance (O&M)	0
Total (capital recovery plus O&M)	0

<sup>a</sup> Costs are based on the following hourly rates: technical at \$54.33, management at \$89.04, and clerical at \$41.35.

<sup>b</sup> One-time event for 6 respondents per year.

**1 TABLE 2. ANNUAL BURDEN AND COST TO THE FEDERAL/STATE GOVERNMENT OF THE DIRECT FINAL STANDARDS**

Activity	(A) Hours per occurrence	(B) Hours per plant per year	(C) Plants per year	(D) Technical person-hours per year (D=BxC)	(E) Management person-hours per year (Dx0.05)	(F) Clerical person-hours per year (Dx0.1)	(G) Cost, \$ <sup>a</sup>
Report Review/Filing	1	1	6	6	0.3	0.6	434.85
TOTAL BURDEN AND COST (SALARY)				6	0.3	0.6	434.85
TOTAL ANNUAL COST							

<sup>a</sup> Costs are based on the following hourly rates: technical at \$64.89, management at \$90.17, and clerical at \$30.76.