

INFORMATION COLLECTION REQUEST (ICR)
SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF AIR & RADIATION

A. JUSTIFICATION

1. Identification of the Information Collection

- a. Title: Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel Standards -
Petition for International Aggregate Compliance Approach

EPA Number: 2398.01

- b. Short characterization:

This proposed regulation has a provision that EPA will use to authorize renewable fuel producers using certain foreign-grown feedstocks to use an aggregate approach to comply with the renewable biomass verification provisions, akin to that applicable to producers using crops and crop residue grown in the United States. For this authorization, foreign based entities may petition EPA for approval of the aggregate compliance approach for specified renewable fuel feedstocks either in a foreign country as a whole or in a specified geographical area. This petition request for the aggregate compliance approach for foreign-grown crops and crop residue is voluntary, though, if approved by EPA, will offer the benefit that certain renewable biomass produced in a foreign country or geographical area can be counted as feedstock to make renewable fuel for credit under the Renewable Fuel Standard (RFS2) program.

2. Need For, and Use of, the Collection

- a. Authority for the Collection

Sections 114 and 208 of the CAA, 42 U.S.C. §§ 7414 and 7542, authorize EPA to require recordkeeping and reporting regarding enforcement of the provisions of Title II of the CAA. The relevant regulations are in 40 CFR Part 80, Renewable Fuel Standard.

- b. Practical Utility/Uses of the Data

The data collected under this ICR will be used by EPA to evaluate/grant petitions.

3. Non-duplication, Consultation, and other Collection Criteria

- a. Non-duplication

Efforts have been made to eliminate duplication in this information collection. Where possible, information requirements from various organizations within the Agency have been combined to minimize the submittal of duplicate information in different formats. The information in this collection will not be available from another source.

b. Public Notice

EPA will provide opportunity for notice and comment regarding this ICR in the preamble to the proposed rule.

c. Consultations

The estimated burden is based upon similar petitioning processes.

d. Effects of Less Frequent Data Collection

This data collection is necessary in order to permit a petitioning process to function. We anticipate only one response per respondent.

e. General Guidelines

This rule does not exceed any of the OMB guidelines.

f. Confidentiality

Respondents may assert claims of business confidentiality (CBI) for any or all of the information they submit. We do not believe that most respondents would characterize the information they submit to us under this information collection as CBI. However, any information claimed as confidential will be treated in accordance with 40 CFR Part 2 and established Agency procedures. Information that is received without a claim of confidentiality may be made available to the public without further notice to the submitter under 40 CFR § 2.203.

g. Sensitive Information

This information collection does not require submission of any sensitive information.

4. The Respondents and the Information Requested

a. Respondents/SIC Codes

Entities potentially affected by this proposed rule are those involved with the production, distribution, and sale of transportation fuels, including gasoline and diesel fuel or renewable fuels such as ethanol and biodiesel. In the case of these petitions, we

anticipate that they may come from foreign trade associations or governmental entities. Potentially regulated categories include:

Category	NAICS ¹ Codes	SIC ² Codes	Examples of Potentially Regulated Entities
Industry	324110	2911	Petroleum Refineries
Industry	325193	2869	Ethyl alcohol manufacturing
Industry	325199	2869	Other basic organic chemical manufacturing
Industry	424690	5169	Chemical and allied products merchant wholesalers
Industry	424710	5171	Petroleum bulk stations and terminals
Industry	424720	5172	Petroleum and petroleum products merchant wholesalers
Industry	454319	5989	Other fuel dealers

¹ North American Industry Classification System (NAICS)

² Standard Industrial Classification (SIC) system code.

b. Information Requested

A) Reporting: No form is to be developed for this petition process. Specific items of information to be requested are outlined in the regulation.

B) Recordkeeping: For the RFS2 program, respondents typically retain records for a period of not less than five (5) years.

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

a. Agency Activities

- All petitions will be reviewed by EPA.
- Petitions will be stored by EPA.
- A response (grant, denial, etc.) will be issued by EPA.

b. Collection Methodology and Management

The information collected will be in the form of a petition. No standard form is to be developed. As mentioned above, we do not anticipate that this information will come in under a CBI claim; however, that is a possibility and we will treat all such information in accordance with 40 CFR Part 2 and established Agency procedures for handling CBI. Information claimed as CBI will be stored in appropriately controlled areas.

c. Small Entity Flexibility

This collection will not adversely affect small entities.

d. Collection Schedule

We anticipate each petitioner will submit one petition.

6. Estimating the Burden and Cost of Collection

a. Estimating the Respondent Universe

We estimate 15 petitions will be received from 15 countries or geographical area during the three years covered by this proposed ICR.

b. Estimating the Respondent Burden and Cost

Three labor categories are involved: managerial (includes legal and professional review), technical, and clerical. The estimates use the Bureau of Labor Statistics figures from "Employer Costs for Employee Compensation - Table 12 - Private Industry, Manufacturing, and Non-Manufacturing Industries by Occupational Group" (December 2003), with a 3% annual inflation factor applied to bring the values to the present. Using this method, the following wages and benefits apply by category:

Wages and Benefits

Managerial	\$53.87 per hour
Technical	\$35.29 per hour
Clerical	\$24.56 per hour

Doubling for company overhead beyond wages and benefits, and for convenience, rounding up to the dollar, gives the following rates for this ICR:

Total Employer Cost

Managerial	\$108 per hour
Technical	\$71 per hour
Clerical	\$49 per hour

It is assumed that for each hour of activity the mix will be about 0.1 hour managerial, 0.7 hour technical, and 0.2 hour clerical. This gives an average labor cost of \$71 per hour, which will be used in this ICR.

We estimate that each petition will take 40 hours to prepare. Since the ICR covers a three year period, the annual hourly burden is divided by three to yield 13.33 hours per year per respondent. The total annual burden by party is estimated as follows:

Information Collection Burden by Type of Party

Information Collection	Number of Parties (countries)	Number of Responses Per Party	Total Number of Responses	Time Per Response	Cost Per Response	Total Hours	Total Cost
Petition for International aggregate compliance	15	1	15	13.33	946.43	199.95	14196.45
Total	15		15			199.95	14196.45

Estimating Agency Burden and Cost

The annual Agency burden is determined using the 2010 OPM “Salary Table 2010-DCB” (Office of Personnel Management, http://www.opm.gov/oca/10tables/pdf/dcb_h.pdf, accessed June 16, 2010). In all cases, step 10 is assumed:

EPA Manager (GS-15) = \$ 75
 Technical Staff (GS-13) = \$ 56

We have assumed that each response will require 16 hours of technical staff time (two staff FTE, working eight hours each) to review and prepare the written response. It is estimated that one or more managers will be required to expend a total of 4 hours per response. Contractors will not be used to handle these applications and are not included.

The total annual Agency burden hours are estimated as follows:

Agency Burden

Agency Activity	Number of Responses	Manager Hours at \$75/hr	Technical Hours at \$56/hr		Agency Cost	Agency Hours
Evaluate Data	15	2	8		8970	150
Prepare and Send Response	15	2	8		8970	150
Total		4	16		17940	300

d. Estimating the Respondent Universe

We based our estimate upon the number of petitions we expect to receive and invite further comment from interested parties. .

e. Bottom Line Burden Hours and Costs

From the Table on page 5 we estimate the following:

TOTAL NUMBER OF RESPONDENTS: 15
 TOTAL NO. OF RESPONSES: 15
 TOTAL BURDEN HOURS (ANNUAL): 200*
 TOTAL COST (ANNUAL): \$14,196*

(*Rounded up to the next hour or dollar from the Information Collection Request Burden by Type of Party table above.)

f. Reason for Change in Burden

This is a new collection.

g. Burden Statement

The average respondent burden in hours *per respondent, per year*, for this ICR is estimated at 14 hours (i.e., 13.33 hours from the table, rounded up).

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 the instructions; develop, acquire, install, and

utilize technology and systems for the purpose 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 transit 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 Number EPA-HQ-OAR-2010-0133, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 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 is (202) 566-1742. 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-2010-0133 and OMB Control Number 2060-NEW in any correspondence.