

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

**NSPS for Greenhouse Gas Emissions for New Electric Utility Generating Units
(40 CFR part 60, subpart TTTT)**

Part A of the Supporting Statement

1. Identification of the Information Collection

(a) Title and Number of the Information Collection

“New Source Performance Standards (NSPS) for Greenhouse Gas Emissions for New Electric Utility Generating Units (40 CFR part 60, subpart TTTT).” The EPA ICR tracking number is 2465.01; the OMB Control Number is 2060-NEW.

(b) Short Characterization

Pursuant to CAA section 111, the United States (U.S.) Environmental Protection Agency (EPA) is proposing new source performance standards (NSPS) for emissions of CO₂ for new affected fossil fuel-fired EGUs. For purposes of this rule, fossil fuel-fired EGUs include fossil fuel-fired boilers, IGCC units and stationary combined cycle turbine units that generate electricity for sale and are larger than 25 megawatts (MW). The EPA is proposing these requirements because CO₂ is a greenhouse gas (GHG) and fossil fuel-fired power plants are the country’s largest stationary source emitters of GHGs. The EPA in 2009 found that by causing or contributing to climate change, GHGs endanger both the public health and the public welfare of current and future generations.

The proposed standards would establish standards of performance for carbon dioxide (CO₂) emissions from electric utility generating units (EGUs) currently in the 40 CFR part 60, Da and KKKK source categories under a new subpart TTTT. Subpart Da currently regulates utility boilers, and subpart KKKK currently regulates stationary combined cycle units (stationary turbine combustion systems where heat from the turbine exhaust gases is recovered by a heat recovery steam generating unit) and integrated gasification combined cycle (IGCC) units.

The proposed requirements for new sources would require new fossil fuel-fired EGUs greater than 25 megawatt electric (MWe) to meet an output-based standard of 1,000 pounds of CO₂ per megawatt-hour (lb CO₂/MWh), based on the performance of widely used natural gas combined cycle (NGCC) technology. Reflecting the economics of the energy sector, NGCC is likely to be the predominant choice for new fossil fuel-fired generation even absent this rule. New coal-fired units could meet the standard either by employing carbon capture and storage (CCS)¹ of approximately 50% of the CO₂ in the exhaust gas at startup, or through later application of more effective CCS to meet the standard on average over a 30-year period. The 30-year averaging option could also provide flexibility for owners and operators of coal units implementing CCS at the outset of the unit’s operation that were designed and operated to emit

¹ Carbon capture and storage or CCS means the use of a technology for separating and capturing CO₂ from the flue gas or syngas stream with subsequent compression and transportation to a suitable location for long term storage and monitoring.

at less than 1,000 lb CO₂/MWh to address startup concerns or short term interruptions in their ability to sequester captured CO₂.

The EPA is not proposing standards of performance for existing EGUs whose CO₂ emissions increase as a result of installation of pollution controls for conventional pollutants (modified EGUs), for reconstructed EGUs, or for proposed EGUs, which are referred to here as transitional sources, that have acquired a complete preconstruction permit by the time of this proposal and that commence construction within 12 months of this proposal. As a result, those sources would not be subject to the standards of performance proposed in this rule. At a future date, the EPA intends to promulgate emission guidelines for states to develop plans reducing CO₂ emissions from existing fossil fuel-fired EGUs.

In general, all CAA section 111 standards require notifications, reports, and records that are essential in determining compliance, and are required of all sources subject to the standards. This proposed action would impose minimal new information collection burden on affected sources beyond what those sources would already be subject to under the authorities of CAA parts 75 and 98. OMB has previously approved the information collection requirements contained in the existing part 75 and 98 regulations (40 CFR part 75 and 40 CFR part 98) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control numbers 2060-0626 and 2060-0629, respectively. Apart from certain reporting costs based on requirements in the NSPS General Provisions (40 CFR part 60, subpart A), which are mandatory for all owners/operators subject to CAA section 111 national emission standards, there are no new information collection costs, as the information required by this proposed rule is already collected and reported by other regulatory programs.

Potential respondents are owners and operators of new fossil fuel-fired EGUs greater than 25 MWe. The proposed rule would regulate emissions of CO₂ and would require that CO₂ mass rate CEMS and the associated automatic data acquisition and handling system be installed and operated. The initial performance test would consist of collection of hourly CO₂ average concentration, mass flow rate recorded with the certified CO₂ concentration and flow rate CEMS and the corresponding electrical power generation data for all of the hours of operation for the first calendar year beginning on the first day of the first month following completion of the CEMS installation and certification. Compliance with the applicable average CO₂ mass emissions rate (lb/MWh) would be calculated as a 12-month rolling average, updated monthly, using the reported hourly CO₂ average concentration and flow rate values from the certified CEMS data collected for the previous month's process operating days along with generation data tracked by the facility for the unit. In this rulemaking, the EPA proposes that the owner or operator of a new unit would be required to comply with the notification and recordkeeping requirements in the section 111 regulatory general provisions, 40 CFR part 60, subpart A, and would need to report results of performance testing and excess emissions; as well as record and maintain hourly average CO₂ emissions concentration, hourly average flow rate, and hourly useful electrical generation. As part of an Agency-wide effort to facilitate reporting of environmental data and reports, the proposal would require that owners and operators subject to this regulation must electronically submit excess emissions, continuous monitoring systems performance and-or summary reports.

Any owner or operator subject to the provisions of this proposed subpart would be required to keep each record for 5 years except those records required to demonstrate compliance

with the emissions limits in section 60.5520(b) of the proposed standards. Each record must be kept on site for at least 2 years and may be kept off site for the remaining years. The EPA proposes that records of the reports that have been submitted to EPA's WebFIRE database (excess emissions, continuous monitoring systems performance and-or summary reports) would not need to be maintained.

The EPA believes that electric power companies will choose to build new EGUs that comply with the regulatory requirements of this proposal because of existing and expected market conditions. The EPA does not project any new coal-fired EGUs that commence construction after this proposal to commence operation over the 3-year period covered by this ICR. We estimate that 17 new affected NGCC units would commence operation during that time period. As a result of this proposal, those units would be required to prepare a summary report, which includes reporting of excess emissions and downtime, every 6 months.

2. Need for and Use of the Collection

(a) Need/Authority for the Collection

The EPA is charged under section 111 of the CAA to establish standards of performance for new stationary sources that reflect:

... application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any non-air quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated. Section 111(a)(1).

The EPA refers to this charge as selecting the best demonstrated technology (BDT). Section 111 also requires that the Administrator review and, if appropriate, revise such standards every eight years.

In addition, CAA section 114(a) states that the Administrator may require any owner or operator subject to any requirement of this Act to:

(A) Establish and maintain such records; (B) make such reports; (C) install, use, and maintain such monitoring equipment, and use such audit procedures, or methods; (D) sample such emissions (in accordance with such procedures or methods, at such locations, at such intervals, during such periods, and in such manner as the Administrator shall prescribe); (E) keep records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical; (F) submit compliance certifications in accordance with section 114(a)(3); and (G) provide such other information as the Administrator may reasonably require.

As previously stated, the EPA in 2009 found that by causing or contributing to climate change, GHGs endanger both the public health and the public welfare of current and future generations. Fossil fuel-fired power plants are the country's largest stationary

source emitters of GHGs. Therefore, NSPS for emissions of CO₂ are being proposed for this category of sources at 40 CFR part 60, subpart TTTT.

Certain records and reports are necessary for the Administrator to: 1) identify new EGUs subject to the standards, 2) ensure that the NSPS is being properly applied; 3) identify those facilities that should be inspected; 4) identify those facilities that may benefit from compliance assistance activities; and 5) ensure that process and emissions control/monitoring equipment are being properly operated and maintained on a continuous basis.

(b) Use/Users of the Data

The required information would be used by agency enforcement personnel to ensure that the emission limitations are being achieved. Based on review of the recorded information at the site and the reported information, the EPA can identify facilities that may not be in compliance and decide which plants, records, or processes should be inspected.

3. Nonduplication, Consultations, and Other Collection Criteria

(a) Nonduplication

As previously stated, this proposed action would impose minimal new information collection burden on affected sources beyond what those sources would already be subject to under the authorities of CAA parts 75 and 98. Apart from certain reporting requirements which are mandatory for all owners/operators subject to CAA section 111 national emission standards, there are no new information collection costs, as the information required by this proposed rule is already collected and reported by other regulatory programs. The proposed rule would require that affected owners or operators follow the applicable reporting requirements and submit reports as required by the other regulatory programs. The additional reporting requirements proposed (the excess emissions and continuous monitoring systems performance reports and-or summary reports) are not currently required from owners or operators of EGUs that would be regulated under proposed 40 CFR part 60, subpart TTTT. Therefore, no duplication exists.

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

EPA will provide public notice by means of a Federal Register Notice of Proposed Rulemaking.

(c) Consultations

The EPA has been engaged in extensive interactions with many different stakeholders on the subjects of climate change, source contributions, and potential emission reduction opportunities. These stakeholders have included industries, environmental organizations, and many regional, State, and local air quality management agencies that have been actively engaged in efforts to address GHG emissions over a period of several years. In addition to these conversations, as part of developing this proposed rule, the EPA held four listening sessions in February and March 2011 to obtain additional information and input from key stakeholders and the public. Each of the sessions had a particular target audience: the electric power industry, environmental and environmental justice organizations, States and Tribes, and coalition groups. Each session lasted two hours and featured a facilitated round table discussion among

stakeholder representatives who were identified and selected for their expertise in the CAA standard-setting process. The EPA accepted comments from the public at the end of each session and via the electronic docket system. Comments submitted via the electronic docket system are available at www.regulations.gov (docket number EPA-HQ-OAR-2011-0090).

The EPA's consultation activities with governmental entities and tribal leaders as described below regarded planned actions for new and existing sources, but only new sources would be affected by this proposed action.

In light of the interest in this proposed rule among governmental entities, the EPA initiated consultations with governmental entities. The EPA invited the following 10 national organizations representing state and local elected officials to a meeting held on April 12, 2011, in Washington DC: 1) National Governors Association; 2) National Conference of State Legislatures, 3) Council of State Governments, 4) National League of Cities, 5) U.S. Conference of Mayors, 6) National Association of Counties, 7) International City/County Management Association, 8) National Association of Towns and Townships, 9) County Executives of America, and 10) Environmental Council of States. These 10 organizations representing elected state and local officials have been identified by the EPA as the "Big 10" organizations appropriate to contact for purpose of consultation with elected officials. The purposes of the consultation were to provide general background on the proposal, answer questions, and solicit input from state/local governments.

Because the EPA is aware of Tribal interest in this proposed rule, the EPA offered consultation with tribal officials early in the process of developing this proposed regulation to permit them to have meaningful and timely input into its development. Consultation letters were sent to 584 tribal leaders. The letters provided information regarding the EPA's development of NSPS and emission guidelines for EGUs and offered consultation. A consultation/outreach meeting was held on May 23, 2011, with the Forest County Potawatomi Community, the Fond du Lac Band of Lake Superior Chippewa Reservation, and the Leech Lake Band of Ojibwe. Other tribes participated in the call for information gathering purposes. In this meeting, the EPA provided background information on the GHG emission standards to be developed and a summary of issues being explored by the Agency. In addition, tribes participated in the listening session on February 17, 2011 with the state agencies, as well as in a separate session with tribes on April 20, 2011.

The EPA will also hold additional meetings with tribal environmental staff to inform them of the content of this proposal as well as provide additional consultation with tribal elected officials where it is appropriate.

(d) Effects of Less Frequent Collection

If the relevant information were collected less frequently, the EPA would not be reasonably assured that a plant is in compliance with the standards.

(e) General Guidelines

None of the guidelines in 5 CFR 1320.5 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 01, 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/NAICS Codes

Respondents are owners or operators of new fossil fuel-fired EGUs. It is estimated that 17 new EGUs would commence operation during the 3-year period of this ICR. All respondents would be subject to the monitoring, recordkeeping, and reporting requirements. The applicable NAICS codes are 221112, Fossil fuel electric power generating units (covers owners/operators of industry or federal, state or local government establishments), and 921150, Fossil fuel electric power generating units in Indian Country.

(b) Information Requested

(i) Data Items, Including Recordkeeping Requirements.

Apart from certain reporting costs based on requirements in the NSPS General Provisions (40 CFR part 60, subpart A), which are mandatory for all owners/operators subject to CAA section 111 national emission standards, there are no new information collection costs, as the information required by this proposed rule is already collected and reported by other regulatory programs (CAA parts 75 and 98). The EPA does not project any new coal-fired EGUs that commence construction after this proposal to commence operation over the 3-year period covered by this ICR. We estimate that 17 new affected NGCC units would commence operation during that time period. As a result of this proposal, those units would be required to prepare a summary report, which includes reporting of excess emissions and downtime, every 6 months.

The EPA is including in this ICR, an estimate of the burden associated with performing an affirmative defense. The EPA is providing this as an illustrative example of the potential additional administrative burden a source may incur to assert in an Affirmative Defense in response to an action to enforce the standards set forth in the applicable subpart.

This illustrative estimate is not considered a duplicate estimate of cost under the General Duty to Minimize Emissions clause under 63.6(e)(1)(i), which states: “At all times, the owner and operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determining whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation

and maintenance procedures, review of operation and maintenance records, and inspection of the source.”

To provide the public with an estimate of the relative magnitude of the burden associated with an assertion of the affirmative defense position adopted by a source, the EPA provides an administrative adjustment to this ICR that estimates the costs of the notification, recordkeeping and reporting requirements associated with the assertion of the affirmative defense. The EPA’s estimate for the required notification, reports and records, including the root cause analysis, associated with a single incident totals approximately \$3,141 and is based on the time and effort required of a source to review relevant data, interview plant employees, and document the events surrounding a malfunction that has caused an exceedance of an emission limit. The estimate also includes time to produce and retain the records and reports for submission to the EPA. The EPA provides this illustrative estimate of this burden because these costs are only incurred if there has been a violation and a source chooses to take advantage of the affirmative defense.

Of the number of excess emission events reported by source operators, only a small number would be expected to result from a malfunction, and only a subset of excess emissions caused by malfunctions would result in the source choosing to assert the affirmative defense. Thus we believe the number of instances in which source operators might be expected to avail themselves of the affirmative defense will be extremely small. In fact, we estimate that there would be no such occurrences for new EGUs subject to this proposed rule over the 3-year period covered by this ICR. We expect to gather information on such events in the future and will revise this estimate as better information becomes available.

(ii) Respondent Activities.

The respondent activities that would be required by the proposed NSPS are introduced in section 6(a).

While multiple coal-fired EGUs have recently commenced operation and several are presently under construction, no new coal-fired power plants have commenced construction in either 2009 or 2010. In addition, forecasts of new generation capacity from both the Energy Information Administration and the Edison Electric Institute do not project any new coal-fired power plants will be constructed in the short term. Thus, the EPA does not project any new coal-fired EGUs that commence construction after this proposal to commence operation over the 3-year period covered by this ICR. Because of fuel supply availability and cost considerations, we also do not project that any new oil-fired electric utility steam generating units will be built during the 3-year ICR period. We estimate that 17 new affected NGCC units would commence operation during that time period.

(iii) Electronic Reporting.

The proposal would require that owners and operators subject to this regulation must electronically submit excess emissions, continuous monitoring systems performance and-or summary reports. Owners and operators would need to submit these reports to the EPA’s WebFIRE by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed in the Central Data Exchange (CDX). The CDX is the EPA’s portal for submitting and managing electronic environmental data and reports and is accessed at www.epa.gov/cdx. The CDX is needed to meet the EPA standards for electronic reporting set by the Cross-Media Electronic Reporting Rule. For more information, please see <http://www.epa.gov/cromerr/>.

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

(a) Agency Activities

There would be no EPA burden associated with the reporting requirements of the proposed standards. As a result of this proposal, the 17 new affected NGCC units that we estimate will commence operation during the 3-year period of the ICR would be required to electronically submit a summary report, which includes reporting of excess emissions and downtime, every 6 months. The fees for upkeep of this electronic database are already funded through other rules. Thus, there would be no burden to the agency associated with these reporting requirements.

(b) Collection Methodology and Management

Following notification of startup, the reviewing authority might inspect the source to determine whether the CO₂ CEMS and the associated automatic data acquisition and handling system are properly installed and operated. Performance test reports are used by the agency to discern a source's initial capability to comply with the emission standard. Data and records maintained by the respondents are used in compliance and enforcement programs. The semi-annual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

The information obtained is then entered into the AIRS Facility Subsystem (AFS) which is operated and maintained by the EPA's Office of Compliance. AFS is the EPA's database for the collection, maintenance, and retrieval of compliance and annual emission inventory data for over 125,000 industrial and government owned facilities. The EPA uses the AFS for tracking air pollution compliance and enforcement by local and state regulatory agencies, EPA regional offices and EPA headquarters. The EPA and its delegated Authorities can edit, store, retrieve, and analyze the data.

Any owner or operator subject to the provisions of this proposed subpart would be required to keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record except those records required to demonstrate compliance with the emissions limits in section 60.5520(b) of the proposed standards. Records required to demonstrate compliance with the emissions limits in section 60.5520(b) must be kept for at least 40 years following the date of initial startup of the affected EGU. Each record must be kept on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record. The records may be kept off site for the remaining years. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the U.S. EPA regional office. The EPA proposes that records of the reports that have been submitted to EPA's WebFIRE database as required in proposed section 60.5555(a)(1) (excess emissions, continuous monitoring systems performance and-or summary reports) would not need to be maintained.

(c) Small Entity Flexibility

The EPA is aware that there is substantial interest in this rule among small entities (municipal and rural electric cooperatives). In light of this interest, the EPA determined to seek

early input from representatives of small entities while formulating the provisions of this proposed regulation. This process has enabled the EPA to hear directly from these representatives, at a very preliminary stage, about how it should approach the complex question of how to apply section 111 of the CAA to the regulation of GHGs from these sources. The EPA’s outreach regarded planned actions for new and existing sources, but only new sources would be affected by this proposed action.

The EPA conducted an initial outreach meeting with small entity representatives on April 6, 2011. The purpose of the meeting was to provide an overview of recent EPA proposals impacting the power sector. Specifically, overviews of the Transport Rule, the Mercury and Air Toxics Standards, and the Clean Water Act 316(b) Rule proposals were presented.

The EPA conducted outreach with representatives from 20 various small entities that potentially would be affected by this rule. The representatives included small entity municipalities, cooperatives, and private investors. We distributed outreach materials to the small entity representatives; these materials included background, an overview of affected sources and GHG emissions from the power sector, an overview of CAA section 111, an assessment of CO₂ emissions control technologies, potential impacts on small entities, and a summary of the listening sessions. We met with eight of the small entity representatives, as well as three participants from organizations representing power producers, on June 17, 2011, to discuss the outreach materials, potential requirements of the rule, and regulatory areas where the EPA has discretion and could potentially provide flexibility.

A second outreach meeting was conducted on July 13, 2011. We met with nine of the small entity representatives, as well as three participants from organizations representing power producers. During the second outreach meeting, various small entity representatives and participants from organizations representing power producers presented information regarding issues of concern with respect to development of standards for GHG emissions. Several small entity representatives provided written comments in response to discussions at the meetings and the questions posed to the small entity representatives by the Agency.

(d) Collection Schedule

Each information collection activity within this request (Summary Report including excess emissions and downtime reporting) occurs on a semi-annual basis.

6. Estimating the Burden and Cost of the Collection

Exhibit 1a, Exhibit 1b, and Exhibit 1c document the computation of individual burdens for the reporting requirements applicable to the industry for the subpart included in this ICR for each of the first 3 years. Table 1 contains a summary of the respondent burden hours and costs detailed in Exhibit 1a, Exhibit 1b, and Exhibit 1c.

Table 1. Summary of Respondent Burden

Year	Total Annual Labor Burden (hours)	Total Annual Labor Costs (\$)
1	264	10,380
2	363	14,272

3	561	22,057
Total	1188	46,709
3-Year Average	396	15,570

The individual burdens are expressed under standardized headings believed to be consistent with the concept of burden under the Paperwork Reduction Act. Where appropriate, specific tasks and major assumptions have been identified; responses to this information collection are mandatory.

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.

(a) Estimating Respondent Burden

The average annual burden to industry over the 3-year period of this ICR from these reporting requirements is estimated to be 396 hours per year (detailed in Exhibit 1a, Exhibit 1b, and Exhibit 1c). These hours are based on agency studies and background documents from the development of the regulation, agency knowledge, and experience with the NSPS program.

(b) Estimating Respondent Costs

Respondent costs are typically divided into three categories. These categories include labor costs, operations and maintenance costs, and annualized capital costs. Labor costs are the only respondent costs associated with this ICR.

(i) Estimating Labor Costs

The average annual labor costs to industry over the 3-year period of this ICR from these reporting requirements is estimated to be \$15,570 per year (detailed in Exhibit 1a, Exhibit 1b, and Exhibit 1c). Labor rates and associated costs are based on Bureau of Labor Statistics (BLS) data. Technical, management, and clerical average hourly rates for private industry workers were based on the Bureau of Labor Statistics, Occupational Employment Statistics, 2010 National Industry-Specific Occupational Employment and Wage Estimates. The approximate labor rates are \$39.37 per hour for technical, \$61.75 per hour for managerial, and \$22.15 per hour for clerical.

(ii) Estimating Annualized Capital Costs

There are no annualized capital costs associated with this ICR.

(iii) Estimating Operations and Maintenance (O&M) Costs

There are no annual operation and maintenance costs associated with this ICR.

(iv) Affirmative Defense/Root Cause Analysis/Malfunction Costs.

The EPA's estimate for an affirmative defense and root cause analysis in Table 2 is based on general experience to calculate the time and effort required of a source to review relevant data, interview plant employees, and reconstruct the events prior to a malfunction in order to determine primary and contributing causes. The level of effort also includes time to produce and retain the report in document form so that the source will have it available

should EPA or state enforcement agencies ever request to review it. For this ICR, the EPA is estimating that there will no instances of affirmative defense over the 3-year ICR period.

The labor rates used for these costs are from the United States Department of Labor, Bureau of Labor Statistics, September 2009, Table 2. Civilian Workers, by occupational and industry group. The rates are from column 1, Total compensation. The rates have been increased by 110 percent to account for the benefit packages available to those employed by private industry.

Table 2. Burden Associated with Performing an Affirmative Defense

Personnel	Number of Personnel	Time Requirement (hours)	Total Hours	Hourly Rate (\$/hr)	Total
Technical Personnel	3	6	18	97.59	\$ 1,757
Managerial Personnel	2	6	12	114.77	\$ 1,377
Total	5		30		\$ 3,134

(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 and recordkeeping requirements on the part of the respondents are required under the part 60 General Provisions, no operational costs will be incurred by the Federal Government. Publication and distribution of the information are part of the Compliance Data System, with the result that no Federal costs can be directly attributed to the ICR. Examination of records to be maintained by the respondents will occur incidentally as part of the periodic inspection of sources that is part of EPA's overall compliance and enforcement program, and, therefore, is not attributable to the ICR. The only costs that the Federal government could incur are user costs associated with the analysis of the reported information. The Federal government would not incur those costs as a result of these proposed standards.

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

The EPA estimates that 17 new EGUs will become subject to the proposed regulation over the 3-year period of the ICR.

The total annual number of responses for the new monitoring, recordkeeping, and reporting requirements in proposed subpart TTTT over the 3-year ICR period is estimated to be 72. The average number of annual responses over the 3-year ICR period is 24 per year.

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 16.5 hours per response. The total annual labor burden over the 3-year ICR period is estimated to be 1,188 person hours. The average annual labor burden for the rule is estimated to be 396 person hours per year.

The total annual labor costs over the 3-year ICR period are estimated at \$46,709. The average annual labor costs to industry over the 3-year period of this ICR are estimated to be \$15,570 per year.

(e) Bottom Line Burden Hours and Cost Tables

There are no annualized capital costs or O&M costs associated with this ICR. The bottom line labor hours and costs burden for each year of the 3-year ICR period appear in Exhibit 1a, Exhibit 1b, and Exhibit 1c.

(f) Reasons for Change in Burden.

The increase in burden is due to this being a new ICR associated with a new subpart for new source performance standards (NSPS) for emissions of CO₂ for new affected fossil fuel-fired EGUs

The EPA also provides an estimate of the costs of the notification, recordkeeping and reporting requirements associated with the assertion of the affirmative defense. The EPA's estimate for the required notification, reports and records, including the root cause analysis, associated with a single incident totals approximately \$3,141 and is based on the time and effort required of a source to review relevant data, interview plant employees, and document the events surrounding a malfunction that has caused an exceedance of an emission limit. The estimate also includes time to produce and retain the records and reports for submission to the EPA. For this ICR, the EPA is estimating that there will no instances of affirmative defense over the 3-year ICR period. The EPA is using this estimate of no events in 3 years, because of the number of excess emission events reported by source operators, only a small number would be expected to result from a malfunction, and only a subset of excess emissions caused by malfunctions would result in the source choosing to assert the affirmative defense. We estimate that 17 new affected NGCC units would commence operation during the 3-year ICR period and believe that there would be no instances in which source operators might be expected to avail themselves of the affirmative defense.

(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 17 hours 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 in 40 CFR part 60 are listed in 40 CFR part 9.

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, the EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2011-0660, 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 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 Docket and Information Center 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-2011-0660 and OMB Control Number 2060-NEW in any correspondence.

PART B

This section is not applicable because statistical methods are not used in data collection associated with the final amendments.

ATTACHMENTS

Exhibit 1a. Year 1 Respondent Burden of Reporting and Recordkeeping Requirements, NSPS for GHG Emissions for EGUs (40 CFR part 60, subpart TTTT)

Exhibit 1b. Year 2 Respondent Burden of Reporting and Recordkeeping Requirements, NSPS for GHG Emissions for EGUs (40 CFR part 60, subpart TTTT)

Exhibit 1c. Year 3 Respondent Burden of Reporting and Recordkeeping Requirements, NSPS for GHG Emissions for EGUs (40 CFR part 60, subpart TTTT)

**Exhibit 1a. Year 1 Respondent Burden of Reporting and Recordkeeping Requirements, NSPS for GHG Emissions for EGUs
(40 CFR part 60, subpart TTTT)**

Year 1	(A) Hours per Occurrence	(B) Occurrences/ Respondent/Yea r	(C) Hours/ Respondent/ Year (A x B)	(D) Respondents / Year	(E) Technical Hours/Year (C x D x .79)	(F) Managerial Hours/Year (C x D x .09)	(G) Clerical Hours/Year (C x D x .12)	(H) Cost/ Year
REPORT REQUIREMENTS								
Prepare/Submit Summary Report Includes reporting of excess emissions & downtime	16.5	2	33	8	208	24	32	\$10,380
AFFIRMATIVE DEFENSE	30	0	0	0	0	0	0	0
TOTAL ANNUAL LABOR BURDEN AND COST		2		8	208	24	32	\$10,380
						264	Hours	

**Exhibit 1b. Year 2 Respondent Burden of Reporting and Recordkeeping Requirements, NSPS for GHG Emissions for EGUs
(40 CFR part 60, subpart TTTT)**

Year 1	(A) Hours per Occurrence	(B) Occurrences/ Respondent/Year	(C) Hours/ Respondent/ Year (A x B)	(D) Respondents / Year	(E) Technical Hours/Year (C x D x .79)	(F) Managerial Hours/Year (C x D x .09)	(G) Clerical Hours/Year (C x D x .12)	(H) Cost/ Year
REPORT REQUIREMENTS								
Prepare/Submit Summary Report Includes reporting of excess emissions & downtime	16.5	2	33	11	287	33	43	\$14,272
AFFIRMATIVE DEFENSE	30	0	0	0	0	0	0	0
TOTAL ANNUAL LABOR BURDEN AND COST		2		11	287	33	43	\$14,272
						363	Hours	

**Exhibit 1c. Year 3 Respondent Burden of Reporting and Recordkeeping Requirements, NSPS for GHG Emissions for EGUs
(40 CFR part 60, subpart TTTT)**

Year 1	(A) Hours per Occurrence	(B) Occurrences/ Respondent/Yea r	(C) Hours/ Respondent/ Year (A x B)	(D) Respondents / Year	(E) Technical Hours/Year (C x D x .79)	(F) Managerial Hours/Year (C x D x .09)	(G) Clerical Hours/Year (C x D x .12)	(H) Cost/ Year
REPORT REQUIREMENTS								
Prepare/Submit Summary Report Includes reporting of excess emissions & downtime	16.5	2	33	17	443	51	67	\$10,380
AFFIRMATIVE DEFENSE	30	0	0	0	0	0	0	0
TOTAL ANNUAL LABOR BURDEN AND COST		2		8	443	51	67	\$22,057
						561	Hours	