

**SUPPORTING STATEMENT
ENVIRONMENTAL PROTECTION AGENCY**

NESHAP for Flexible Polyurethane Foam Product (40 CFR Part 63, Subpart III)

1. Identification of the Information Collection

1(a) Title of the Information Collection

NESHAP for Flexible Polyurethane Foam Production (40 CFR Part 63, Subpart III)
EPA ICR Number 1783.07; OMB Control Number 2060-0357

1(b) Short Characterization/Abstract

This ICR covers information collection requirements in the proposed rulemaking that amends title 40, Chapter I, part 63 of the Code of Federal Regulations (CFR) Subpart III, National Emissions Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Production. These standards apply to owners or operators of new and existing facilities that engage in the manufacture of flexible polyurethane foam products which emit hazardous air pollutants (HAPs). This includes facilities making slabstock flexible polyurethane foam (slabstock foam), rebond flexible polyurethane foam (rebond foam), and/or molded flexible polyurethane foam (molded foam).

In general, all MACT standards require initial notifications, performance tests, and periodic reports. Owners or operators of flexible polyurethane foam production facilities to which this rule is applicable must choose one of the compliance options described in the standard or reduce HAP emissions to below the compliance level. Specifically, the rule requirements for slabstock foam producers include an initial notification, notification of compliance status, semiannual reports and annual compliance certifications. The rule requirements for molded and rebond foam producers include a notification of compliance status report and an annual compliance certification. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to MACT.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records. 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 United States Environmental Protection Agency (EPA) regional office.

This ICR covers information collection requirements in the final rulemaking that amend title 40, chapter I, part 63 of the Code of Federal Regulations (CFR) Subpart III National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production, hereafter, this subpart is referred to as the "FPUF NESHAP". There are approximately 13 respondents currently subject to the regulation, and it is estimated that no new respondents per year will become subject to the regulation in the next three years.

The proposed amendments require that that slabstock foam production facilities use no HAP or HAP-based material as an auxiliary blowing agent (ABA) or for equipment cleaning. To ensure compliance with this requirement, facility owners or operators are required to maintain a statement that the facility is in compliance, and records indicating HAP content of ABAs and equipment cleaners.

The proposed amendments also add provisions for facility owners or operators to use if they wish to assert an affirmative defense to avoid civil penalties for exceedances of the applicable standards that are caused by a malfunction. If these provisions are used, the owner or operator is required to meet certain criteria during the malfunction, notify the Administrator of malfunctions that may cause an exceedance of the emissions standards, and submit a report of the malfunction to the Administrator, to include a root cause analysis of the malfunction, within certain timeframes.

Existing major sources subject to these requirements will be required to comply with the new proposed requirements prohibiting the use of HAP ABAs in this action no later than 90 days after the effective date of the final rule, and the remainder of the requirements upon the effective date of the standards. All new or reconstructed affected sources must be in compliance with the existing and new requirements of the FPUF NESHAP on the date of startup or the effective date, whichever is later.

The burden to the “Affected Public” may be found below in Table 1: Annual Respondent Burden and Cost: NESHAP for Flexible Polyurethane Foam Product (40 CFR part 63, subpart III). The burden to the “Federal government” is attributed entirely to work performed by Federal employees or government contractors. This burden may be found below in Table 2: Average Annual EPA Burden: NESHAP for Flexible Polyurethane Foam Product (40 CFR part 63, subpart III).

There are no capital/startup or Operation and Maintenance (O&M) costs associated with this regulation. The continuous parameter monitoring equipment used by facilities affected by this regulation are used to maintain a high level of operational efficiency and would have been installed and maintained with or without regulation. Details on this estimate can be found in Section 6(b)(iii) of this report.

The Office of Management and Budget (OMB) approved the currently active ICR without any “Terms of Clearance.”

The cost of labor has been updated using the United States Department of Labor, Bureau of Labor Statistics, December 2009 - January 2011 (average reference date July 2010) Table 4 labor rates for the respondent labor costs, and the Office of Personnel Management (OPM) 2013 General Schedule for the Agency labor costs.

The 13 facilities in the United States, which are respondents to this ICR, are publicly owned and operated by flexible polyurethane foam production facilities. One of the facilities is owned by the Federal government.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

The EPA is charged under section 112 of the Clean Air Act, as amended, to establish standards of performance for each category or subcategory of major sources and area sources of hazardous air pollutants. These standards are applicable to new or existing sources of hazardous air pollutants and shall require the maximum degree of emission reduction. In addition, 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.

In the Administrator's judgment, hazardous air pollutants (HAP) emissions from flexible polyurethane foam production facilities either cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the MACT standards were promulgated for this source category at 40 CFR part 63, subpart III.

2(b) Practical Utility/Users of the Data

The control of emissions from HAP emissions from flexible polyurethane foam production facilities requires not only the installation of properly designed equipment, but also the operation and maintenance of that equipment. Emissions of HAP from flexible polyurethane foam production facilities are the result of operation of each slabstock production line, each storage vessel, equipment cleaning, or from leaking equipment (e.g., transfer pumps, connectors, valves, etc.). The subject standards are achieved by the capture of HAP emissions using vapor recovery systems or carbon adsorption systems and leak detection and repair procedures.

The notifications required in the applicable regulations are used to inform the Agency or delegated authority when a source becomes subject to the requirements of the regulations. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated, leaks are being detected and repaired, and the regulations are being met. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations.

The information generated by the monitoring, recordkeeping and reporting requirements described in this ICR is used by the Agency to ensure that facilities affected by the MACT standards continue to operate the control equipment in compliance with the regulation. Adequate monitoring, recordkeeping, and reporting are necessary to ensure compliance with the applicable regulations, as required by the Clean Air Act. The information collected from recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court.

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

The requested recordkeeping and reporting are required under 40 CFR part 63, subpart III.

3(a) Non-duplication

If the subject standards have not been delegated, the information is sent directly to the appropriate EPA regional office. Otherwise, the information is sent directly to the delegated state or local agency. If a state or local agency has adopted their own similar standards to implement the Federal standards, a copy of the report submitted to the state or local agency can be sent to the Administrator in lieu of the report required by the Federal standards. Therefore, no duplication exists.

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

This ICR is related to proposed amendments to the FPUF NESHAP. Comments will be solicited on the proposal package and the proposed ICR.

3(c) Consultations

Upon review of the standard, information available and the data, the Agency has determined the recordkeeping and reporting requirements in the “Active” ICR is fully supported and necessary to fulfill the requirements of the Clean Air Act (CAA). It has been determined that no further consultations with industry are necessary to calculate the burden associated with the amendments to the FPUF NESHAP.

3(d) Effects of Less Frequent Collection

Less frequent information collection would decrease the margin of assurance that facilities are continuing to meet the standards. Requirements for information gathering and recordkeeping are useful techniques to ensure that good operation and maintenance practices are applied and emission limitations are met. If the information required by these standards was collected less frequently, the proper operation and maintenance of control equipment and the possibility of detecting violations would be less likely.

3(e) General Guidelines

None of these reporting or recordkeeping requirements violate any of the regulations established by OMB at 5 CFR part 1320, section 1320.5. These standards require the respondents to maintain all records, including reports and notifications for at least five years. This is consistent with the General Provisions as applied to the standards. The EPA believes that the five-year records retention requirement is consistent with the Part 70 permit program and the five-year statute of limitations on which the permit program is based. The retention of records for five years allows the EPA to establish the compliance history of a source, any pattern of non-compliance and to determine the appropriate level of enforcement action. The EPA has found that the most flagrant violators have violations extending beyond the five years. In addition, the EPA would be prevented from pursuing the violators due to the destruction or nonexistence of essential records.

3(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).

3(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

4(a) Respondents/SIC and NAICS Codes

Potential respondents under Subpart III are owners or operators of any existing or new Flexible Polyurethane Foam manufacturing facility that is a major source of HAP emissions, including any facilities who may wish to make use of the new affirmative defense provisions to avoid civil penalties resulting from the violation of an emission limit. The source category and affected sources regulated by the FPUF NESHAP are classified under United States Standard Industrial Classification (SIC) code 3086 which corresponds to the North American Industry Classification System (NAICS) code 326150 for Urethane and Other Foam Product (except Polystyrene) Manufacturing.

The Flexible Polyurethane Foam Production source category is estimated to consist of 13 existing facilities nationwide. The 13 Flexible Polyurethane Foam production facilities in the United States are all privately owned and operated by for-profit businesses. All 13 existing facilities could make use of the new affirmative defense provisions added to the rule. No new major sources are projected during the 3-year period of this ICR.

4(b) Information Requested

(i) Data Items

All data in this ICR that is recorded and/or reported is required by National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Flexible Polyurethane Foam Production (40 CFR part 63, subpart III).

A source must make the following reports:

Notification Reports	Citation
Initial notification	63.1306(a)
Application for approval of construction or reconstruction	63.1306(b)
Notification of compliance status	63.1306(c)
Request for extension of compliance, adjustments to time periods, and changes in information	63.9(c), 63.9(i), 63.9(j)
Malfunction reports	63.1306(f)

Reports	Citation
Semiannual compliance reports	63.1306(d)
Annual compliance certification	63.1306(e)

A source must keep the following records:

Recordkeeping	Citation
Startups, shutdowns, malfunctions	63.10(b)(2)
All reports and notifications	63.10(b)
Record of applicability	63.10(a)
Slabstock sources shall maintain storage vessel records, equipment leak records, and product data sheets showing HAP content in ABA and equipment cleaners,	63.1307(a-e)
Molded/rebond foam sources shall maintain records of product data sheets for each compound other than diisocyanates used to flush the mixhead and associated piping during periods of startup or maintenance, and the product data sheets showing HAP content in mold release agents.	63.1307(f-g)
Records are required to be retained for five years; however, only the data of the most recent two years must be kept on-site	63.10(b)(1)

Electronic Reporting

Currently, sources are using monitoring equipment that provides parameter data in an automated way, e.g., flow rate monitoring and pump revolution per minute monitoring. Although personnel at the source still need to evaluate the data, this type of monitoring equipment has significantly reduced the burden associated with monitoring and recordkeeping. In addition, some regulatory agencies are setting up electronic reporting systems to allow sources to report electronically which is reducing the reporting burden. However, electronic reporting systems are still not widely used by the regulatory agencies. It is estimated that approximately 10 percent of the respondents use electronic reporting.

(ii) Respondent Activities

Respondent Activities
Read instructions.
Performance tests are not required by MACT, subpart III. However, sources are required to use Reference Method 18 of part 60 for HAP concentration; and Method 25A of part 60 for organic compounds measurements;
Write the notifications and reports listed above.
Enter information required to be recorded above.
Submit the required reports developing, acquiring, installing, and utilizing technology and systems for the purpose of collecting, validating, and verifying information.
Develop, acquire, install, and utilize technology and systems for the purpose of processing and maintaining information.
Develop, acquire, install, and utilize technology and systems for the purpose of 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.
Transmit, or otherwise disclose the information.

Currently, sources are using monitoring equipment that provides parameter data in an automated way, e.g., flow rate monitors; however, personnel at the facility still need to evaluate the data. Although personnel at the source still need to evaluate the data, this type of monitoring equipment has significantly reduced the burden associated with monitoring and recordkeeping. In addition, some regulatory agencies are setting up electronic reporting systems to allow sources to report electronically which is reducing the reporting burden. However, electronic reporting systems are still not widely used by the regulatory Agencies. It is estimated that approximately 10 percent of the respondents use electronic reporting.

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

5(a) Agency Activities

EPA conducts the following activities in connection with the acquisition, analysis, storage, and

distribution of the required information.

Agency Activities
Review notifications and reports, including performance test reports, and excess emissions reports, required to be submitted by industry.
Audit facility records.
Input, analyze, and maintain data in the Air Facility System (AFS).

5(b) Collection Methodology and Management

Data and records maintained by the respondents are tabulated and published for use in compliance and enforcement programs of the delegated permitting authority. The semiannual reports are used for problem identification, as a check on source operation and maintenance, and for compliance determinations. The required report for facilities who wish to avail themselves of the affirmative defense will be used by the delegated authority to determine if a source meets the criteria for affirmative defense. If a source meets the criteria for affirmative defense, they may be excused from civil penalties for exceedances of an emission limit.

The EPA is the permitting authority until the state agency is delegated authority to implement the rule. Therefore, information contained in the reports submitted to the Regional Administrator will be entered into the Air Facility System (AFS), which is operated and maintained by the EPA's Office of Compliance. The AFS is the EPA's database for the collection, maintenance, and retrieval of compliance data for approximately 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, the EPA regional offices and the EPA headquarters. The EPA and its delegated authorities can edit, store, retrieve and analyze the data.

5(c) Small Entity Flexibility

During the RTR process, the proposed rule was reviewed to estimate the number of small entities potentially affected. Based on this analysis, EPA assumes that approximately 23 percent of currently affected facilities, or 3 facilities, may be small entities.

However, the impact on small entities (i.e., small businesses) was taken into consideration during the development of the regulation. Due to technical considerations involving the process operations and the types of control equipment employed, the recordkeeping and reporting requirements are the same for both small and large entities. The Agency considers these requirements the minimum needed to ensure compliance and, therefore, cannot reduce them further for small entities. To the extent that larger businesses can use economies of scale to reduce their burden, the overall burden will be reduced.

5(d) Collection Schedule

The specific frequency for each information collection activity within this request is shown below in Table 1: Annual Respondent Burden and Cost: NESHAP for Flexible Polyurethane Foam Production (40 CFR part 63, subpart III).

6. Estimating the Burden and Cost of the Collection

Table 1 documents the computation of individual burdens for the recordkeeping and reporting requirements applicable to the industry under the NESHAP subpart III standards, included in this ICR. 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.

6(a) Estimating Respondent Burden

The average annual burden to industry over the next three years from these recordkeeping and reporting requirements is estimated to be 1,030 hours, which is shown below in Table 1 (this includes 951 hours for private sector respondents and 79 hours for federal respondents). These hours are based on Agency studies and background documents from the development of the regulation, Agency knowledge and experience with the NESHAP program, the previously approved ICR, and any comments received.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs

This ICR uses the following labor rates: \$104.92 per hour for Executive, Administrative, and Managerial labor; \$51.62 per hour for Technical labor, and \$41.66 per hour for Clerical labor. These rates are from the United States Department of Labor, Bureau of Labor Statistics, December 2009 - January 2011 (average reference date July 2010), "Table 4. Full-time private industry workers: Mean and median hourly, weekly, and annual earnings and mean weekly and annual hours". The rates are from column 1, "Mean Earnings". The rates have been increased by 110 percent to account for the benefit packages available to those employed by private industry.

Managerial	\$104.92 (\$49.96 + 110%)
Technical	\$51.62 (\$24.58 + 110%)
Clerical	\$41.66 (\$19.84 + 110%)

(ii) Estimating Capital/Startup and Operation and Maintenance Costs

The only costs to the regulated industry resulting from information collection activities required by the subject standards are labor costs. The capital/startup costs are one-time costs when a facility becomes subject to the regulation. The annual operation and maintenance costs are the ongoing costs such as photocopying and postage.

(iii) Capital/Startup vs. Operation and Maintenance (O&M) Costs

Capital/Startup vs. Operation and Maintenance (O&M) Costs						
(A) Continuous Monitoring Device	(B) Capital / Startup Cost for One Respondent	(C) Number of New Respondents	(D) Total Capital/ Startup Cost, (B X C)	(E) Annual O&M Costs for One Respondent	(F) Number of Respondents with O&M	(G) Total O&M, (E X F)
n/a	\$0	0	\$0	\$0	0	\$0

There are no total capital/startup costs for this ICR since we have assumed that no new sources will become subject to these standards and that the existing sources conducting modifications will not be purchasing new monitoring equipment. This is the total of column D in the table above.

There are no operation and maintenance costs for this ICR since any parameter monitors were already being used in their operations prior to promulgation of this rule. This is the total of column G in the table above.

The total respondent costs have been calculated as the addition of the capital/startup costs, and the annual operation and maintenance costs. Therefore, there is no average annual cost for capital/startup and operation and maintenance costs to industry over the next three years of the ICR.

6(c) Estimating Agency Burden and Cost

The only costs to the Agency are those costs associated with analysis of the reported information. The EPA compliance and enforcement program includes activities such as the examination of records maintained by the respondents, periodic inspection of sources of emissions, and the publication and distribution of collected information.

The average annual cost to the Federal government during the three years of the ICR is estimated to be \$3,607. This cost is based on the average hourly labor rates below:

Managerial	\$74.73	(GS-13, Step 5, \$38.92 + 20% + 60%)
Technical	\$55.45	(GS-12, Step 1, \$28.88 + 20% + 60%)
Clerical	\$30.01	(GS-6, Step 3, \$15.63 + 20% + 60%)

These rates are from the Office of Personnel Management (OPM) 2013 General Schedule, which excludes locality rates of pay. Labor rates are inflated 20% to reflect average locality pay increase from base rates and a further 60% to account for the benefit packages available to government employees. Details upon which this estimate is based appear below in Table 1: Average Annual Burden: NESHAP for Flexible Polyurethane Foam Product (40 CFR part 63, subpart III).

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

Based on our research for this ICR, approximately 13 existing respondents (i.e., 7 slabstock foam producers and 6 molded/rebond foam producers) are currently subject to the standard. It is estimated that no respondents per year will become subject to the regulation in the next three years. However, it is estimated that one existing source will be modifying/reconstructing its operations and will have new affected facilities.

The number of respondents is calculated using the following table which addresses the three years covered by this ICR.

Number of Respondents*					
Year	(A) Number of New Respondents That Submit Reports	(B) Number of Existing Respondents That Submit Reports	(C) Number of Respondents That Keep Records but Do Not Submit Reports	(D) Number of Existing Respondents That Are Also New Respondents	(E) Number of Respondents (E=A+B+C-D)
1	1	13	0	1	13
2	1	13	0	1	13
3	1	13	0	1	13
Average	1	13	0	1	13

* New respondents are defined for this calculation as sources that recently became subject to the rule and existing sources that have modified/reconstructed their facilities. One of these respondents is a federal facility.

To avoid double-counting respondents, column D is subtracted. As shown above, the average Number of Respondents over the three-year period of this ICR is 13.

The total number of annual responses per year is calculated using the following table:

Total Annual Responses					
(A) Number of New Respondents ^a	(B) Number of Reports for New Sources	(C) Number of Existing Respondents ^b	(D) Number of Reports for Existing Sources	(F) Number of Respondents That Keep Records but Do Not Submit Reports	(E) Total Annual Responses $E=(A \times B)+(C \times D)+F$
1	3	7	3	0	30.33
		6	1		
		0.33 ^c	1		

^a New respondents are defined for this calculation as sources that recently became subject to the rule and existing sources that have modified/reconstructed their facilities.

^b There are 7 existing slabstock foam producers and 6 existing molded/rebond foam producers which total 13 respondents.

^c Assumes 1 affirmative defense report for entire industry during the 3-yr ICR period, or 0.33 response/yr.

The number of Total Annual Responses is 30. The total annual labor costs are \$90,104. Details regarding these estimates may be found below in Table 1. Annual Respondent Burden and Cost: NESHAP for Flexible Polyurethane Foam Product (40 CFR part 63, subpart III).

Note that there are no total annual capital/start up and operation and maintenance (O&M) costs to the regulated entity that can be attributed to this rule. These costs are detailed in Section 6(b)(iii), Capital/Startup vs. Operation and Maintenance Costs.

6(e) Bottom Line Burden Hours Burden Hours and Cost Tables

The bottom line burden hours and cost tables for both the Agency and the respondents appear below or are attached. The annual public reporting and recordkeeping burden for this collection of information is estimated to average 34 hours per response.

6(f) Reasons for Change in Burden

The decrease in burden from the most recently approved ICR is due to adjustment in both the types of information which must be collected and the number of sources submitting the required information. Specifically, existing burden items related to HAP ABA are eliminated under the proposed amendments and replaced with a recordkeeping requirement. The previous (active) ICR calculated burden based on 132 existing sources, no new sources, and six existing source that will be reconstructed; whereas this ICR calculates burden based on 13 existing sources and one existing source that will be reconstructed. Although there are additional reporting requirements for affirmative defense (optional), the overall change in burden from the previous ICR is a decrease; primarily due to the large decrease in the number of affected sources since the last ICR calculated burden was estimated.

The EPA provides an 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 \$2,188 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 the purpose of estimating the annual burden, the EPA is attributing a total of 1 instances of affirmative defense over a three year period across all sources in the category. The EPA is using this frequency of 1 event in three 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. 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.

The increases in labor cost burden to the Respondents and the Agency are due to labor rate adjustments reflecting rates for fiscal years 2011-13. The increases are not due to any program changes. Labor rates in the previous ICR were based on fiscal year 2009.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 34 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 the EPA's regulations in 40 CFR part 63 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 suggestions for minimizing respondent burden, including through the use of automated collection techniques, the EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2012-0510, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), WJC 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 Docket is (202) 566-1742. An electronic version of the public docket is available at <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 one of the Docket ID Numbers 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, DC 20503, Attention Desk Officer for EPA. Please include the relevant Docket ID Number (EPA-HQ-OAR-2012-0510) in any correspondence.

Part B of the Supporting Statement

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

Table 1. Annual Respondent Burden and Cost: NESHAP for Flexible Polyurethane Foam Product (40 CFR part 63, subpart III)

[illegible]

RESPONSES ^g									
TOTAL ANNUAL BURDEN HOURS					893.0	48.4	88.7	1,030.1	1,030
TOTAL ANNUAL COST (SALARY)									\$ 90,104
INITIAL CAPITAL COSTS:									\$ -
ANNUALIZED CAPITAL COSTS:									\$ -

N/A = Not Applicable.

(a) We have assumed there are 7 existing slabstock foam producers and 6 existing molded/rebond foam producers for a total of 13 existing foam producers (i.e., respondents) that are major sources and subject of the NESHAP subpart III. We have further assumed there will be no new foam producers commencing operations over the period of this ICR. However, we have assumed that 1 existing respondent a year will be conducting some type of modification but they will continue to meet compliance requirements while the reconstruction/modification application is under review. Therefore the average number of respondents per year for this ICR is estimated to be 13.

(b) This ICR uses the following labor rates: Managerial \$104.92 (\$49.96 + 110%); Technical \$51.62 (\$24.58 + 110%); and Clerical \$41.66 (\$19.84 + 110%). These rates are from the U.S.Department of Labor, Bureau of Labor Statistics, Occupational earnings tables: United States, December 2009 - January 2011 (average reference date July 2010) Table 4. Full-time private industry workers: Mean and median hourly, weekly, and annual earnings and mean weekly and annual hours. The rates have been increased by 110% to account for the benefit packages available to those employed by private industry. This ICR assumes managerial hours are 5% of the technical hours and clerical hours are 10% of technical hours.

(c) Molded/rebond foam producers only have recordkeeping and reporting requirements.

(d) We have assumed that all existing sources are in compliance with the initial rule requirements.

(e) Only slabstock foam producers (i.e., 7 respondents) are required to submit semiannual reports.

(f) Assumes 1 affirmative defense reports for entire industry during the 3-yr ICR period. For affirmative defense, hours required assumes 18 hours technical, 12 hours management, 0 clerical for each instance of affirmative defense. Formulas not followed for person hours per year

(g) Total responses calculated by adding semiannual reports (7 sources * 2 responses), notification of modification/reconstruction (1 source * 1 response), precompliance report (1 source * 1 response), notification of compliance status (1 source * 1 response), annual compliance certifications (13 sources * 1 response), and affirmative defense (0.67 responses (1 response in 3 years))

Table 2: Average Annual EPA Burden: NESHAP for Flexible Polyurethane Foam Product (40 CFR part 63, subpart III)

	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)
Activity	EPA Hours/ Occurrence	Occurrences/ Plant/Year	EPA Hours/ Year (C=AxB)	Plants/ Year ^a	Technical Hours/ Year (E=C*D)	Managerial Hours/ Year (E*0.05)	Clerical Hours/ Year (E*0.10)	Total Hours/ Year (H=E+F+G)	Total Costs/ Year ^b
Initial Notification ^c	2	0	0	0	0.0	0.0	0.0	0.0	\$0
Notification of Reconstruction/Modification	2	1	2	1	2.0	0.1	0.2	2.3	\$124
Notification of Special Compliance Requirements ^d	2	1	2	0	0.0	0.0	0.0	0.0	\$0
Notification of Compliance Status ^d	2	1	2	1	2.0	0.1	0.2	2.3	\$124
Semiannual Reports ^e	2	2	4	7	28.0	1.4	2.8	32.2	\$1,741
Annual Compliance Certifications ^f	2	1	2	13	26.0	1.3	2.6	29.9	\$1,617
TOTAL ANNUAL BURDEN					58.0	2.9	5.8	66.7	\$3,607

(a) We have assumed there are 7 existing slabstock foam producers and 6 existing molded/rebond foam producers for a total of 13 respondents. We have further assumed that one existing respondent a year will be conducting some type of modification at its facility and that there will be no new sources over the period of this ICR. Therefore, the average number of respondents per year is estimated to be 13.

(b) This ICR uses the following labor rates: Managerial \$74.73 (GS-13, Step 5, \$38.92 +20% + 60%); Technical \$55.45 (GS-12, Step 1, \$28.88 + 20% + 60%); and Clerical \$30.01 (GS-6, Step 3, \$15.63 + 20% + 60%). These rates are from the Office of Personnel Management (OPM) 2013 General Schedule which excludes locality rates of pay. Salary Table 2013-GS. The rates have been increased by 20% to reflect average locality pay increase from base rates and a further 60% increase to account for the benefit packages available to government employees. This ICR assumes that Clerical hours are 10 percent of Technical hours and Managerial hours are 5 percent of Technical hours.

(c) We have assumed that all existing sources are in compliance with the initial rule requirements. In addition, we have assumed that facilities seeking to reconstruct will continue to meet compliance requirements while application is under review.

(d) We have determined there will be no sources submitting a special compliance report for this ICR since the compliance date for this rule has passed.

(e) Slabstock foam producers (i.e., 7 facilities) are required to submit semiannual reports.

(f) All respondents (i.e., 13 foam producers) are required to submit annual compliance certifications. However, we have assumed that slabstock facilities will be complying with this requirement concurrently when submitting semiannual reports. Molded/rebond foam producers would still need to meet this requirements separately.