

**Information Collection Request
Supporting Statement for the
8-hour Ozone National Ambient Air Quality Standard
Implementation Rule (Renewal)
EPA ICR # 2236.04**

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1. Identification of the Information Collection Request

1(a) Title of the Information Collection

The title of the Information Collection Request is 8-hour Ozone National Ambient Air Quality Standard Implementation Rule (Renewal), Environmental Protection Agency (EPA) ICR number 2236.04, Office of Management and Budget (OMB) Control number 2060-0594.

1(b) Abstract/Executive Summary

The Paperwork Reduction Act requires the information found in this Information Collection Request (ICR) number 2236.04, to assess the burden (in hours and dollars) of the renewal of the 8-hour Ozone National Ambient Air Quality Standard (NAAQS) Implementation Rule as well as the periodic reporting and record keeping necessary to maintain the rule. The rule was proposed June 2, 2003 (68 FR 32802) and promulgated in two Phases: Phase 1 published April 30, 2004 (69 FR 23951) and Phase 2 published November 29, 2005 (70 FR 71612). The preamble to the proposed and final regulation addressed the administrative burden in general terms. The preamble to the final Phase 2 rule stated that an ICR would be prepared (70 FR at 71692). In 2007, certain limited portions of the Phase 1 rule were vacated by the U.S. Court of Appeals for the District of Columbia Circuit. The EPA addressed a portion of the vacatur by assigning areas originally designated under subpart 1, part D, title I of the CAA to be subject to subpart 2. The former subpart 1 areas with non-attainment designation status were assigned to subpart 2 Marginal or Moderate classifications. The subpart 2 classifications were published in the in the EPA's Final Rule to Implement the 1997 8-Hour Ozone NAAQS: Classification of Areas That Were Initially Classified Under Subpart 1; Revision of the Anti-Backsliding Provisions To Address 1-Hour Contingency Measure Requirements; Deletion of Obsolete 1-Hour Ozone Standard Provision. See 77 FR 28423, May 14, 2012.¹

The time period covered in this ICR is a three year period from August 1, 2013 through July 31, 2016. The milestones include the attainment demonstration, Reasonable Further Progress (RFP) State Implementation Plan (SIP) submission, and the Reasonable Available Control Technology (RACT) SIP submission. However, not all of the milestones and associated burden and administrative cost estimates apply to the remaining nonattainment areas for the 1997 8-hour ozone NAAQS. There are 38 non-attainment areas within 16 states and the District of Columbia.

Thirty-two of the non-attainment areas that have completed their SIP requirements or the SIP requirements have been suspended and as a result have no additional burden. The following paragraphs explains the status of certain affected non-attainment areas and either the estimated additional burdens or the absence of additional burdens for certain non-attainment areas.

¹ Correction notice published July 25, 2012 (77 FR 43521).

- **Status of ozone non-attainment areas anticipated to have no additional burden.**
 The EPA recognizes that there are certain categories of ozone non-attainment areas that will have no additional burden in this ICR and this will include states that have areas that have met their 1997 ozone NAAQS SIP requirements and areas where SIP actions are satisfied by a Determination of Attainment or SIP actions that have been suspended by a Clean Data Determination issued by the EPA.
- **Status of ozone non-attainment areas initially designated under subpart 1 and that have been redesignated as Moderate under subpart 2 in the 2010 redesignation action that are estimated to have no additional burden.** The EPA's final rule of May 14, 2012, (77 FR 28423), mentioned above, designated 16 non-attainment areas under subpart 2. Nine of the former subpart 1 areas were classified as Marginal non-attainment areas. These nine Marginal areas have either met the NAAQS standard or have suspended the SIP requirements for a Marginal area. There are seven former subpart 1 areas classified as Moderate that require the state to prepare and submit to the EPA an attainment demonstration, RFP, and RACT SIP submissions between the calendar years of 2013 to 2016. The EPA has determined that three of the seven non-attainment areas within the two states of Pennsylvania and New York, which are in the Ozone Transport Region (OTR), would have no additional new burden. The 3 ozone non-attainment areas within the OTR are the Pittsburgh area, PA, the Buffalo area, NY and the Jamestown area, NY. Because of OTR requirements, these states have already submitted state-wide RACT SIP requirements to fulfill that requirement. The three areas have EPA-approved Clean Data Determinations that suspend the attainment demonstration and RFP planning requirement resulting in no additional burden estimated for these three Moderate areas.
- **Status of ozone non-attainment areas anticipated to have additional burden.**
 The EPA has determined that ozone non-attainment areas that were initially designated under subpart 1 and that have been redesignated under subpart 2 with a Moderate classification in the 2012 redesignation action will have an increase in burden. As stated in the previous item, there are seven 8-hour ozone non-attainment areas that would normally have to prepare and submit to the EPA an attainment demonstration and RFP planning requirement resulting in no additional burden. The additional burden is for the areas to address the additional RACT SIP requirement submissions between the calendar years of 2013 to 2016, with the exception of the 3 areas in the OTR discussed above. Accounting for the remaining four non-attainment areas, the EPA has determined that an increase in the burden estimate is warranted for these four ozone non-attainment areas because they must provide RACT SIP submissions to the EPA. These areas have completed a majority of the SIP requirements but due to the subpart 2 reclassification, the areas must address additional SIP requirements. The EPA has estimated that the additional burden is 2,500 hours, approximately half of the required 5,000 hours the EPA has estimated for areas submitting complete Moderate SIP requirements. The four ozone nonattainment areas are in California and are as follows:

 - Calaveras County (formerly part of Central Mountain Counties)

- o Kern County (Eastern Kern)
 - o Mariposa County (formerly part of Southern Mountain Counties)
 - o Western Nevada County
- **Areas that may be anticipated to or have missed their attainment date.** There are two areas that are anticipated to miss their June 15, 2013 Serious classification attainment date. The EPA believes it is essential to estimate the burden these two areas may encounter. Typically, the EPA has provided an estimated 20,000 burden hours for new Severe areas to develop the complete necessary Severe area SIP submissions. In this case, the EPA recognizes that the burden may remain the same if these areas are reclassified from Serious to Severe classification since the state must reevaluate the universe of sources, amend rules and hold public hearings to complete required SIP submissions. Accordingly, the EPA will maintain the proposed burden estimate of 5,000 hours for Baltimore, Maryland area. Baltimore is in the Ozone Transport Region which requires SIP elements that satisfy Moderate area requirements and as such, the area anticipates the additional 5,000 hours accounting for work in completing SIP revisions, if necessary. We are providing a burden estimate of 20,000 hours for the Dallas-Forth Worth Area, Texas, as a necessary burden, accounting for hours to complete their SIP respective planning SIP.

The EPA has estimated that six non-attainment areas will have additional burden in fulfilling their obligations during the time period covered by this ICR renewal. The EPA anticipates additional administrative 3-year burden for state governments and the EPA of 35,000 hours and 3,850 hours, respectively. Fifty percent of the hours are expended in the 1st year with the remainder evenly divided between the 2nd and 3rd years of the ICR period. Tribes are not required to conduct attainment demonstrations or submit RFP or RACT SIPs.

The present value of the total additional costs for state governments (respondents) is estimated at \$2,278,500 for the 3 year period. On an equivalent annual basis that is \$759,500 per year during the 3 year period of the ICR.

The present value of the EPA's administrative cost burden is estimated at \$250,636 dollars. This is equivalent to an equal annual stream of costs of \$83,545 per year during the three year period.

2. Need For and Use of the Collection

2(a) Need/Authority for the Collection

Part D of Title I of the Clean Air Act sets forth the plan (implementation) requirements for areas designated non-attainment with a promulgated National Ambient Air Quality Standard. When the Clean Air Act amendments of 1990 were enacted, the subpart 2 provisions were specific to designated non-attainment areas for the 1-hour ozone NAAQS, but that standard was revised in 1997. As a result of litigation and subsequent court decisions, an

implementation framework was developed for the 8-hour ozone NAAQS, promulgated in 1997.

The implementation rule for the 1997 8-hour ozone NAAQS was issued in two phases: Phase 1 was published April 30, 2004 and Phase 2 was published November 29, 2005. When the review and comment periods on the draft and final federal implementation rules closed, the affected parties could begin to assess the milestones and begin the planning process. In 2007 Phase I was vacated and all areas designated under “subpart 1” areas were redesignated in 2009 as either subpart 2 Marginal or subpart 2 Moderate areas.

This ICR is the second 3-year renewal of the original ICR developed in response to the implementation framework to fulfill requirements of the Paperwork Reduction Act.

2(b) User/Users of the Data²

The data collected from respondents include attainment demonstrations, RFP SIP submissions, and RACT SIP submissions. The attainment demonstrations indicate what emission reductions are necessary to attain and maintain the 1997 ozone NAAQS. The RFP SIP describes how the RFP obligation will be met by the affected non-attainment areas as emission reductions are phased in over time. The RACT SIP identifies the assessment of present controls on affected sources of emissions to see if they meet RACT requirements and identifies where additional measures and emission reduction requirements are required. The RACT requirements can be used to meet RFP requirements. The RACT and RFP requirements also can be used to satisfy the emission reduction requirements to attain and maintain the 1997 ozone NAAQS. The similarities between the RACT and RFP requirements may be reflected in the attainment demonstration.

The states use the attainment demonstrations, RFP SIP submissions, and RACT SIP submissions to inform their citizenry, including potentially regulated entities. They also use this information and analysis to fulfill federal obligations under Title I, subpart D of the Clean Air Act and Phase 1 and Phase 2 of the 1997 8-hour Ozone Implementation Rule.

The potentially regulated entities use this information in assessing future emission reduction requirements.

The regional and headquarters EPA use the information as part of their review of attainment demonstration, RFP SIP, and RACT SIP adequacy. Emission reducing regulations developed by the states and approved by the EPA are federally enforceable.

² Attainment demonstrations as well as RFP and RACT SIP submissions are viewed as analytical products to some; but are regulations to others. In the context of the Paperwork Reduction Act, the attainment demonstration and RFP and RACT SIP submissions are considered data.

3. Non-Duplication, Consultation, and Other Collection Criteria

3(a) Non-Duplication

There are 3 parts to the information collection for this ICR: the attainment demonstration, the RFP SIP submission, and the RACT SIP submission.

There are other activities covered by existing ICRs which complement the activities required for the attainment demonstration, RFP SIP submission, and RACT SIP submission. One example is the Consolidated Emissions Reporting Rule. Salient ICRs and their titles are identified below.

- Requirements for Preparation, Adoption, and Submittal of Implementation Plans
 - o 51.121-51.122 NOx SIP Call..... 2060-0445
 - o 51.160-51.166 New Source Review.....2060-0003
 - o 51.321-51.323 Air Quality Data Reporting.....2060-0088
 - o 51.353-51.354 Inspection/Maintenance.....2060-0252
 - o 51.365-51.366 Inspection/Maintenance.....2060-0252
- Approval and Promulgation of Implementation Plans
 - o 52.21 Prevention of Significant Deterioration.....2060-0003
- Ambient Air Monitoring Reference and Equivalent Methods
 - o 53.42080-0005
 - o 53.9(f),(h),(i).....2080-0005
 - o 53.14.....2080-0005
 - o 53.152080-0005
 - o 53.16(a)-(d),(f).....2080-0005
- Outer Continental Shelf Air Regulations
 - o 55.4-55.82060-0249
 - o 55.11-55.142060-0249
- Ambient Air Quality Surveillance
 - o 58.11-58.142060-0084
 - o 58.20-58.232060-0084
 - o 58.25-58.282060-0084
 - o 58.30-58.312060-0084
 - o 58.332060-0084
 - o 58.352060-0084
 - o 58.40-58.412060-0084
 - o 58.432060-0084
 - o 58.452060-0084
 - o 58.502060-0084
- Determining Conformity of Federal Actions to State or Federal Implementation Plans
 - o 91.150-93.1602060-0279
 - o

Attainment Demonstration. The attainment demonstration requirement appears as 40 CFR 51.908 which implements Clean Air Act subsections 172(c)(1), 182(b)(1)(A), and 182(c)(2)(B). The attainment demonstration for the 8-hour Ozone NAAQS is unique and does not duplicate other implementation plan requirements. However, the states are encouraged to build upon related implementation planning processes they used for the 1-hour Ozone NAAQS, regional haze rule, and/or PM_{2.5} NAAQS. Taking such steps, where appropriate, may reduce the incremental administrative burden and enable identification of control strategies that achieve requisite multi-pollutant environmental progress at a lower cost.

RFP SIP Submission. This unique requirement is described in 40 CFR 51.910. Although the RFP submission does not duplicate other plan requirements, the RFP submission may complement them. For example, the emission reductions associated with the RFP SIP may be sufficient to bring the area into attainment.

The states are encouraged to build upon related analyses for federal emission reducing rules as well as salient PM NAAQS and regional haze implementation requirements where appropriate. Taking such steps may reduce the incremental administrative burden. For example, the temporal and spatial nature of emission reductions associated with the federal rules may be sufficient to meet the RFP requirements. Hence, the need to identify additional emission reductions to meet RFP requirements may be mitigated in some instances.

In addition, states are encouraged, where appropriate, to take into account similar analyses and planning efforts to meet certain PM NAAQS and regional haze implementation requirements. Such actions may result in RFP plans which achieve requisite multi-pollutant environmental progress at a lower cost.

RACT SIP Submission. This unique requirement is described in 40 CFR 51.912 which implements CAA subsections 172(c)(1), 182(b)(2),(c),(d), and (e). But, it is related to the Best Available Retrofit Technology (BART) requirement for the regional haze rule and RACT requirements for the PM_{2.5} NAAQS implementation rule. The states are encouraged to take into account these related requirements and analyses where appropriate. Taking such steps can reduce administrative burden and foster achievement of multi-pollutant environmental progress at a lower cost.

3(b) Public Notice Required Prior to ICR Submission to the Office of Management and Budget (OMB)

The EPA published a Federal Register notice on July 26, 2013 (78 FR 45188) that solicited comment on the 8-Hour Ozone NAAQS Rule. EPA received one comment from the Texas Commission on Environmental Quality (TCEQ).

3(c) Consultation

The preamble for the final 1997 8-hour ozone NAAQS Phase 2 implementation rule stated that an ICR would be prepared. The EPA published a Federal Register notice on November 15, 2006 (Volume 71, Number 220 Page 66515) that solicited comment on the Agency Information Collection Activities: Proposed Collection; Comment Request; 8-Hour Ozone National Ambient Air Quality Standard Implementation Rule; EPA ICR No. 2236.02, OMB Control No. 2060-0594. At this time, a second 3-year renewal of the ICR is required.

To renew the information collection activities, the EPA published a Federal Register notice on July 26, 2013 (78 FR 45188) that solicited comment on the Agency Information Collection Activities, Renewal, Comment Request; 1997 8-Hour Ozone NAAQS Rule, EPA ICR 2236.04, OMB Control no. 2060-0594. The comment period closed on August 26, 2013 with the EPA receiving one comment from the Texas Commission on Environmental Quality (TCEQ).

COMMENT: The TCEQ acknowledged that the EPA will revoke the 1997 8-hour ozone NAAQS upon finalization of the implementation rule for the 2008 8-hour ozone NAAQS and, as a result, there would be no additional burden to states in developing SIP submittals for the 1997 8-hour ozone NAAQS. However, TCEQ maintained that there could be responsibilities and costs for activities that remain applicable for the revoked standard for which the TCEQ believes the EPA has underestimated the burden and costs. The TCEQ recommends that the burden for the State of Texas should range between 45,000 and 55,000 hours with an estimated cost of \$1,248,735 for work associated with implementing the 1997 ozone standard in the Dallas-Fort Worth area.

The commenter acknowledged that some RACT requirements had already been fulfilled through prior SIP submissions, however the higher classification would lower the RACT threshold from 50 tons per year (TPY) to 25 tpy and previously classified minor sources may potentially become major sources and burden the commenter indicates could potentially reach 1,400 hours of burden to develop RACT rules. The commenter also stated that RFP SIP revisions would potentially require the state to update emissions inventory projected to 2018 and estimates a potential 7,000 hours burden. The commenter also pointed out that along with the updated emissions inventory for the RFP SIP revision, the commenter believed that an attainment demonstration submittal to the EPA is mandated, which would potentially involve 40,000 hours burden. The commenter also stated that conformity and transportation conformity requirements would remain in effect and potentially involve 570 burden hours. The commenter further stated that the Dallas-Fort Worth area has the potential burden of over 4,000 hours to develop and implement the Section 185 fee program.

RESPONSE: The EPA stated in its Notice for Comments (78 FR 45188, July 26, 2013) that the agency anticipated that the Dallas-Fort Worth area may miss their June 15, 2013 Serious classification attainment date. Section 179(c) requires the EPA to determine if the area failed to attain by their attainment date and the area should be reclassified to Severe by December 15, 2013,. The commenter recognized that the 1997 8-hour ozone NAAQS could soon be revoked. It should be noted that the EPA could have chosen not to include this area in this analysis considering both a pending revocation of the NAAQS standard and its current status as a Serious ozone nonattainment area that has completed a majority of the required

SIP submissions for that classification. However, the EPA decided to include an estimate of burden and cost that this area may encounter if the reclassification is required.

At the onset of the 1997 8-hour ozone NAAQS, we estimated 20,000 burden hours would be expended for Serious and above areas to develop the initial required programs and to complete necessary Serious and above area SIP submissions to the EPA. This burden estimate was previously subjected to notice comment and approved by the Office of Management and Budget. This number has been used to estimate the entire burden for initiating the 8-hour NAAQS programs. Regarding the Dallas-Fort Worth area, the additional planning and emission control requirements that accompany a mandatory reclassification to Severe would require the state to lower the major source threshold from 50 tons per year (tpy) for a Serious area to 25 tpy for a Severe nonattainment area and the New Source Review (NSR) offset ratio goes from 1.2 to 1 for a Serious area to 1.3 to 1 for a Severe area. The state would need to develop requirements for low volatile organic compound (VOC) reformulated gasoline to be distributed in the nonattainment area. The state would also need to evaluate and develop a vehicle miles traveled growth offset that would go to the year 2018. The EPA's methodology for estimating the burden hours of an area experiencing a bump-up in classification to Severe is incremental from a nonattainment area that has completed a majority of the required SIP submissions for the Serious classification. The burden hours would be smaller than the full 20000 hours estimated for a newly classified Serious area since the requirement is to potentially revise their previous SIP Serious area submittal. Accordingly, the EPA reduced the estimated burden from 20,000 total hours to initiate a SIP, to 5,000 hours to revise an existing SIP after a mandatory reclassification which would average about 1,667 hours annually over the three year period of this renewal. That would be equivalent to about one full time employee per year. The EPA set forth its assumptions and methodology for calculating the routine information collection burden in the proposed supporting statement and the EPA believes that they are straight forward and clear.

However, TCEQ's estimates ranging between 45,000 to 55,000 burden hours for completing SIP revisions alone far exceed the EPA's previously accepted burden estimates. The EPA has no reason to challenge the commenter's statement that the EPA's assumptions may have partially under-estimated the state's burden it may encounter when submitting the necessary SIP revisions. The EPA proposed an estimate of 5,000 hours to conduct the tasks associated with completing 3 milestones covered during this ICR reporting period. These milestones are the RACT SIP revisions, RFP SIP revisions and the attainment demonstration. In meeting these milestones, such efforts may include data collection, analysis and assessment, rule development, public review processes and providing information to the EPA. The EPA points out that the emissions and control efficiency data required for the attainment demonstration, RFP SIP revisions, and the RACT SIP revisions should be collected as a result of reporting activities required by other OMB approved ICRs. For example, see the ICR associated with the Consolidated Emissions Reporting Rule: <http://www.epa.gov/ttn/chief/cerr/index.html>. In addition, air pollutant concentration data is covered already by ICR 0940-18, OMB Control Number 2060-0084; the New Source Review provisions are covered by ICR 1230.10 and 1230.11, OMB Control Number 2060-003; and the Reformulated Gasoline Requirements are covered ICR 1951.08, OMB Control Number 2060-0277. The EPA believes that a portion of the burden hours TCEQ identified

are accounted for in these and other ICRs and accepting the range of burden hours that TCEQ presents would be an overestimation for this particular ICR renewal.

Moreover, since the inception of the 1997 8-hour ozone NAAQS burden estimates for areas classified as Serious and above to develop their planning and control requirements has never exceeded 20,000 burden hours and has been accepted nationally with no adverse comments. The preceding 8-Hour Ozone NAAQS ICR Renewal for 2010-2013, (ICR#2236.03, OMB 2060-0594), did not identify the Dallas-Fort Worth ozone nonattainment area as a reclassified Serious area that would need additional burden hours which at the time was classified as a Moderate nonattainment area. Subsequent to the ICR Renewal the area received a reclassification to Serious (reclassification effective on 1/19/2011), but the additional burden hours to fulfill Serious area SIP requirements were not identified in the ICR renewal. Additionally, EPA's burden hours represent a national average which may vary from the higher end in large urban nonattainment areas with many to sources to the lower end in smaller nonattainment areas with few sources. Therefore, in response to the comments from TCEQ, and in consideration of the accounting levels of other ICRs for certain activities, and in consideration of Dallas-Forth Worth's previous reclassification, the EPA has decided to provide a higher estimate of 20,000 burden hours for the Dallas-Forth Worth Area for a higher classification, which may occur in the future. We have also estimated the costs to TCEQ to be about \$1.3 million which actually exceeds TCEQ's estimate of \$1.25 million.

The commenter listed other tasks that have the potential to exceed the burden hours such as for implementing the ongoing conformity and transportation conformity programs. The hours for implementing ongoing conformity and transportation conformity programs have been accounted in the burden estimates for fulfilling previous planning and control requirements. The greater than 4,000 hours the commenter associated with developing a section 185 fee program after receiving classification to a Severe nonattainment area have not been included in the EPA estimates because it is not directly related to fulfilling SIP requirements within this three-year period of this renewal.

3(d) Effects of Less Frequent Collection

The collections under 40 CFR 51.908, 51.910, and 51.912 are necessary to provide assurances that identified level of emission reductions are adequate to ensure timely attainment and maintenance of the 1997 Ozone NAAQS while adhering to the mandatory measures and requirements for subpart 2 non-attainment areas, as well as former subpart 1 areas.

3(e) General Guidelines

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act, the OMB's implementing regulations, the EPA's Information Collection Request Handbook, and other applicable OMB guidance. The final 8-hour Ozone NAAQS implementation rule does not require:

- reporting more than once a year;

- respondents to participate in a statistical survey;
- responses to Agency inquiries in less than 30 days;
- respondents to receive remuneration for preparation of reports;
- records to be kept more than 3 years,³ and,
- manual methods of reporting.⁴

3(f) Confidentiality

The information is requested from the states. To fulfill the attainment demonstration, RFP SIP submission, and RACT SIP submission requirements, the states will use emissions levels and control efficiency data provided by certain facilities in the private and public sector. This information is available from a variety of sources. It is the assimilation and analysis of that data that is required in the attainment demonstration, RFP SIP submittal, and the RACT SIP submittal.

There are 2 non-attainment areas that might need to revise their attainment demonstrations and 4 areas that must prepare and submit RACT SIP revisions. The remaining non-attainment areas have met or suspended their SIP requirements before the time period covered by this ICR begins and will thus only need to prepare recordkeeping reports. States should already have information from emission sources, as facilities should have provided this information to meet 1997 8-hour ozone SIP requirements and previous 1-hour SIP requirements, operating permits, and/or emissions reporting requirements. Such information does not generally reveal the details of production processes. But, to the extent it may, the affected facilities are protected. Specifically, the completion of the emissions and control efficiency information that is confidential, proprietary, and trade secret is protected from disclosure under the requirements of subsections 503(e) and 114 (c) of the Clean Air Act.

3(g) Sensitive Information

The requested attainment demonstration, RFP SIP submission, and RACT SIP submission do not include questions whose answers would require sensitive information.

4.0 Respondents and the Information Requested

4(a) Respondents and the Non-Attainment areas

Table 1 lists 38 non-attainment areas in total as of July 22, 2013. Table 2 lists the numbers of non-attainment areas within each state and regional office. Table 3 indicates the six non-attainment areas contained within three states and regional offices affected by the attainment demonstration, RFP SIP, and RACT SIP submission. Local, state, and federal

³ However, the states may choose to retain the information for more than 3 years.

⁴ However, the states must still submit their attainment demonstration, RFP SIP, and RACT SIP.

agencies are part of the North American Industrial Classification System code number 924110.⁵

There are other entities that may be indirectly affected, as they may comment on the draft submissions before they are forwarded to the EPA's Regional Offices. These include potentially regulated entities, representatives of special interest groups, and individuals. Consideration of the burden on these entities is beyond the scope of the Paperwork Reduction Act.

Table 1. Classifications of 8-Hour Ozone Non-attainment Areas As of July 22, 2013 (see <http://www.epa.gov/air/oaqps/greenbk/gnc.html>)

n = area has whole or part county or counties in a previous 1-hr Ozone nonattainment area (as of June 15, 2005) no longer subject to the 1-hour standard

m = area has whole or part county or counties in a previous 1-hr Ozone maintenance area (as of June 15, 2005) no longer subject to the 1-hour standard

* = area has whole or part county or counties in a CO, PM-10, or PM-2.5 nonattainment or maintenance area or previous 1-hr Ozone nonattainment or maintenance area (as of June 15, 2005)

Category/Classification (Attainment Date)

EXTREME (June 2031)

Los Angeles-South Coast Air Basin Area, CA [n*]
San Joaquin Valley Area, CA [n*]

SEVERE 17 (June 2021)

SEVERE 15 (June 2019)

Houston-Galveston-Brazoria Area, TX [n*]
Los Angeles and San Bernardino Cos (W Mojave Desert) Area, CA [n*]
Riverside County (Coachella Valley) Area, CA [n*]
Sacramento Metro Area, CA [n*]

SERIOUS (June 2013)

Baltimore Area, MD [n*]
Dallas-Fort Worth Area, TX [n*]
Ventura County (part) Area, CA [n*]

MODERATE (June 2010)

Amador and Calaveras Counties (Central Mountain Counties) Area, CA [n*]
Atlanta, GA [n*]
Boston-Lawrence-Worcester (E. MA) [n*]
Buffalo-Niagara Falls Area, NY [n*]
Charlotte-Gastonia-Rock Hill, NC-SC (NC portion) [n*]
Greater Connecticut, CT [n*]
Imperial County, CA [n*]
Jamestown Area, NY [n*]
Jefferson County, NY [n*]
Kern County (Eastern Kern) Area, CA [m*]
Mariposa and Tuolumne Cos (Southern Mountain Counties) Area, CA

⁵ <http://www.census.gov/naics> Code number 924110 includes "administration of air & water resources & solid waste management programs"

Nevada County (Western part) Area, CA
 New York-N. New Jersey-Long Island Area, CT-NJ-NY [n*]
 Philadelphia-Wilmington-Atlantic City Area, DE-MD-NJ-PA [n*]
 Pittsburgh-Beaver Valley Area, PA [m*]
 Poughkeepsie Area, NY [n*]
 Providence (All RI), RI [n*]
 Sheboygan, WI [m*]
 Springfield (W. Mass) Area, MA [n*]
 St. Louis Area, IL-MO [m*]
 Washington Area, DC-MD-VA [n*]

MARGINAL (June 2007)

Albany-Schenectady-Troy, NY
 Chico Area, CA [n*]
 Denver-Boulder-Greeley-Ft. Collins-Love. Area, CO
 Essex County (Whitefact Mtn.) Area, NY [n*]
 Phoenix-Mesa Area, AZ [m*]
 Rochester, NY [m*]
 San Francisco Bay Area, CA [n*]
 Sutter County (part) (Sutter Buttes) Area, CA [n*]

As indicated in Table 3, the non-attainment area segments are in three states. Furthermore, these non-attainment areas are contained within respective EPA Regions, namely, Region 3, 6, and 9, without encroaching into other Regions. This would not increase the administrative burden of the RACT SIP submission.

The numbers of non-attainment areas or parts of areas in each state and the associated EPA Regional Office are presented in Table 2. There are 38 non-attainment areas with some areas overlapping into more than one state which, if counted individually, would result in 45 total areas identified by the state where located. These numbers were derived from the July 31, 2013 version of the EPA Green Book information at: <http://www.epa.gov/air/oaqps/greenbk/gncs.html>.

Table 2. The Numbers of Non-Attainment Areas or Parts of Areas in Each State

<u>Area and State</u>	<u>No. of Areas or Parts of Areas</u>	<u>EPA Region</u>	<u>No. of subpart 2 Marginal Areas</u>	<u>No. of subpart 2 Moderate Areas</u>	<u>No. of subpart 2 Serious Areas</u>	<u>No. of subpart 2 Severe-15 Areas</u>	<u>No. of subpart 2 Extreme Areas</u>
Arizona	1	9	1	0	0	0	0
California	14	9	3	5	2	2	2
Colorado	1	8	1	0	0	0	0
Connecticut	2	1	0	2	0	0	0
Delaware	1	3	0	1	0	0	0
District of Columbia	1	3	0	1	0	0	0
Georgia	1	4	0	1	0	0	0
Maryland	3	3	0	2	1	0	0
Massachusetts	2	1	0	2	0	0	0
Missouri	1	7	0	1	0	0	0
New Jersey	2	2	0	2	0	0	0
New York	5	2	1	4	0	0	0

North Carolina	1	4	0	1	0	0	0
Pennsylvania	2	4	0	2	0	0	0
Texas	2	6	0	0	1	1	0
Virginia	1	3	0	1	0	0	0
Wisconsin	1	7	0	1	0	0	0
Total	00		0	0	0	0	2

4(b) Information Requested

The information requested under this ICR is prescribed by 40 CFR 51.908 (attainment demonstration), 51.910 (RFP SIP Submission), and 51.912 (RACT SIP Submission). The implementation framework set forth in the regulation does not adopt a “one-size-fits all” approach to meeting the attainment demonstration or RFP and RACT SIP submissions. This additional flexibility enables the states to customize, to the extent allowed by the Clean Air Act, their approach to attaining and maintaining the 8-hour Ozone NAAQS.

Data Items. The emissions and control efficiency data required for the attainment demonstration, RFP SIP submission, and RACT SIP submission should have been collected as a result of reporting activities required by other OMB approved ICRs. For example, see the ICR associated with the Consolidated Emissions Reporting Rule: <http://www.epa.gov/ttn/chief/cerr/index.html>. In addition, air pollutant concentration data is covered already by ICR 0940-22, OMB Control Number 2060-0084; the New Source Review provisions are covered by ICR 1230.23, OMB Control Number 2060-003; and the Reformulated Gasoline Requirements are covered ICR 1951.24, OMB Control Number 2060-0277.

There may be other data that the states use. For example, states may identify economic and population growth rates, federal rules that reduce future emissions of ozone precursors, and meteorological data. These data are presently available.

Respondents’ Activities. The states have compiled data, set forth the methodology, conducted analyses, developed initial drafts, held hearings, adopted rules, regulations, and programs, had discussions with the EPA’s staff as appropriate, refined the draft demonstration and RFP and RACT SIP submissions as appropriate, adopted the SIP, and forwarded that SIP to the EPA. These submitted data and activities have informed EPA’s designations for this renewal ICR.

EPA’s Activities. The EPA staff in the regional offices may facilitate timely receipt of the attainment demonstration, RFP SIP submission, and RACT submission by reviewing materials and answering questions from the states regarding: requirements, potential data sources, analysis tools, the draft attainment demonstration and other submissions. The EPA Regional Offices will evaluate the SIP submissions and take rulemaking actions to approve or disapprove the SIP revisions.

The EPA headquarters staff will facilitate information flow amongst the regions and states to foster timely attainment of acceptable demonstrations and SIP submissions.

Reporting Protocols. The dates for the submissions are set forth in the final implementation rule (40 CFR 51.508, 51.910, and 51.912).

5.0 Information Collected—Agency Activities, Collection Methodology, and Information Management

5(a) States, EPA Regional Offices, and EPA Headquarters Offices

States: The states agencies' activities include⁶:

- Forecast baseline emissions, develop and evaluate emission reduction strategies where warranted, conduct air quality modeling to verify maintenance and attainment of the 8-hour Ozone NAAQS.
- Calculate the emission reductions necessary to fulfill RFP requirement, determine creditable emission reductions, where necessary determine additional emission reductions and compliance timing to meet RFP requirement. Draft findings, hold state hearings, make revisions as warranted. Submit RFP SIP to the appropriate EPA Regional office. Have discussions with the EPA.
- Identify RACT applicable sources and their control measures under baseline and attainment conditions; and evaluate alternatives. Draft findings, hold state hearings, make revisions as warranted. Submit RACT SIP to the EPA Regional Office. Have discussions with the EPA.

EPA Regional Offices. The regional office activities include:

- Answering inquiries put forth by the states.
- Reviewing data, analysis, and findings of attainment demonstration, RFP SIP and RACT SIP.
- Rulemaking actions approving or disapproving the SIP submissions.

EPA Headquarters. The EPA headquarters office activities include:

- Facilitating information flow and problem solving amongst the regions regarding demonstrations and submittals from the states.
- Answering questions regarding application and interpretation of salient rule provisions.

5(b) Collection Methodology and Management

The attainment demonstration and the RFP and RACT SIP submittals will set forth the data sources and analytical methods, as well as the emission reduction and air quality improvement verification procedures.

5(c) Small Entity Flexibility

For an approved ICR, the EPA must demonstrate that it has taken all practical steps to develop separate and simplified requirements for small businesses and other small entities. See 5 CFR 1320.6(h). The 8-hour Ozone NAAQS implementation regulation does not provide a direct administrative burden on small entities.

5(d) Collection Schedule

⁶ In some instances, there are local air pollution control districts within the states. These local agencies work in partnership with the states to facilitate accomplishment of the activities noted below.

During the period from August 1, 2013 through July 31, 2016, there are three sets of scheduled deliverables: attainment demonstration; RFP SIP submission; and RACT SIP submission.

Attainment Demonstration. If the EPA takes an action to reclassify areas that might not attain by their Serious area attainment date, the demonstration submission date for the areas will be specified in the EPA action. At the time of this ICR, EPA assumes the submission due date would be prior to July 31, 2016.

The attainment demonstration submission due date was June 13, 2013 for former subpart 1 re-designated as subpart 2 Moderate areas. Currently, all the former subpart 1 re-designated as subpart Moderate areas are meeting the 1997 ozone NAAQS with a Clean Data Determination resulting in the attainment planning SIP not being required at this time.

RFP SIP Submission. If the EPA takes an action to reclassify areas that might not attain by their Serious area attainment date, the RFP date for the areas will be specified in the EPA action. At the time of this ICR, the EPA assumes the submission due date would be prior to July 31, 2016. The RFP SIP submission due date was June 13, 2013 for former subpart 1 re-designated as subpart 2 Moderate areas. Currently, all the former subpart 1 re-designated as subpart 2 Moderate areas are meeting the 1997 ozone NAAQS with a Clean Data Determination resulting in the RFP planning SIP not being required at this time.

RACT SIP Submission. The RACT SIP submission due date was June 13, 2013 for former subpart 1 re-designated as subpart 2 Moderate areas.

6. Estimating the Burden and Cost of the Collection

This section provides information on the cost and hours associated with the information collection for both the respondents (the affected states) and the EPA (regional and headquarters offices). Hours and costs are presented for the activities associated with each collection item for a non-attainment area (or segment) in a given state, as well as the equivalent annual and present value numbers.

6(a) Estimating Respondent Burden

The estimated respondent burden is that associated with the activities which result in the attainment demonstration, RFP SIP submission, and RACT SIP submission.

The estimated burden is incremental to that required by other EPA environmental reporting obligations. The incremental burden for some areas may be less than for others. There are several reasons for this disparity.

- The severity of the non-attainment problem varies among the designated areas.
- Certain areas or parts of areas may already have developed and implemented RACT requirements.

- Some areas may have future predicted 8-hour ozone design values which demonstrate attainment in expeditious and practicable fashion, within 5 years of designation, under baseline conditions.
- Some areas may fulfill the RFP requirement as a result of creditable emission reductions resulting from federal rules that reduce ozone precursor emissions.

Non-attainment Areas. The subpart 1 non-attainment areas definition was vacated in 2007 after the publication of the 8-hour ozone NAAQS. Reclassifications of these areas were promulgated and published in the Federal Register on May 14, 2012 (77 FR 28423). As of this ICR, two of the former subpart 1 areas have redesignated to maintenance.

There are currently 34 subpart 2 areas which includes the former subpart 1 areas.

As a starting point for developing burden estimates, the EPA looked at the total hours expended in related EPA level of effort work assignments, exclusive of the air quality modeling. The total was about 300 hours in level of technical effort for areas that plan to redesignate before the 2010 redesignations, 500 hours in technical effort for former subpart 1 areas where the SIPs must be corrected for new classification,⁷ 300 hours for SIP corrections after 1-year attainment date extensions have been granted, and 1000 hours for SIP corrections by Moderate or above non-attaining areas and areas whose original designation had been escalated. The potential scope of that effort was geographically broad including all non-attainment areas outside AZ, CA, and NV. Examples of the specific scope of the effort included:

- Design of lower cost control strategies
- Examination of alternative emission reduction targets and geographic areas (e.g., staying in state but going up to 100km for VOC emissions reductions and up to 200km for NO_x emission reductions for some non-attainment areas)
- Assessment of RFP requirements for certain non-attainment areas
- Assessment of RACT if there was not a previous requirement
- Differences in cost, emission reductions, economic, and energy impacts looking at alternative frameworks for Phases 1 and 2 of the Implementation Rule.

Most of these areas have met previous RACT requirements. Also, many of these areas had RFP plans in place for the 1-hour Ozone NAAQS. Furthermore, for some of these areas, the RFP requirement is met or reduced because of creditable emission reductions resulting from federal rules reducing emissions of volatile organic compounds (VOCs) and/or nitrogen oxides (NO_x). These activities are related to but do not precisely mimic the incremental activities undertaken by a state to fulfill the attainment demonstration including the reasonably available control measure analysis as well as the RACT SIP, and RFP SIP submissions for a given non-attainment area.

Most of this estimated burden would be incurred in the first year. This is because of the overlap of emission reductions associated with the attainment demonstration, RACT requirements and the RFP requirements. For example, emission reductions resulting from RACT may be creditable toward attainment and RFP. Furthermore, for areas which are projected to

⁷ EPA Contract No. 68-D-00-283; Work Assignments 3-53 and 4-66.

meet the standard by 2010, that demonstration fulfills the RACT and RFP requirements. The presumed allocation of total incremental burden across time is 50% in year 1, 25% in year 2, and 25% in year 3. The estimated incremental burden for the non-attainment areas is presented in Table 3.

Table 3. Estimated Incremental Burden for the States Attainment Demonstration, RACT SIP Submission, and RFP SIP Submission.

State	EPA Region	No. of Areas or Parts of Areas	Additional Hours Year 1	Additional Hours Year 2	Additional Hours Year 3
Arizona	9	1	0	0	0
California	9	14	5,000	2,500	2,500
Colorado	8	1	0	0	0
Connecticut	1	2	0	0	0
Delaware	3	1	0	0	0
District of Columbia	3	1	0	0	0
Georgia	4	1	0	0	0
Maryland	3	3	2,500	1,250	1,250
Massachusetts	1	2	0	0	0
Missouri	7	1	0	0	0
New Jersey	2	2	0	0	0
New York	2	5	0	0	0
North Carolina	4	1	0	0	0
Pennsylvania	3	2	0	0	0
Texas	6	2	10,000	5,000	5,000
Virginia	3	1	0	0	0
Wisconsin	5	1	0	0	0
Total	N/A	0	0	0	0

6(b) Estimating Respondent Cost

Labor costs are estimated for state governments using the total of projected additional hours for the former subpart 1 and subpart 2 areas. These estimates do not reflect staff experience and economies of scale. The hourly rates are the result of estimated directed and indirect cost per employee. The main source of the information is <http://www.opm.gov/oca/payrates/index.htm>

The estimated weighted direct salary cost per employee is \$41.20 per hour. This results from a summation of the professional, managerial, and support staff components.

- Hourly equivalent 2009 Salary of Permanent Professional Staff at GS 11, Step 3 is \$33.34. This is the average of hourly equivalent rates for the San Francisco, CA and Washington, D.C. areas.
- To account for permanent managerial staff, 1/11 or 9% of the hourly rate for GS 13, Step 3 is added to the professional staff hourly rates. The average hourly equivalent rate for GS-13 using rates for San Francisco, CA and Washington, D.C. is \$47.51. Nine percent of that is \$4.32.

- To account for permanent support staff at GS-6, Step 6, 1/8 or 16% of the hourly rate is added to the professional staff hourly rates. The average hourly equivalent rate for GS-6, Step 6 using rates for San Francisco, CA and Washington, D.C. is \$22.17. Sixteen percent of that is \$3.55.

The estimated hourly indirect cost per employee is \$23.90. This amount is the sum of the following:

- Benefits at 16% of the weighted direct hourly equivalent salary cost per employee or \$6.59.
- Sick and annual leave at 10% of the weighted direct hourly equivalent salary cost per employee or \$4.12.
- General overhead at 32% of the weighed direct hourly equivalent salary cost per employee or \$13.18.

The estimated total weighted direct and indirect hourly equivalent salary cost per employee is \$65.10. The estimated total incremental respondent burden for the attainment demonstration, RACT SIP submittal, and RFP SIP submittal is provided in Table 4.

Table 4. Estimated Total Incremental Cost and Hour Burden for the States (Respondents) to Fulfill the Attainment Demonstration, RACT SIP Submittal, and RFP SIP Submittal Requirements.

Areas	Additional Cost for Year 1	Additional Cost for Year 2	Additional Cost for Year 3	Burden for the 3-year ICR period
Total	\$1,139,250	\$569,625	\$569,625	35,000 hours

6(c) Estimating Agency Burden and Cost

The estimated EPA burden is derived from the estimates for the respondents. Draft estimates were developed by the headquarters staff with review by regional office staff and subsequent refinement of the Agency burden and cost estimates.

The respondent burden was summed by the EPA regional offices and a percentage was applied to the yearly burden estimate to reflect the actions taken on the part of the regional offices. Once yearly burdens were estimated for the Agency’s Regional Offices, a percentage of those amounts are specified to derive estimates for the Agency’s Headquarters Office Burdens. Discussions were held with Regional Office and Headquarters staff regarding the percentages and resulting burden estimates.

EPA Regional Office Burden. Table 5 summarizes total incremental respondent burden by Regional Office and provides estimates of total incremental the EPA Regional Office burden. The summary of total incremental respondent burden comes from Tables 3 and 4. The EPA Regional Office burden is presumed to be 10% of the estimated total incremental burden for

respondent by the EPA Regional Office. The total incremental burden allocation for the EPA Regional Offices in Table 5 is 50% in year 1, 25% in year 2, and 25% in year 3.

In discussions with EPA Regional Office staff, they indicated that the total incremental burden estimates were ballpark. However, some regional office staff felt that a more reasonable allocation of total incremental EPA Regional Office burden would be 37.5% in year 1, 37.5% in year 2, and 25% in year 3. If that allocation were used, the corresponding EPA Regional Office burden estimates in years 1, 2, and 3 would be 750; 750; and, 500 respectively.

Table 5. Estimated EPA Regional Office Burden Derived by Taking 10% of Regional Respondent Burden Total for Years 1, 2, and 3

<u>EPA Regional Office</u>	<u>Year 1 Respondents' Burden</u>	<u>Year 1 EPA Reg. Office Burden</u>	<u>Year 2 EPA Reg. Office Burden</u>	<u>Year 3 EPA Reg. Office Burden</u>
1	0	0	0	0
2	0	0	0	0
3	5,000	250	125	125
4	0	0	0	0
5	0	0	0	0
6	20,000	1000	500	500
7	0	0	0	0
8	0	0	0	0
9	10,000	500	250	250
Total	0	0	0	0

EPA Headquarters Burden. The Regional Office burden estimates for years 1, 2, and 3 are multiplied by 10% to arrive at an estimate for Headquarters burden for the same 3 years. Resulting hours for years 1, 2, and 3 are 175, 87.5, and 87.5, respectively.

Total Incremental Burden for the EPA. The average yearly burden is 1,283.

Total Cost for the EPA. Using the weighted direct and indirect salary equivalent hour rate derived in section 6(b), the total incremental burden hours are multiplied by that rate. The result is the total cost estimate for the EPA; see Table 6.

Table 6. Total Cost Estimate for the EPA

<u>Entity</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Regional Office	\$113,925	\$56,963	\$56,963
Headquarters Office	\$11,393	\$5,696	\$5,696
Total EPA Cost	0	0	0

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

Title I of the Clean Air Act of 1990 provided a classification system for 1-hour Ozone NAAQS non-attainment areas along with prescribed programs and measures for those areas. In

essence, there was no incremental administrative burden associated with the implementation of the 1-hour standard associated with discretionary action on the part of the EPA. However, with the promulgation of the 1997 8-hour Ozone NAAQS, the non-attainment designations, and the finalization of Phases 1 and 2 of the Ozone Implementation rule, the Office of Management and Budget believed there were there were additional administrative burdens by the EPA. This ICR attempts to develop estimates of the incremental burden resulting from the transition from a 1-hour to an 8-hour form of the standard.

The major set of respondents is the states, as they have over 90% of the estimated additional burden. There is also burden imposed on the Regional and Headquarters Offices of the EPA. Because of the overlap in work for the attainment demonstration, RACT SIP submittal, and RFP SIP submittal, most of the cost will be incurred in year 1 of the 3 year period covered by this ICR. In the EPA's roles as facilitator, compiler, reviewer, and preparer, the estimated burden for the EPA is also expected to be greater in the 1st year than in the 2nd or 3rd years.

The total incremental respondent universe burden and cost estimates are presented in Table 7.

Table 7. Total Incremental Respondent & EPA Universe Burden and Cost Estimates

<u>Entity</u>	<u>Average Yearly Burden</u>	<u>3-Year Burden Hours</u>	<u>Present Value of Costs for 3-Year Burden</u>
States	11,667	35,000	\$2,278,500
EPA	1,283	3,850	\$250,636
Total	0	0	\$2,529,136

*The estimates are in current year (2012) dollars. Costs for years 2 and 3 are calculated using the equation Present Value = Future Value/ (1 + interest rate)^t, where "t" is the number of years hence (i.e., 0 for year 1, 1 for year 2, 2 for year 3). The adjusted values for years 1, 2, and 3 are then summed.

6(e) Bottom Line Burden Hours and Cost Tables

- (i) **Respondent Tally**
As indicated in Table 7, the states average burden is 11,667 hours annually with a 3-year burden of 35,000 hours with costs of \$2,278,500 million for the 3-year burden.
- (ii) **The Agency Tally**
As indicated in Table 7, the agency's average burden is 1,283 hours annually with a 3-year burden of 3,850 hours with costs of \$250,636 for the 3-year burden.
- (iii) **Variations in the Annual bottom Line**
There is no variations in the bottom line.

6(f) Reasons for Change in Burden

There is an increase of 5,000 hours in burden compared with that identified in the 2010 ICR renewal currently approved by OMB (EPA ICR #2236.03) due to the following factors:

- The burden associated with one remaining non-attainment area that may receive a mandatory reclassification is estimated to be the same as areas completing the initial SIP framework because of the work they must complete to reevaluate databases, emissions inventories, legal authorities, state rule development, publication and public hearing to comply with the standards.
- The EPA's final rule of May 14, 2012 (77 FR 28423) assigning former subpart 1 ozone non-attainment areas re-designations under subpart 2, resulted in non-attainment areas with additional burden for completing SIP revisions.
- However, the number of non-attainment areas has decreased as areas have come into compliance with the standards.
- The number of non-attainment areas with SIP revisions required has decreased as areas have either submitted the requirements or the planning requirements have been suspended with a Clean Data Determination.

The estimates have been calculated using 2012 dollars and some assumptions regarding overhead, O&M costs, and capital costs have been adjusted to meet current guidelines and common procedures for preparing ICRs.

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,945 hours for this reporting period. 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. This estimate includes the time and burden needed to conduct the tasks associated with 3 milestones covered during this ICR reporting period. Those milestones are the RACT SIP submittal, RFP SIP submittal, and the attainment demonstration. In meeting these milestones, such incremental efforts may include reviewing instructions as well as verifying, processing, maintaining, and disclosing information. Such efforts may require incremental development, acquisition, installation, and/or utilization of technological systems for several purposes. These purposes include collecting, verifying, validating, processing, maintaining and disclosing information associated with the 3 milestones. The incremental efforts may result from adjusting the ways to comply with the previously applicable instructions associated with the 1-hour Ozone National Ambient Air Quality Standard.

Consequently, in meeting the 3 milestones, there could be some incremental burden associated with learning/training, searching data sources, and transmitting the deliverables.

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 are listed in 40 CFR part 9 and 48 CFR chapter 15. As stated in the November 29, 2005 Federal Register Notice for the 8-hour Ozone Implementation Rule on page 71,693, "... the failure to have an approved ICR for this rule does not affect the statutory obligation for the States to submit SIPs as required under part D of the CAA."

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID Number EPA-HQ-OAR-2003-0079, which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), WCJ 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. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-OAR-2003-0079 and OMB Control Number 2060-0594 in any correspondence.

PART B

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