

**Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal),  
EPA ICR Number 1808.09, OMB Control Number 2020-0007**

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## 1. IDENTIFICATION OF THE INFORMATION COLLECTION

**1(a) TITLE OF THE INFORMATION COLLECTION: "Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Renewal), EPA ICR Number 1808.09, OMB Control Number 2020-0007"**

**1(b) SHORT CHARACTERIZATION/ABSTRACT:** The Environmental Protection Agency's (EPA's) regulations at 40 CFR Part 8, Environmental Impact Assessment of Nongovernmental Activities in Antarctica (Rule), were promulgated pursuant to the Antarctic Science, Tourism, and Conservation Act of 1996 (Act), 16 U.S.C. 2401 *et seq.*, as amended, 16 U.S.C. 2403a, which implements the Protocol on Environmental Protection (Protocol) to the Antarctic Treaty of 1959 (Treaty). The Rule provides for assessment of the environmental impacts of nongovernmental activities in Antarctica, including tourism, for which the United States is required to give advance notice under Paragraph 5 of Article VII of the Treaty, and for coordination of the review of information regarding environmental impact assessments received from other Parties under the Protocol. The requirements of the Rule apply to operators of nongovernmental expeditions organized in or proceeding from the territory of the United States to Antarctica and include commercial and non-commercial expeditions. Expeditions may include ship-based tours; yacht, skiing or mountaineering expeditions; privately funded research expeditions; and other nongovernmental activities. The Rule does not apply to individual U.S. citizens or groups of citizens planning to travel to Antarctica on an expedition for which they are not acting as an operator. (Operators, for example, typically acquire use of vessels or aircraft, hire expedition staff, plan itineraries, and undertake other organizational responsibilities.) The Rule provides nongovernmental operators with the specific requirements they need to meet in order to comply with the requirements of Article 8 and Annex I to the Protocol. The provisions of the Rule are intended to ensure that potential environmental effects of nongovernmental activities undertaken in Antarctica are appropriately identified and considered by the operator during the planning process and that to the extent practicable, appropriate environmental safeguards which would mitigate or prevent adverse impacts on the Antarctic environment are identified by the operator.

Environmental Documentation. Persons subject to the Rule must prepare environmental documentation to support the operator's determination regarding the level of environmental impact of the proposed expedition. Environmental documentation includes a Preliminary Environmental Review Memorandum (PERM), an Initial Environmental Evaluation (IEE), or a Comprehensive Environmental Evaluation (CEE). The environmental document is submitted to the Office of Federal Activities (OFA). If the operator determines that an expedition may have: (1) less than a minor or transitory impact, a PERM needs to be submitted no later than 180 days before the proposed departure to Antarctica; (2) no more than minor or transitory impacts, an IEE needs to be submitted no later than 90 days before the proposed departure; or (3) more than minor or transitory impacts, a CEE needs to be submitted. Operators who anticipate such

activities are encouraged to consult with EPA as soon as possible regarding the date for submittal of the CEE.<sup>1</sup>

The Protocol and the Rule also require an operator to employ procedures to assess and provide a regular and verifiable record of the actual impacts of an activity which proceeds based on an IEE or CEE. The record developed through these measures needs to be designed to: (a) enable assessments to be made of the extent to which environmental impacts of nongovernmental expeditions are consistent with the Protocol; and (b) provide information useful for minimizing and mitigating those impacts and, where appropriate, on the need for suspension, cancellation, or modification of the activity. Moreover, an operator needs to monitor key environmental indicators for an activity proceeding based on a CEE. An operator may also need to carry out monitoring in order to assess and verify the impact of an activity for which an IEE would be prepared. For activities that require an IEE, an operator should be able to use procedures currently being voluntarily utilized by operators to provide the required information.<sup>2</sup> Should an activity require a CEE, the operator should consult with the EPA to: (a) identify the monitoring regime appropriate to that activity, and (b) determine whether and how the operator might utilize relevant monitoring data collected by the U.S. Antarctic Program. OFA would consult with the National Science Foundation (NSF) and other interested Federal agencies regarding the monitoring regime.

In cases of emergency relating to the safety of human life or of ships, aircraft, equipment and facilities of high value, or the protection of the environment which would require an activity to be undertaken without completion of the documentation procedures set out in the Rule, the operator would need to notify the Department of State (DOS) within 15 days of any activities which would have otherwise required preparation of a CEE, and provide a full explanation of the activities carried out within 45 days of those activities.<sup>3</sup>

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<sup>1</sup>Article 3(4), of Annex I of the Protocol requires that draft CEEs be distributed to all Parties and the Committee for Environmental Protection 120 days in advance of the next Antarctic Treaty Consultative Meeting (ATCM) at which the CEE may be addressed.

<sup>2</sup>For example, such information includes, as appropriate and to the best of the operator's knowledge: identification of the number of tourists put ashore at each site, the number and location of each landing site, the total number of tourists at each site per ship and for the season; the number of times the site has been visited in the past; the number of times the site is expected to be visited in the forthcoming season; the times of the year that visits are expected to occur (e.g., before, during, or after the penguin breeding season); the number of visitors expected to be put ashore at the site at any one time and over the course of a particular visit; what visitors are expected to do while at the site; verification that guidelines for tourists are followed; description of any tourist exceptions to the landing guidelines; and description of any activity requiring mitigation, the mitigative actions undertaken, and the actual or projected outcome of the mitigation.

<sup>3</sup>During the time the Interim Final and Final Rules have been in effect, there were no emergencies requiring notification by U.S. operators. An Interim Final Rule was in effect from April 30, 1997, until replaced on December 6, 2001, by the Final Rule. The term Rule in this document refers to the period of time the Interim Final and Final Rules have been in place at 40 CFR Part 8 (e.g., for this ICR renewal, the years 1997- 2016 which includes the 1997-1998 through 2018-2019 austral summer seasons).

Environmental documents (e.g., PERM, IEE, CEE) are submitted to OFA. Environmental documents are reviewed by OFA, in consultation with the NSF and other interested Federal agencies and made available to other Parties and the public as required under the Protocol or otherwise requested. OFA notifies the public of document availability via the World Wide Web at: <https://www.epa.gov/international-cooperation/receipt-environmental-impact-assessments-eias-regarding-nongovernmental>. The types of nongovernmental activities currently being carried out (e.g., ship-based tours, land-based tours, flights, and privately funded research expeditions) are typically unlikely to have impacts that are more than minor or transitory, thus an IEE is the typical level of environmental documentation submitted. For the 1997-1998 through 2018-2019 austral summer seasons during the time Rule has been in effect, all respondents submitted IEEs except for three PERMs. Paperwork reduction provisions in the Final Rule that are used by the operators include:

- a) incorporation of material into the environmental document by referring to it in the IEE;
- b) inclusion of all proposed expeditions by one operator within one IEE;
- c) use of one IEE to address expeditions being carried out by more than one operator; and
- d) use of multi-year environmental documentation to address proposed expeditions for a period of up to five consecutive austral summer seasons.

Coordination of Review of Information Received from Other Parties to the Treaty. The Rule also provides for the coordination of review of information received from other Parties and the public availability of that information including: (1) a description of national procedures for considering the environmental impacts of proposed activities; (2) an annual list of any IEEs and any decisions taken in consequence thereof; (3) significant information obtained and any action taken in consequence thereof with regard to monitoring from IEEs and CEEs; and (4) information in a final CEE. This provision fulfills the United States' obligation to meet the requirements of Article 6 of Annex I to the Protocol. The DOS is responsible for coordination of these reviews of drafts with interested Federal agencies, and for public availability of documents and information. This portion of the Rule does not impose paperwork requirements on any nongovernmental person subject to U.S. regulation.

## **2. NEED FOR AND USE OF THE COLLECTION**

**2(a) NEED/AUTHORITY FOR THE COLLECTION:** The basis for the Rule is the United States Code as amended: 16 U.S.C. 2401 et seq., as amended, 16 U.S.C. 2403a.

The Rule, promulgated pursuant to the Antarctic Science, Tourism, and Conservation Act of 1996, provides nongovernmental operators with the specific requirements they need to meet in order to comply with the requirements of Article 8 and Annex I to the Protocol on Environmental Protection to the Antarctic Treaty of 1959 and provides for the environmental impact assessment of nongovernmental activities, including tourism, for which the United States is required to give advance notice under paragraph 5 of Article VII of the Antarctic Treaty of 1959.

The Rule also provides for coordination of the review of information regarding environmental impact assessment received by the United States from other Parties under the Protocol. This provision of the Rule includes Federal agency requirements but does not impose paperwork requirements on any nongovernmental person subject to U.S. regulation.

The procedures in the Rule are designed to: ensure that nongovernmental operators identify and assess the potential impacts of their proposed activities, including tourism, on the Antarctic environment; that operators consider these impacts in deciding whether or how to proceed with proposed activities; and that operators provide environmental documentation pursuant to the Act and Annex I of the Protocol. These procedures are consistent with and implement the environmental impact assessment provisions of Article 8 and Annex I to the Protocol on Environmental Protection to the Antarctic Treaty.

## **2(b) PRACTICAL UTILITY/USERS OF THE DATA:**

Role of the Information in Regulatory Decisions: OFA uses environmental impact assessment information and any associated assessment and verification information to ensure that nongovernmental operators identify and assess the potential impacts of their proposed activities, including tourism, on the Antarctic environment; that operators consider these impacts in deciding whether or how to proceed with proposed activities; and that operators provide environmental documentation pursuant to the Act and Annex I of the Protocol. The procedures in the Rule are consistent with and implement the environmental impact assessment provisions of Article 8 and Annex I to the Protocol. The provisions of the Rule are intended to ensure that potential environmental effects of nongovernmental activities undertaken in Antarctica are appropriately identified and considered by the operator during the planning process and that to the extent practicable, appropriate environmental safeguards which would mitigate or prevent adverse impacts on the Antarctic environment are identified by the operator.

The Rule addresses measures to assess and verify environmental impacts but does not set schedule requirements for submission of assessment and verification reports. Under the Rule, all proposed activities for which an IEE or CEE are prepared need to include procedures designed to provide a regular and verifiable record of the impacts of these activities. For activities requiring an IEE, the Preamble to the Rule states that operators should be able to use the annual procedures that are voluntarily utilized by operators to provide the information. Because measures to assess and verify environmental impacts for all proposed activities for which an IEE or CEE are prepared are required by the Rule, and because of the recordkeeping requirements of and burden definition in the Paperwork Reduction Act (PRA), the EPA has included this information as an element for the operators for which hours and cost were calculated. Because operators voluntarily provide the information to the government, the hours and cost of review of this information was also included in the government's burden estimate. In this case, the EPA believes the PRA, Section 3502(13) clearly supports the view that recordkeeping requirements must be considered inclusively in developing the Information Collection Request (ICR) budget.<sup>4</sup>

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<sup>4</sup>The Paperwork Reduction Act, 44 U.S.C. Section 3502, states:

The purpose of the Rule is to ensure that the United States has the ability to implement its environmental impact assessment obligations for nongovernmental operators under the Protocol. Section 8.9(b) in the Rule requires that operators have “procedures designed to provide a regular and verifiable record of the impacts of these activities.” The EPA believes that this establishes a requirement that the information be available to the EPA. Otherwise, there is no way to know if an operator was in compliance with this requirement in the regulation. As stated in the Preamble to the Rule, it is the EPA’s view that, at a minimum, an IEE is the appropriate level of environmental documentation for proposed activities where multiples of the activity over time are likely and may create a cumulative impact. For activities requiring an IEE, an operator should be able to use procedures that are voluntarily utilized by operators to provide the required information. The operators currently provide post-visit reports to Antarctic Treaty Parties. Currently, the NSF receives the information submitted by the tour operators and, in cooperation with the International Association of Antarctica Tour Operators (IAATO), uses the information to prepare annual summary reports. The EPA assumes this voluntary process of post-visit reporting will continue. The EPA intends to review the submitted post-visit reports and to maintain files.

Users of the Information: The procedures in the Rule include procedures for environmental documentation, any associated assessment and verification information, and any reporting in cases of emergency. This information would be used as follows:

- By operators to identify and assess the potential impacts of their proposed activities, including tourism, on the Antarctic environment; to consider these impacts in deciding whether or how to proceed with proposed activities; and to provide environmental documentation pursuant to the Act and Annex I of the Protocol. For a CEE, any decision by the operator on whether a proposed activity should proceed in either its original or modified form must be based upon the final CEE as well as other relevant considerations, and the information provided in an evaluation should allow the operator to make decisions based on sound understanding of factors relevant to the likely impact of the proposed activity.
- By OFA, in consultation with other interested Federal agencies, to ensure that nongovernmental operators identify and assess the potential impacts of their proposed activities, including tourism, on the Antarctic environment, and that operators consider

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(13) the term “recordkeeping requirement” means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to -

- (A) retain such records;
- (B) notify third parties, the Federal Government, or the public of the existence of such records;
- (C) disclose such records to third parties, the Federal Government, or the public; or
- (D) report to third parties, the Federal Government, or the public regarding such records; ...

Burden is defined in the Preamble to the Final Rule, Section VII, Paperwork Reduction Act, as “... 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. ...”

these impacts in deciding whether or how to proceed with proposed activities. OFA also makes the environmental documentation and any associated assessment and verification information available to other Parties to the Treaty and the public as required under the Protocol or as otherwise requested. OFA uses the assessment and verification information for such things as tracking Antarctic tourism trends and activities.

### **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

**3(a) NONDUPLICATION:** The information that is requested from respondents under this ICR is required by statute and is not available from other sources. The Act requires these regulations to be consistent with Annex I to the Protocol, and the Rule provides nongovernmental operators with the specific requirements they need to meet in order to comply with the Protocol. Most Antarctica tour operators currently provide, on an informal basis, information to the NSF prior to each Antarctic season. Operators also provide an advance notice to the DOS. This information is similar to the basic information requirements for preparation of environmental documentation under the Rule. However, the Rule ensures that nongovernmental operators identify and assess the potential impacts of their proposed activities, including tourism, on the Antarctic environment, and that operators consider these impacts in deciding whether or how to proceed with proposed activities. Even the lowest level of environmental documentation, the PERM, directs that the assessment process include assessment of the potential direct and reasonably foreseeable indirect impacts on the Antarctic environment of the proposed expedition in sufficient detail to assess whether the proposed activity has less than a minor or transitory impact, a requirement that leads to consistency with Article 8 and Annex I of the Protocol. Operators can, and usually do, include a copy of the advance notice as part of their EIA documentation.<sup>5</sup> However, simply providing a copy of the advance notice submitted to the DOS as the environmental documentation would not meet the requirements of Article 8 and Annex I of the Protocol or the provisions of the Rule.

#### **3(b) PUBLIC NOTICE REQUIRED PRIOR TO ICR SUBMISSION TO OMB:**

OFA published a Notice in the *Federal Register* requesting public comments on the renewal of this ICR and established a public docket for this ICR renewal under Docket ID number OA-2019-0370 (past ICR renewals can be found at the older docket HQ-OECA-2007-0468). Public comments were requested via the Federal Register (84 FR 51558) on September 30, 2019. The proposed information collection report received one comment, but it was not relevant.

#### **3(c) CONSULTATIONS:**

OFA reached out to the following list of potential respondents:

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<sup>5</sup>Alternately, under the paperwork reduction provisions of the Rule, operators could choose to incorporate the advance notice by referring to it since it is reasonably available to the EPA. Practice has been that the operators have included a copy in their environmental assessment documentation.



Allison Kean  
Quark Expeditions  
800-356-5699

David Rootes  
Antarctic Logistics & Expeditions  
801-266-1592

Denise Landau  
Denise J. Landau and Associates  
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970-704-9178

Laura K. Smith  
Quixote Expeditions  
info@quixote-expeditions.com

OFA received responses from David Rootes and Laura K. Smith. Both respondents stated that they felt that the amount and frequency of information is appropriate. They did not provide suggestions of how the Agency can enhance the quality, utility and clarity of information, or suggestions of how to minimize the burden on the public.

**3(d) EFFECTS OF LESS FREQUENT COLLECTION:** The Rule requires environmental documentation for each operator for each nongovernmental expedition to Antarctica. Nongovernmental activities are usually limited to seasonal expeditions during the austral summer season and operators report annually on their proposed expeditions. Operators with one-time only expeditions report only during the season for which their expedition is planned. In order to minimize paperwork and to implement the regulations without undue burden on operators, the Rule provides that: (1) material may be incorporated by referring to it in the environmental document when it is reasonably available to the EPA; (2) more than one proposed expedition by an operator may be included within one environmental document; (3) one environmental document may also be used to address expeditions being carried out by more than one operator; and (4) operators may submit multi-year environmental documentation to address proposed expeditions for a period of up to five consecutive austral summer seasons. Once environmental documentation has been prepared for a season, an operator can resubmit the same document for subsequent seasons provided the level and intensity of the activities are not unchanged and that relevant updates are submitted. Updates are likely to include dates of expeditions and changes in landing locations. The operator may also revise the document to address modifications to the expedition's activities that could have environmental consequences. Most operators are likely to employ the multi-year provision thereby further reducing their annual reporting burden. Under this paperwork reduction provision, one environmental document may be submitted by one or more operators for proposed expeditions for a period of up to five consecutive austral summer seasons, provided that the conditions of the multi-year environmental document, including the assessment of cumulative impacts, are unchanged. The multi-year provision allows operators to update basic information and to provide information on additional activities to supplement the multi-year environmental document.

The Protocol and the Rule also require an operator to employ procedures to assess and provide a regular and verifiable record of the actual impacts of any activity which proceeds on the basis of an IEE or CEE. For activities requiring an IEE, an operator should be able to use the annual procedures currently being voluntarily utilized by operators to provide the information.

**3(e) GENERAL GUIDELINES:** The information collections associated with the Rule follow OMB's guidelines. Section III.F of the Preamble, Submission of Environmental Documents, indicates that an operator submits five copies of its environmental documentation, along with an electronic copy, if available. The EPA coordinates review of the document with other interested Federal agencies and makes documents received available to the other Parties to the Treaty and the public as required under the Protocol or as otherwise requested. The EPA no longer requires an operator to provide five copies as an electronic copy is enough and enables EPA to distribute copies to the reviewing agencies in a timely manner. Electronic copies allow for efficient document submission and review within timing requirements prior to departure for the expedition.

**3(f) CONFIDENTIALITY:** The Rule does not require submission of confidential information, nor does the EPA anticipate that operators would submit confidential information as part of their environmental documentation.

**3(g) SENSITIVE QUESTIONS:** The Rule does not require response to sensitive questions (e.g., questions concerning sexual behavior or attitudes, religious beliefs, or other matters usually considered private).

#### **4. THE RESPONDENTS AND THE INFORMATION REQUESTED**

**4(a) RESPONDENTS/SIC CODES:** The requirements of the Rule apply to operators of nongovernmental expeditions organized in or proceeding from the territory of the United States to Antarctica for which the United States is required to give advance notice under Paragraph 5 of Article VII of the Treaty and includes commercial and non-commercial expeditions. Expeditions include ship-based tours; yacht, skiing or mountaineering expeditions; flights; privately funded research expeditions; and other nongovernmental or nongovernment-sponsored activities. The Rule does not apply to individual U.S. citizens or groups of citizens planning to travel to Antarctica on an expedition for which they are not acting as an operator. (Operators, for example, typically acquire use of vessels or aircraft, hire expedition staff, plan itineraries, and undertake other organizational responsibilities.) Further, the Act is specific for nongovernmental activities, thus governmental jurisdictions are not subject to these regulations.

Most operators are ship-based or land-based tour operators. The Standard Industrial Classification (SIC) Code for Tour Operators is 4725 and the North American Industry Classification System (NAICS) Code is 561520.

#### **4(b) INFORMATION REQUESTED:**

**(i) Data items, including recordkeeping requirements:** The Rule provides nongovernmental operators with the specific environmental documentation requirements they

need to meet in order to comply with relevant portions of the Protocol. Nongovernmental operators, including tour operators, conducting expeditions to Antarctica are required to submit environmental documentation to the EPA that evaluates the potential environmental impact of their proposed activities. The type of environmental document required depends upon the nature and intensity of the environmental impacts that could result from the activity under consideration. Under the Rule, environmental documentation includes a PERM, an IEE, or a CEE. If the operator determines that an expedition may have: (1) less than a minor or transitory impact, a PERM needs to be submitted no later than 180 days before the proposed departure to Antarctica; (2) no more than minor or transitory impacts, including the cumulative impacts of the proposed activity in light of existing and known proposed activities, an IEE needs to be submitted no later than 90 days before the proposed departure; or (3) more than minor or transitory impacts, including the cumulative impacts of the proposed activity in light of existing and known proposed activities, a CEE needs to be submitted.

The Protocol and the Rule also require an operator to employ procedures to assess and provide a regular and verifiable record of the actual impacts of an activity which proceeds on the basis on an IEE or CEE, including monitoring of key environmental indicators for an activity proceeding on the basis of a CEE. For activities that require an IEE, an operator should be able to use the annual procedures currently being voluntarily utilized by operators to provide the information. For activities that require a CEE, OFA would consult with the NSF and other interested Federal agencies regarding the monitoring regime that would be appropriate to the activity proposed, and with regard to possible utilization of relevant monitoring data collected by the U.S. Antarctic Program.

Environmental documentation is submitted to the EPA by an operator prior to an expedition. For most respondents, including tour operators, the EPA assumes this will be an IEE and, as provided in the Rule at Section 8.4, an operator may: (1) include more than one proposed expedition within one environmental document, and (2) one environmental document may also be used to address expeditions being carried out by more than one operator. An operator can also submit multi-year documentation to address proposed expeditions for a period of up to five consecutive austral summer seasons thus eliminating the need for annual submission of environmental documentation. The multi-year provision also allows operators to update basic information and to provide information on additional activities to supplement the multi-year environmental document. Operators are not required to retain the environmental documentation submitted to the EPA. There is nothing in the Rule, however, that precludes an operator from submitting a previous year's documentation, with appropriate updates, for a subsequent year's expedition(s) and the EPA encourages this practice.

In cases of emergency relating to the safety of human life or of ships, aircraft, equipment and facilities of high value, or the protection of the environment which requires an activity to be undertaken without completion of the documentation procedures set out in the Rule, the operator

must notify the DOS within 15 days of any activities which would have otherwise required preparation of a CEE, and provide a full explanation of the activities carried out within 45 days of those activities.

Enforcement action can proceed, pursuant to Section 8.11 of the Rule, against an operator who violates any provision of the Rule. Enforcement actions are not, however, subject to the requirements of the PRA.

**(ii) Respondent Activities:** The EPA considered the definition of "burden" developed for the PRA and the OMB's final rules on implementing the PRA. For purposes of renewing this ICR, EPA estimated the hours and costs to respondents under the Rule. These are the operators (e.g., respondents) for which the United States provided advance notice under Paragraph 5 of Article VII of the Treaty for proposed nongovernmental expeditions organized in or proceeding from the U.S. to the Antarctic Treaty area. The EPA used a ship-based tour operator as its model respondent since most U.S.-based nongovernmental activities covered by the Rule are for operators and activities associated with ship-based tourism as summarized in Figure 1.<sup>6</sup>

Figure 1. Numbers of Operators Submitting Environmental Documentation Under the Rule <sup>7</sup> and the Level of Documentation Submitted		
Season	Operators	Documentation Submitted

<sup>6</sup>For the 1997-1998 through 2018-2019 austral summer seasons (e.g., during the time the Interim Final and Final Rules have been in effect), the EPA found that the IEEs for expeditions that were not ship-based (e.g., land-based; non-governmental research, and flight expeditions) were usually similar to ship-based IEEs in terms of complexity; thus, the IEEs for these expeditions are similar in detail and length.

<sup>7</sup>The term Rule in this document refers to the period of time the Interim Final Rule and Final Rule have been in place at 40 CFR Part 8 (e.g., for this ICR renewal, the years from 1997-2019 which includes the 1997-1998 through 2018-2019 austral summer seasons).

1997-1998	9	4 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 1 IEE submitted on behalf of five IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by two IAATO-member operators for their expeditions to the Ross Sea area</li> <li>• 2 IEEs submitted by two non-IAATO operators</li> </ul>
1998-1999	10	4 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 1 IEE submitted on behalf of seven IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 2 IEEs submitted by two non-IAATO operators</li> </ul>
1999-2000	13	6 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 1 IEE submitted on behalf of eight IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 4 IEEs submitted by four non-IAATO operators including a one-time only filming expedition and a one-time only cruise-only expedition</li> </ul>
2000-2001	13 <sup>8</sup>	5 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 1 IEE submitted on behalf of nine IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 3 IEEs submitted by three non-IAATO operators including a one-time only trekking expedition</li> </ul>
2001-2002	12 <sup>9</sup>	7 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 1 IEE submitted on behalf of seven IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 5 IEEs submitted by five non-IAATO operators including a one-time sailor training expedition</li> </ul>
2002-2003	14	8 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 1 IEE submitted on behalf of seven IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> </ul>

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<sup>8</sup>Nine IAATO-member operators submitted one IEE for their Peninsula area expeditions but one of the operators did not proceed with its planned tours during the season; this operator plans to continue its operations in the out-years.

<sup>9</sup>Seven IAATO member operators submitted one IEE for their Peninsula area expeditions but one of the operators did not proceed with its planned tours during the season.

		<ul style="list-style-type: none"> <li>• 6 IEEs submitted by six non-IAATO operators</li> </ul>
2003-2004	22	<p>1 PERM submitted for a one-time only flight  13 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 1 IEE submitted on behalf of nine IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 11 IEEs submitted by eleven non-IAATO operators including two one-time only flights</li> </ul>
2004-2005	21	<p>16 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 6 IEE submitted on behalf of 11 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 8 IEEs submitted by 8 non-IAATO operators</li> </ul>
2005-2006	19	<p>13 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 5 IEEs submitted on behalf of 11 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 6 IEEs submitted by 8 non-IAATO operators</li> </ul>
2006-2007	21	<p>13 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 5 IEEs submitted on behalf of 14 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 6 IEEs submitted by 6 non-IAATO operators</li> </ul>
2007-2008	24	<p>14 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 6 IEEs submitted on behalf of 14 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 6 IEEs submitted by 6 non-IAATO operators</li> </ul>
2008-2009	17	<p>12 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 8 IEEs submitted on behalf of 13 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> </ul>

		<ul style="list-style-type: none"> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 2 IEEs submitted by 2 non-IAATO operators</li> </ul>
2009-2010	16	<p>11 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 9 IEEs submitted on behalf of 14 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 0 IEEs submitted by non-IAATO operators</li> </ul>
2010-2011	18	<p>16 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 12 IEEs submitted on behalf of 14 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 0 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 0 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 4 IEEs submitted by non-IAATO operators</li> </ul>
2011-2012	15	<p>14 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 9 IEEs submitted on behalf of 11 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 3 IEEs submitted by non-IAATO operators</li> </ul>
2012-2013	16	<p>1 PERM submitted for a one-time only flight</p> <p>14 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 9 IEEs submitted on behalf of 11 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Ross Sea area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 3 IEEs submitted by non-IAATO operators</li> </ul>
2013-2014	17	<p>14 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 10 IEEs submitted on behalf of 13 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 3 IEEs submitted by non-IAATO operators</li> </ul>
2014-2015	16	<p>1 PERM submitted for a one-time only flight</p> <p>13 total IEEs submitted including:</p> <ul style="list-style-type: none"> <li>• 11 IEEs submitted on behalf of 13 IAATO-member operators for expeditions to the Peninsula area</li> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> <li>• 1 IEEs submitted by non-IAATO operator</li> </ul>

2015-2016	19	17 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 14 IEEs submitted on behalf of 16 IAATO-member operators for expeditions to the Peninsula area <ul style="list-style-type: none"> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> </ul> </li> <li>• 2 IEEs submitted by non-IAATO operators</li> </ul>
2016-2017	20	18 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 13 IEEs submitted on behalf of 15 IAATO-member operators for expeditions to the Peninsula area <ul style="list-style-type: none"> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> </ul> </li> <li>• 4 IEEs submitted by non-IAATO operators</li> </ul>
2017-2018	20	19 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 12 IEEs submitted on behalf of 13 IAATO-member operators for expeditions to the Peninsula area <ul style="list-style-type: none"> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> </ul> </li> <li>• 6 IEEs submitted by non-IAATO operators</li> </ul>
2018-2019	23	22 total IEEs submitted including: <ul style="list-style-type: none"> <li>• 14 IEEs submitted on behalf of 15 IAATO-member operators for expeditions to the Peninsula area <ul style="list-style-type: none"> <li>• 1 IEE submitted by one IAATO-member operator for its expeditions to the Continental area</li> </ul> </li> <li>• 7 IEEs submitted by non-IAATO operators</li> </ul>

The EPA hours and cost estimates are based on the following activities which the EPA assumes a respondent would carry out to prepare and submit the environmental documentation and undertake as assessment and verification procedures.

**Assumed Operator Activities Associated With:**

1. Preparing and Submitting Environmental Documentation:

1. Read the regulations and evaluate business operations and the expedition(s) activities relative to the regulatory provisions of the Rule and determine the level of environmental documentation needed;
2. Search reference sources for existing information on environmental conditions at proposed expedition site(s) and compile basic information from company records for use in preparation of the environmental document for the proposed expedition(s);
3. Prepare the environmental impact assessment (EIA) document (e.g., PERM, IEE or CEE), or review a contractor-prepared document, and submit to EPA; and
4. Revise document if necessary, or operator decides to prepare higher level EIA document, in response to the EPA's comments and submit to EPA.

2. Post-Expedition Assessment and Verification Procedures:



1. Prepare assessment and verification information.
3. Reporting for Cases of Emergency, if necessary:
  1. Notify the DOS of any activities which would have otherwise required preparation of a CEE within 15 days.
  2. Provide a full report to the DOS within 45 days.

The Rule does NOT require or contemplate the need for respondents to:

1. Acquire, install, or utilize technology and systems for the purpose of collecting, validating, and verifying information;
2. Develop, acquire, install, or utilize technology and systems for the purpose of processing and maintaining information;
3. Develop, acquire, install, or utilize technology and systems for the purpose of disclosing and providing information; or
4. Adjust the existing ways to comply with any previously applicable instructions and requirements.

## **5. THE INFORMATION COLLECTED--AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

**5(a) AGENCY ACTIVITIES:** The EPA consults with the DOS, the NSF, and other interested Federal agencies<sup>10</sup> for activities associated with the Rule. This enables appropriate government agencies with specific Antarctic interests and expertise to be involved with the review of the environmental documentation for proposed nongovernmental expeditions including coordination of appropriate information relative to the U.S. Antarctic Program. Further, violation of the provisions of the Rule could result in enforcement and penalties pursuant to the Antarctic Conservation Act, as amended, as undertaken by the NSF and/or the DOJ. Finally, the DOS has specific responsibilities under the Rule, Section 8.12, Coordination of reviews from other Parties, and for circulating a CEE that is prepared in accordance with the Rule at Section 8.8, along with any decisions by the operator relating thereto, to all Parties. Activities associated with the Rule for the EPA and other Federal agencies consist of the following.

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<sup>10</sup>The EPA routinely consults with the DOS and the NSF. The EPA may consult with other agencies when appropriate for specific activities. These may include: U.S. Coast Guard (USCG), Marine Mammal Commission (MMC), National Oceanic and Atmospheric Administration (NOAA, including National Marine Fisheries Service), and the Department of Justice (DOJ).

## **The EPA and Other Federal Agencies Activities Associated With:**

### **1. Processing and Reviewing Environmental Documentation Received from Operators:**

1. Post receipt of environmental documents on OFA's World Wide Website and provide copies to other Federal agencies and the public, if requested.
2. Prepare and publish *Federal Register* notice of receipt of draft CEEs and notice of availability for Final CEEs.
3. Review environmental documents, including any appropriate public comments, and provide comments to the operator.
4. Consult with operators on the comments, or any other elements associated with the environmental documentation requirements.
5. Circulate to interested Federal agencies and review the revised or final document submitted by the operator, and notify the operator, if necessary, if the environmental documentation does not meet the requirements of the Protocol and the provisions of the Rule.
6. Notify the Parties and provide copies to the Committee for Environmental Protection of the annual list of IEEs, draft CEEs and final CEEs.
7. Maintain files.

### **2. Processing and Reviewing Post-Expedition Assessment and Verification Information:**

1. Review assessment and verification information submitted by operators.
2. Maintain files.

### **3. Processing and Reviewing Reports for Cases of Emergency, if necessary:**

1. Notify Parties to the Protocol when activities taken in cases of emergency are reported by operators which required the operator to undertake any activities which would have otherwise required preparation of a CEE.
2. Forward the operator's full explanation of the activities carried out to the Parties.
3. Review assessment and verification information submitted by operator.
4. Maintain files.

### **4. Processing and Reviewing Environmental Documentation Received from Other Parties:**

1. Prepare and publish *Federal Register* notice of receipt of a draft CEE from another Party and provide copies to other interested Federal agencies and the public, if requested.
2. Review draft CEE and transmit inter-agency response to the Party that circulated the CEE.
3. Provide copies of other environmental documents to interested Federal agencies and the public, if requested. Other environmental documents may include:
  - a) a description of national procedures for considering the environmental impacts of proposed activities;
  - b) an annual list of any IEEs and any decisions taken in consequence thereof;
  - c) significant information obtained, and any action taken in consequence thereof with regard to monitoring from IEEs and CEEs; and
  - d) information on a final CEE.

4. Post receipt of significant monitoring information on OFA's World Wide Website.
5. Maintain files.

**5(b) COLLECTION METHODOLOGY AND MANAGEMENT:** The environmental documentation that is required by the Rule is submitted by operators in accordance with the deadlines in the regulations. These documents can be submitted in hard copy and can also be submitted electronically. The Rule mandates specific information to be included in the document but does not require a specific format. Since the information requirement is the same as that in the Protocol, this allows flexibility for operators who have multiple international documentation requirements.<sup>11</sup> The EPA, in consultation with other interested Federal agencies, reviews the environmental documentation relative to the general requirements (e.g., Rule, Section 8.4) and the specific requirements for each level of documentation (e.g., Rule, Section 8.6 for PERMs; Section 8.7 for IEEs; and Section 8.8 for CEEs). The EPA provides its comments to the operator, and the operator then prepares revised documentation or responses to the EPA's questions or comments. Following the final response from the operator, if appropriate, the EPA, with the concurrence of the NSF, makes a finding that the documentation submitted does not meet the requirements of Article 8 and Annex I of the Protocol and the provisions of the regulations. The EPA provides copies of environmental documents to all interested Federal agencies, and the public is informed of receipt of environmental documents through notice on OFA's Homepage on the World Wide Web, and through the *Federal Register* for CEEs.

**5(c) SMALL ENTITY FLEXIBILITY:** The PRA incorporated the Regulatory Flexibility Act into it. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Act of 1996 (SBREFA, 5 U.S.C. 601 *et seq.*), generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

The purpose of the RFA/SBREFA is "to fit regulatory and informational requirements to the scale of the business, organizations and governmental jurisdictions subject to the regulation." To achieve this principle, agencies are required to "solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration." The RFA/SBREFA does not require an agency to minimize a rule's impact on small entities if there are legal, policy, factual or other reasons for not doing so. The RFA/SBREFA requires only that agencies: determine, to the extent feasible, the rule's economic impact on small entities; explore regulatory options for reducing any significant economic

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<sup>11</sup>For example, Sweden has a specific form, and the United Kingdom has a permit system. For purposes of the Final Rule, an operator could submit environmental documentation prepared for another country as long as all the elements required by the regulations are addressed.

impact on a substantial number of such entities; and explain the Agency’s ultimate choice of regulatory approach.

The RFA/SBREFA requirements to prepare a regulatory flexibility analysis or a certification of no significant economic impact on a substantial number of small entities applies to proposed rules subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute, and final rules promulgated under the notice-and-comment rulemaking requirements of the Administrative Procedure Act. Further, the RFA requires that an agency identify the types, and estimate the numbers, of small entities “to which the final [or proposed] rule will apply,” and describe the rule “requirements” to which small entities “will be subject” and any regulatory alternatives, including exemptions and deferrals, which would lessen the rule’s burden on small entities. It is the EPA’s policy to make an assessment of the rule’s impact on any small entities, to engage the potentially regulated entities in a dialog regarding the rule and minimize the impact to the extent feasible. However, in view of the requirements of SBREFA, a regulatory flexibility analysis as specified by the RFA is not required simply because the rule has some impact on some number of small entities. Instead, such analyses is required only in cases where the Agency cannot certify that the rule will not have a significant economic impact on a substantial number of small entities.

For purposes of assessing the impacts of the Final Rule on small entities, small entity is defined as:

- (1) a small business as defined by the Small Business Administration with the North American Industry Classification System (NAICS) code for “Tour Operators,” code 561520, with annual maximum receipts of \$5.0 million (13 CFR Part 121); and
- (2) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

In accordance with section 2403a of the Act, governmental jurisdictions are not subject to this rulemaking.<sup>12</sup>

In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives “which minimize any significant economic impact of the proposed rule on small entities.” 5 U.S.C. Sections 603 and 604. Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. The EPA believes that because the Rule only requires assessment of environmental impacts the effects on any small entities will be limited primarily to the cost of preparing such an

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1216 U.S.C. 2401 *et seq.*, as amended, 16 U.S.C. 2403a.

analysis and that the requirements are no greater than necessary to ensure that the United States will be in compliance with its international obligations under the Protocol and the Treaty. The costs are minimal because the types of activities currently being carried out typically are unlikely to have impacts that are more than minor or transitory assuming that activities will be carried out in accordance with the guidelines set forth in the ATCM Recommendation XVIII-1, Tourism and Non-Governmental Activities, the relevant provisions of other U.S. statutes, and Annexes II-V to the Protocol. Therefore, most activities are likely to need only IEE documentation, the cost of which is minimal as shown in Section 6 of this Supporting Statement and as presented in the Preamble to the Rule, Section V.D, Paperwork Reduction Act. Further, the EPA has included provisions in the Rule which are available to all respondents, including small entities, which will have a positive effect by minimizing the cost, and reducing the paperwork burden, of such an analysis.

It has been the EPA's experience that respondents used the cost reduction provisions in the final regulations. The cost and paperwork reduction provisions in the Rule include: (1) material may be incorporated by referring to it in the environmental document with its content briefly described when the cited material is reasonably available to the EPA; (2) more than one proposed expedition by an operator may be included within one environmental document and may, if appropriate, include a single discussion of components of the environmental analysis which are applicable to some or all of the proposed expeditions; (3) one environmental document may also be used to address expeditions being carried out by more than one operator, provided that the environmental documentation includes the names of each operator for which the environmental documentation is being submitted pursuant to obligations under these regulations; and (4) one environmental document may be submitted by one or more operators for proposed expeditions for a period of up to five consecutive austral summer seasons, provided that the conditions of the multi-year environmental document, including the assessment of cumulative impacts, are unchanged. The multi-year provision also allows operators to update basic information and to provide information on additional activities to supplement the multi-year environmental document without having to revise and re-submit the entire document.<sup>13</sup>

In consideration of the timing requirements associated with the need to assist new operators who are unfamiliar with the regulations and its schedules, or to assist operators who have unanticipated amendments to their EIA documentation for a particular year, the Rule at Section 8.5(b) provides that the EPA may waive or modify the deadlines of the Rule if the EPA determines that an operator is acting in good faith and that circumstances outside the control of the operator created delays, provided that environmental documentation fully meets deadlines under the Protocol.

The Rule does not provide an exemption from coverage of the collection of information, or any part thereof. This is because the Rule only requires assessment of environmental impacts. This assessment is limited to the cost of preparing such an analysis and the requirements would

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<sup>13</sup>For the austral seasons the Rule has been in effect, operators have used all of the available paperwork provisions available under the Rule.

be no greater than necessary to ensure that the United States will be in compliance with its international obligations under the Protocol and the Treaty.

**5(d) COLLECTION SCHEDULE:** The schedule for submittal of environmental documentation depends on the document to be submitted as described below. An operator could submit environmental documentation prior to these deadlines. In all cases, however, documents need to be submitted such that the schedule requirements for submitting draft CEEs to the Parties can be met by the United States.

Preliminary Environmental Review Memorandum (PERM): In accordance with the Rule at Section 8.6, a PERM needs to be submitted to EPA no less than 180 days before the proposed departure of the expedition.

- The EPA, in consultation with other interested Federal agencies, provides its comments to the operator within 15 days of receipt.
- The operator then has 75 days to revise the PERM or prepare an IEE, if necessary. If an IEE is prepared and submitted within the 75-day response period, it is reviewed under the time frames for an IEE (see below). If a CEE is prepared, it is reviewed under the time frames for a CEE (see below.)
- Within 30 days, if appropriate, the EPA, with the concurrence of the NSF, provides notice to the operator that the environmental documentation does not meet the requirements of the Protocol and the provisions of the Rule.

Initial Environmental Evaluation (IEE): In accordance with the Rule at Section 8.7, an IEE needs to be submitted no fewer than 90 days before the proposed departure of the expedition.

- The EPA, in consultation with other interested Federal agencies, provides its comments to the operator within 30 days of receipt.
- The operator then has 45 days to revise the IEE or prepare a CEE, if necessary. If a CEE is prepared, it would be reviewed under the time frames for a CEE (see below).
- Within 15 days of receiving the final IEE from the operator or, if the operator does not provide a final IEE, within 60 days following the EPA's comments on the original IEE, if appropriate, EPA, with the concurrence of the NSF, provides notice to the operator that the environmental documentation does not meet the requirements of the Protocol and the provisions of the Final Rule.

Comprehensive Environmental Evaluation (CEE): In accordance with the Final Rule at Section 8.8(b), operators need to submit a CEE.<sup>14</sup>

- Within 15 days of receipt, the EPA would: (1) send it to the Department of State for circulation to the Parties and Committee for Environmental Protection; and (2) publish notice of receipt and request for comments in the *Federal Register*.
- The EPA accepts public comments for 90 days following the published notice.
- The EPA, in consultation with other interested Federal agencies, provides its comments to the operator within 120 days following the *Federal Register* notice.
- The operator then needs to submit a final CEE 75 days before commencement of the proposed activity in the Antarctic Treaty area.
- Within 15 days of receiving the final CEE from the operator or, if the operator does not provide a final CEE, within 60 days prior to departure of the expedition, if appropriate, the EPA, with the concurrence of the NSF, provides notice to the operator that the environmental documentation does not meet the requirements of the Protocol and the provisions of the Final Rule.
- If the EPA does not provide such notice, the operator would have met all requirements provided that procedures, which may include appropriate monitoring, are put in place to assess and verify the impact of the activity.
- No later than 60 days before commencement of the proposed activity in the Antarctic Treaty area, the EPA: (1) transmits the CEE, along with notice of any decisions by the operator, to the Department of State for circulation to the Parties, and (2) publishes notice of availability of the final CEE in the *Federal Register*.

Information to Assess and Verify Impacts: There is no set schedule requirements in the Final Rule for submitting information on measures to assess and verify environmental impacts. Operators provide the information to the NSF on a voluntary basis. Operators often specify this schedule within the environmental document for the expedition.

Reporting for Cases of Emergency: In accordance with the Final Rule at Section 8.10, within 15 days in cases of emergency, an operator needs to report notice of any activities which

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<sup>14</sup>See: Final Rule, Preamble, Section III.D.3(c). Article 3(4), of Annex I of the Protocol requires that draft CEEs be distributed to all Parties and the Committee for Environmental Protection 120 days in advance of the next Antarctic Treaty Consultative Meeting (ATCM) at which the CEE may be addressed. Operators who anticipate such activities are encouraged to consult with the EPA as soon as possible regarding the date for submitting the CEE. In fact, there were no CEEs submitted during the seven austral seasons the Rule has been in effect.

would have otherwise required preparation of a CEE to the Department of State, and a full explanation of the activities carried out must be provided within 45 days of those activities.

## **6. ESTIMATING THE HOURS AND COST BURDEN OF THE COLLECTION**

### **6(a) ESTIMATING RESPONDENT BURDEN:**

Exhibits 1A, 1B (including Table 1), and 1C present the estimated respondent (e.g., operator) hours and cost for the three possible levels of environmental documentation (e.g., PERM, IEE, CEE) and associated post-expedition assessment and verification procedures. Exhibit 1D presents the estimated respondent hours and cost for reporting for cases of emergency. Respondent burden tables were prepared for each type of environmental documentation since the effort should increase as an increasing level of environmental documentation is required; e.g., from PERM to IEE to CEE.

The model respondent used in the estimates is a nongovernmental, U.S.-based Antarctic tour ship operator.<sup>15</sup> The estimated hours and cost for operators is based on the assumption that most environmental documentation submitted by operators will be IEEs. As stated in the Preamble to the Final Rule (Section III.D.3(b)), at a minimum, an IEE is typically the appropriate level of environmental documentation for proposed activities. The types of nongovernmental activities that are currently being carried out typically are unlikely to have impacts that are more than minor or transitory assuming that activities are carried out in accordance with the guidelines set forth in the ATCM, Recommendation XVIII-1, Tourism and Non-Governmental Activities, the relevant provisions of other U.S. statutes, and Annexes II-V to the Protocol. During the austral summer seasons the Rule has been in effect, IEEs have been submitted by operators as summarized in Figure 1. The following elements further discuss the assumptions factored into the estimated respondent hours and cost.

1. PERM Model for Respondent Submittals: For PERMs, the estimated hours and cost is based on the estimated time to comply with the Final Rule at Section 8.4, preparation of

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<sup>15</sup>For the twenty-two austral summer seasons the Rule has been in effect, environmental documentation has been submitted primarily by ship-based tour operators, yacht owners, two privately funded researchers, and operators classified as expeditions with expeditions. Many of the U.S.-based tour operators (both ship-based and land-based) are members of IAATO and are experienced for-profit companies that organize and/or operate travel programs to the Antarctic.



environmental documents, generally, and Section 8.6, preliminary environmental review. The estimate assumes one week at 40 hours per week including revisions in response to any the EPA comments. Assessment and verification procedures are not required at the PERM level of activity and documentation. Although one respondent per year is estimated for purposes of the cost calculations in Exhibit 1A, the EPA anticipates that the actual number of nongovernmental expeditions with activities that will likely proceed with less than minor or transitory impacts may well be reduced to less than one respondent per year. In fact, during the twenty-two austral summer seasons the Rule has been in effect, only three PERMs have been submitted as the final document for an expedition.

2. IEE Model for Respondent Submittals: The EPA has developed three models for IEEs that incorporate the estimated time to comply with the Final Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.7, initial environmental evaluation. The model also considers the experience with IEE documents received during the ten austral summer seasons the Rule has been in effect and burden estimates in the previous Supporting Statements for the ICRs for the Interim Final and Final Rules. The assumptions for the EPA's IEE model include the following:

- Figure 2 lists the potential respondents.
- The maximum length for an IEE is about 200 pages including supplemental information.<sup>16</sup>
- IEEs consist of "core" information with supplemental expedition-specific or other project-specific information (e.g., dates, landing sites, number of tours, etc.) attached or referenced.
- For initial preparation of the "core" IEE, the estimate assumes four weeks, on average, at 40 hours/week, or about 160 hours, including revisions in response to EPA comments. This estimate assumes a full-time effort during the four weeks, and that information will be incorporated by reference when appropriate.
- The estimate assumes 5 hours for an operator to prepare and/or compile supplemental information.<sup>17</sup>

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<sup>16</sup>For the four IEEs submitted in 1997-1998, the approximate number of pages, including the main or core document plus supplemental documentation, was: 215 (5-operator Peninsular Area), 208 (2-operator non-PA), 43 (non-IAATO member operator), and 20 (privately-funded researcher). The supplemental information submitted by the 5 operators for the Peninsular Area IEE, which included tour brochures, averaged about 23 pages per operator. The privately-funded researcher incorporated by reference selected information from three previously published reports. During the subsequent three years the Interim Final Rule was in effect, the annual submissions averaged 50 pages due, in large part, to the use of the paperwork reduction provisions of the Interim Final Rule. This preparation burden is less when excluding supplemental information in the IEE documentation provided by tour operators such as the commercial tour brochures and a copy of the advance notice submitted to the DOS. However, for purposes of maximum burden estimates, the 1997-1998 figures are used in the burden calculations. Experience under the Final Rule indicates these assumptions remain generally accurate.

<sup>17</sup>The estimate for preparation of supplemental information excludes any time associated with preparing travel brochures and/or major reports referenced in, and submitted along with, an IEE (e.g., researcher reports such as those prepared by Oceanites, Inc., and submitted as referenced attachments with the IEE).

- If appropriate, EPA anticipates operators will submit the "core" IEE in subsequent years with any necessary revisions (discussed below). An estimated one week at 40 hours/week is estimated to prepare this "revised" IEE for submittal in subsequent years. The estimate of 15 hours for preparation and/or compilation of supplemental information remains the same.
- If appropriate, the EPA anticipates operators will submit "multi-year" IEE documentation. In the initial year, this is anticipated to consist of a "revised" IEE with an estimated 40 hours associated preparation time and 5 hours for preparation and/or compilation of supplemental information. For the subsequent four consecutive years the multi-year "IEE can be submitted by an operator, for purposes of maximum burden estimation, 5 hours are estimated for preparation and/or compilation of the supplemental information.
- The IEE level of documentation requires assessment and verification (A/V) procedures; 10 hours are estimated for preparation and/or compilation of this information.<sup>18</sup>
- For an IEE that covers multiple operators, the hours and costs per operator are spread among the total number of operators; e.g., the more operators under one document, the lower the hours and costs to each individual operator.<sup>19</sup>

IEE Model 1 - Core IEE: The following estimate is based on the EPA's experience for the twenty-two austral summer seasons the Rule has been in effect and considers the paperwork reduction options utilized by the operators. The EPA anticipates three one-time core IEEs will be prepared for the three austral summer seasons this ICR renewal will be in effect. The operator hourly burden for preparation of a Core IEE is estimated as follows:

Prepare "core" IEE:	160 hours/IEE x 3 IEEs	= 480 hours
Prepare supplemental information:	15 hours/operator x 3 operators	= 45 hours
A/V procedures:	10 hours/operator x 3 operators	= 30 hours
TOTAL HOURS		= 555 hours
TOTAL HOURS PER IEE (3 IEEs)		= 185 hours
TOTAL HOURS PER OPERATOR (3 operators)		= 185 hours <sup>20</sup>

IEE Model 2 - Revised IEE: For purposes of maximum burden assessment, the EPA anticipates that five returning operators will continue to submit revised IEEs for the three austral

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<sup>18</sup>For activities requiring an IEE, an operator should be able to use procedures currently being voluntarily utilized by operators to provide the required information.

<sup>19</sup>For an IEE that covers multiple operators, the cost per operator is further reduced; specific examples are listed as a footnote for each model calculation.

<sup>20</sup>If, for example, the Core IEEs cover six operators (e.g., four of the IEEs cover one operator each and one of the IEEs covers 2 operators), the cost per operator is reduced from 185 hours to 154 hours.

summer seasons this ICR will be in effect. Updates are likely to include such items as dates of expeditions and changes in landing locations. Revisions could address items such as assessment of the potential impacts, including cumulative impacts, of modifications to the planned activities and any associated mitigation measures, or a reassessment of overall impacts for the expedition. Thus, for subsequent seasons, the EPA assumes a reduced number of hours would be required for revision of the "core" IEE, and the hours for preparation of supplemental information will remain the same. The model for estimating respondent hourly burden for a Revised IEE is based on the EPA's experience for the twenty-two austral summer seasons the Rule has been in effect and considers the paperwork reduction options utilized by the operators. The operator hourly burden for preparation of a Revised IEE is estimated as follows:

Prepare "Revised" IEE:	40 hours/IEE x 5 IEEs	= 200hours
Prepare supplemental information:	15 hours/operator x 5 operators	= 75hours
A/V procedures:	10 hours/operator x 5 operators	= 50 hours
TOTAL HOURS		= 325hours
TOTAL HOURS PER IEE (5 IEEs)		= 65 hours
TOTAL HOURS PER OPERATOR (5 operators)		= 65 hours <sup>21</sup>

Model 3 - Multi-Year IEE: Under the Final Rule, operators may choose to submit multi-year IEE documentation. Under this model, the EPA assumes the operators will submit a Revised IEE in the initial year. The multi-year provision then allows operators to supplement the multi-year environmental document without having to revise and re-submit the entire document in order to update basic information as necessary, and to provide information on any new activities or revisions to the documented activities. However, many operators find it easier to revise and re-submit the entire document as necessary.

For purposes of demonstrating the full model for a multi-year IEE, the EPA assumes fifteen multi-year IEEs will be submitted on behalf of 17 operators, and the operator hourly burden for preparation of a Multi-Year IEE is estimated as follows:<sup>22</sup>

Initial Year:

Prepare Revised IEE:	40 hours/IEE x 15 IEEs	= 600 hours
A/V procedures:	10 hours/operator x 17 ops x 1 year	= 170 hours

Four Subsequent Years for a Total of Five Consecutive Years:

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<sup>21</sup>If, for example, the three Revised IEEs cover four operators (e.g., two IEEs cover one operator each and the other covers two operators), the burden per operator is reduced from 65 hours to 49 hours.

<sup>22</sup>For purposes of demonstrating the hourly burden for an operator submitting a Multi-Year IEE, the EPA assumed twelve operators would submit multi-year IEEs during the time covered by this ICR renewal. It is possible that two of the operators listed under the Revised IEE model may submit multi-year rather than revised IEEs. However, since the intent of these operators is unknown, the EPA assumed these two operators would submit revised IEEs, an assumption that provides the maximum hours and cost estimates for the three year period of this ICR renewal since the hours and costs per operator are more for a Revised IEE than for a Multi-Year IEE.

Prepare supplemental information: 25 hours/operator x 17 ops x 4 years = 1,700 hours

A/V procedures:	10hours/operator x 17 ops x 4 years	= 680 hours
TOTAL HOURS for 5-Year Period of Multi-Year IEE		= 3150 hours
TOTAL HOURS PER YEAR (5 Years) PER IEE (15IEEs)		= 42 hours
TOTAL HOURS PER YEAR (5 Years) PER OPERATOR (17 operators)		= 37 hours <sup>23</sup>

3. CEE Model for Respondent Submittals: For CEEs, the estimated hours and cost is based on the estimated time to comply with the Final Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.8, comprehensive environmental evaluation, and assumes an increased effort from that required for an IEE. The estimate assumes six weeks at 40 hours per week, or 240 hours, including time for revisions in response to EPA's comments. The estimate assumes 60 hours to prepare assessment and verification information associated with the CEE level of activity and documentation. No CEEs have been submitted during the twenty-two austral summer seasons the Rule has been in effect. However, EPA is estimating one respondent per year in the cost calculations in Exhibit IC to allow for the potential that some unanticipated activities may meet the CEE requirements.

4. Emergency Reporting Model: Reporting for Cases of Emergency is based on the Final Rule at Section 8.10, Cases of emergency, which requires notice and reporting for activities taken in cases of emergency which would have otherwise required the preparation of a CEE. The estimate is based on reporting requirements only, not the actual cost of the emergency response action. No emergency reporting incidents occurring during the twenty-two austral summer seasons the Rule has been in effect. However, EPA has assumed one emergency reported per 10 years in the hours and cost estimate to allow for the potential for consideration if needed.

**6(b) ESTIMATING RESPONDENT COSTS**  
**(i) ESTIMATING LABOR COSTS**

Basis for Cost Estimates: The cost estimates are based on industry labor rates obtained during informal consultations with industry representatives and include overhead and fringe benefits. The three rates used in the calculations represent the rates provided by the industry representatives including \$65/hour as a low, \$75/hour as an intermediate, and \$100/hour as a high. The \$75/hour intermediate rate is used for summary purposes. See Part D for additional information on the consultations with affected respondents

Figures 2, 3, 4, 5, and 6 present the estimated Respondent labor cost for drafting the three possible levels of environmental documentation (e.g., PERM, IEE, CEE) and associated post-expedition assessment and verification information.

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<sup>23</sup> Because the nine Multi-Year IEEs cover twelve operators (e.g., one IEE covers nine operators and the other seven cover one operators), the burden per operator is reduced from 36 hours to 34 hours (e.g., the hours for the annual supplemental information and A/V procedures) as the initial cost of the Revised IEE is spread among the operators.

FIGURE 2. Respondent Labor Costs for PERM Model				
Industry	<u>Representatives Rate</u>	<u>Hours</u>	<u>Pay Rate/ Hour</u>	<u>Total Cost</u>
High		40	\$100.00	\$4,000
Intermediate		40	75.00	3,000
Low		40	65.00	2,609

FIGURE 3. Respondent Labor Costs for IEE “Core” Model				
Industry	<u>Representatives Rate</u>	<u>Hours</u>	<u>Pay Rate/ Hour</u>	<u>Total Cost</u>
High		185	\$100.00	\$18,500
Intermediate		185	75.00	13,875
Low		185	65.00	12,025

FIGURE 4. Respondent Labor Costs for “Revised” IEE Model				
Industry	<u>Representatives Rate</u>	<u>Hours</u>	<u>Pay Rate/ Hour</u>	<u>Total Cost</u>
High		65	\$100.00	\$6,500
Intermediate		65	75.00	4,875
Low		65	65.00	4,225

FIGURE 5. Respondent Labor Costs for “Subsequent Years” IEE Model				
Industry	<u>Representatives Rate</u>	<u>Hours</u>	<u>Pay Rate/ Hour</u>	<u>Total Cost</u>
High		25	\$100.00	\$2,500
Intermediate		25	75.00	1,875
Low		25	65.00	1,625

FIGURE 6. Respondent Labor Costs for CEE Model			
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Industry	<u>Representatives Rate</u>	<u>Hours</u>	<u>Pay Rate/ Hour</u>	<u>Total Cost</u>
High		300	\$100.00	\$30,000
Intermediate		300	75.00	22,500
Low		300	65.00	19,500

**(ii) ESTIMATING CAPITAL AND OPERATIONS AND MAINTENANCE COSTS**

1. Capital/Start Up Costs: The EPA does not anticipate any capital or startup costs on the part of respondents to comply with the provisions of the Final Rule.<sup>24</sup>
2. O&M Costs: The EPA does not anticipate any operating and maintenance (O&M) costs associated with the paperwork requirements for respondents to comply with the provisions of the Final Rule.<sup>25</sup> Operators no longer have to submit paper copies to the EPA and thus, there are no costs for file storage, photocopying, and postage. In addition, the Final Rule does not require file storage or audits.

**(iii) ANNUALIZING CAPITAL COSTS**

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<sup>24</sup>One-time capital/start-up costs usually include any produced physical good needed to provide the necessary information. Start-up capital must be purchased for the specific purpose of satisfying the EPA's reporting or recordkeeping requirements. Capital goods include computers, machinery, or equipment. Start-up capital costs are usually incurred at the beginning of an information collection period and are usually incurred only once.

<sup>25</sup>O&M costs are the recurring dollar amount of cost associated with O&M or purchasing services. For example, when respondents are required to submit reports or information, O&M costs may include costs for file storage, photocopying, and postage.

The EPA does not anticipate any capital or start up costs on the part of respondents to comply with the provisions of the Final Rule.<sup>26</sup> Therefore, there is no need to annualize capital costs if there is not any capital or start up costs.

### **6(c) ESTIMATING AGENCY BURDEN AND COST:**

Exhibits 2A, 2B (including Table 2), and 2C present the estimated Federal government hours and cost for processing and reviewing the three possible levels of environmental documentation (e.g., PERM, IEE, CEE) and associated post-expedition assessment and verification information. Exhibit 2D presents the estimated Federal government hours and cost for activities associated with reporting for cases of emergency, and Exhibit 2E presents the estimated Federal government hours and cost for coordinating the review of information received from other Parties.<sup>27</sup> The Final Rule does not involve or otherwise impact governmental jurisdictions including state, local or tribal governments.

Federal government burden tables were prepared for each type of environmental documentation since the effort should increase as an increasing level of environmental documentation is required; e.g., from PERM to IEE to CEE. As with the respondents, the model used for the Federal government estimates is a nongovernmental, U.S.-based ship-based tour operator, and the estimated hours and cost for the Federal government is based on the assumption that most environmental documentation submitted by operators will be IEEs.

- The EPA Wage Rate:<sup>28</sup> \$74.46 per hour

3. PERM Model for Review of Submissions: For PERMs, the respondent needs to comply with the Final Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.6, preliminary environmental review. The hourly burden for Federal government

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<sup>26</sup>One-time capital/start-up costs usually include any produced physical good needed to provide the necessary information. Start-up capital must be purchased for the specific purpose of satisfying EPA's reporting or recordkeeping requirements. Capital goods include computers, machinery, or equipment. Start-up capital costs are usually incurred at the beginning of an information collection period and are usually incurred only once.

<sup>27</sup>There is no respondent burden or cost associated with Section 8.12.

<sup>28</sup>Office of Personal Management; 2019 General Schedule (GS) Base (Hourly Rate) for GS 13, Step 9 (\$46.54). Available at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS\\_h.pdf](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/GS_h.pdf) (accessed 9/13/2019). This was fully burdened (+60%), yielding a wage rate of \$74.46.

review of a PERM is estimated to be 25% of the respondent's time to prepare a PERM, or 10 hours, plus an additional 2 hours for administrative activities. Assessment and verification procedures are not required at the PERM level of activity and documentation. Although one respondent per year is estimated for purposes of the cost calculations in Exhibit 2A, the EPA anticipates that the actual number of nongovernmental expeditions with activities that will likely proceed with less than minor or transitory impacts may well be reduced to less than one respondent per year. In fact, only three PERMs have been submitted as the final documentation for expeditions during the twenty-two austral summer seasons the Rule has been in effect.

4. IEE Model for Review of Submissions: For IEEs, the respondent needs to comply with the Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.7, initial environmental evaluation. Under the Final Rule (see Figure 1), the EPA assumes operators would submit IEEs. Operators can choose to submit a Core or Revised or a Multi-Year IEE as discussed for the respondents in Section 6(a). Under the Multi-Year IEE model, EPA assumes the operators, as applicable, would submit a Revised IEE in the initial year and, for purposes of maximum burden estimation, supplemental information for the subsequent four years. Over the next three years, all Multi-Year IEE submissions will follow the Multi-Year Model with a revised submission one year and two subsequent years where only the submission is updated. The EPA assumes seventeen operators will submit fifteen multi-year IEEs.<sup>29</sup> The EPA has developed a model for Federal government review of the three models for IEEs. A detailed discussion of the "Model for Federal Government Review of IEEs" is presented Section 6(c).

5. CEE Model for Review of Submissions: For CEEs, the respondent needs to comply with the Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.8, comprehensive environmental evaluation. The hourly burden for Federal government review of a CEE is estimated to be 50% of the respondent's time to prepare a CEE, or 120 hours, plus an additional 15 hours for administrative activities. The hourly burden for review of assessment and verification information is estimated to be 50% of the respondent's time to prepare the assessment and verification information, or 30 hours. Although one respondent per year is estimated for purposes of the cost calculations in Exhibit 2C, EPA anticipates that the actual number of nongovernmental expeditions with activities that will likely proceed with more than minor or transitory impacts may well be reduced to less than one

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<sup>29</sup>For purposes of demonstrating the hourly burden for an operator submitting a Multi-Year IEE, the EPA assumed seventeen operators will submit fifteen multi-year IEEs during the time covered by this ICR renewal. It is possible that five of the operators listed under the Revised IEE model may submit multi-year rather than revised IEEs. However, since the intent of these operators is unknown, EPA assumed these three operators would submit revised IEEs, an assumption that provides the maximum hours and cost estimates for the three year period of this ICR renewal since the hours and costs per operator are more for a Revised IEE than for a Multi-Year IEE.



respondent per year. In fact, there were no CEEs submitted during the twenty-two austral summer seasons the Rule has been in effect.

6. Reviewing Emergency Reports: Reporting for Cases of Emergency is based on the Final Rule at Section 8.10, Cases of Emergency, which would require operator notice and reporting for activities taken in cases of emergency which would have otherwise required the preparation of a CEE. The estimated hourly burden for Federal government review of an Emergency Report is estimated to be 50% of the respondent's time to prepare a CEE,<sup>30</sup> or 120 hours, and 50% of the respondent's time to prepare the assessment and verification information for an emergency, or 30 hours, for review of this information. An additional 15 hours are assumed for notifying the Parties and for administrative activities. As with the respondents, the Federal government hours and cost estimate assumes one such emergency per 10 years.

7. Capital/Start Up Costs: The EPA does not anticipate any capital or start up costs on the part of the Federal government to comply with the provisions of the Final Rule.

8. O&M Costs: The EPA does not anticipate any operating and maintenance (O&M) on the part of the Federal government related to PERMs and IEEs as the EPA no longer prints hardcopies of those documents. The EPA only estimates the following O&M costs associated with the paperwork requirements for the Federal government to comply with the provisions of the Final Rule for CEEs and emergency reports. However, EPA does not anticipate a CEE or an emergency report to be filed and these numbers are for informational purposes only. Assumptions and calculations used in the EPA's O&M estimate for CEEs and emergency reports are as follows:

Table 4. Summary of the 3-Year Average O&M Costs for a CEE and an Emergency

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<sup>30</sup>See Final Rule at Section 8.10. Emergency reporting would be required for emergency activities which would have otherwise required the preparation of a CEE. The estimate is based on reporting requirements only, not the actual cost of the emergency response action. The hours and cost estimate assume one such emergency per 10 years. (See: Respondent Assumption 6.)

- One CEE submitted per year by one operator. In fact, during the fifteen austral summer seasons the Rule has been in effect, no CEEs were submitted.
- Three
- Forty-five copies of each CEE are needed for distribution to Parties and the Committee for Environmental Protection.
- Assessment/verification (A/V) information is estimated as 50 pages per operator.
- File storage and maintenance is estimated at \$10 including storage for a CEE package and associated A/V information.
- *Federal Register* publication charges have been increased to reflect inflation.

The estimated O&M costs for a CEE are calculated as follows:

(1) Copying:	300 pages/CEE x 3 copies x \$0.10/page	= \$ 90.00
	300 pages/CEE x 45 copies x \$0.10/page	= 1,350.00
	50 pages/ A/V information x 3 copies x \$0.10/page	= 15.00
(2) FR Publication:	1 CEE x \$163/column x 2 columns	= 326.00
(3) File Storage:	1 CEE package x \$10/package	= 10.00

Exhibit 2C incorporates these estimated O&M costs in the estimated Federal government hours and costs for CEEs for a three year period.<sup>31</sup> The O&M cost for copying is doubled based on the assumption, for purposes of maximum cost calculation, that the initial submittal will be revised and resubmitted for Federal government review and that both the draft and final CEEs will also be provided to the Parties.

Reporting for Cases of Emergency. The assumptions used for the O&M estimates include:

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<sup>31</sup>Three years are used in these calculations because that is the period of time the ICR is in effect before it must be renewed.

- Emergency Reports are estimated to average 300 pages including supplemental information.
- Forty-five copies of each report are needed for distribution to Parties and the Committee for Environmental Protection.
- Assessment/verification (A/V) information is estimated as 50 pages per incident.
- The O&M costs are first calculated to indicate the annual cost assuming one such emergency per 10 years.
- File storage and maintenance is estimated at \$10 including storage for the emergency report package and associated A/V information.

(1) Copying:	300 pages/report x 3 copies x \$0.10/page	= \$ 90.00
	300 pages/report x 45 copies x \$0.10/page	= 1,350.00
	50 pages/ A/V information x 3 copies x \$0.10/page	= 15.00
(2) Store File:	1 report package x \$10/package	= 10.00

Exhibit 2D incorporates these estimated O&M costs in the estimated Federal government hours and costs for emergency reports for a three year period.<sup>32</sup>

9. Coordinating Review of Other Parties' Documents: In accordance with the Final Rule at Section 8.12, the DOS would be responsible for the coordination of the review of documents received from other Parties. There is no respondent burden associated with Section 8.12. Exhibit 2E provides the Federal government hourly burden and cost estimate based on Employee Model 1 and the O&M assumptions and estimates below. It is not possible to predict what may be received from another Party in any given year, and since there is no respondent burden associated with Section 8.12, hours and costs for a three year period are not provided beyond those estimates listed in Exhibit 2E.<sup>33</sup>

The assumptions used for the O&M estimates include:

- A *Federal Register* Notice of Availability must be published for receipt of each draft CEE; publication costs are estimated at \$163 per column and two columns are assumed to be needed.
- Draft and Final CEEs received from other Parties are estimated to average 300 pages including supplemental information.
- Other documents (e.g., description of national procedures, significant monitoring information) received from other Parties are estimated to average 50 pages.
- Annual lists of IEEs are estimated to average 10 pages.

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<sup>32</sup>Three years are used in these calculations because that is the period of time the ICR is in effect before it must be renewed.

<sup>33</sup>Three years are used in these calculations because that is the period of time the ICR is in effect before it must be renewed.

- Three copies of each document are needed for Federal government reviewers and four copies for the public.
- File storage and maintenance is estimated at \$10 including storage for the sum total of any such documents received.

(1) Copying:	300 pages/draft CEE x 3 copies x \$0.10/page	= \$90.00
	300 pages/final CEE x 3 copies x \$0.10/page	= 90.00
	50 pages/other x 3 copies x \$0.10/page	= 15.00
	10 pages/IEE list x 3 copies x \$0.10/page	= 3.00
(2) FR Pub:	1 CEE x \$163/column x 2 columns	= 326.00
(3) Store File:	1 set of reports from Parties x \$10/set	= 10.00

As noted in the assumptions above for both the respondents and the Federal government, EPA assumes that most environmental documentation submitted under the Final Rule will be IEEs. Based on experience during the twenty-two austral summer seasons the Rule has been in effect, and the assumption that operators will continue to employ the paperwork reduction provisions in the Final Rule, including the provision for multi-year documentation, EPA has developed a model for Federal government review of IEEs based on three types of IEE documentation: (1) "Core" IEE, (2) "Revised" IEE, and (3) "Multi-Year" IEE.

The hourly estimates for activities associated with Environmental Documentation in Exhibit 2B are based on experience during the twenty-two austral summer seasons the Rule has been in effect and the anticipated degree of consultation with other interested Federal agencies. The calculations include the estimated technical review time for the three IEE models, the estimated technical hours per Federal review, and the Federal agencies participating in the review process and their relative level of participation.

1. Estimated Hours for Technical Review of an IEE: This estimate includes the following assumptions consistent with those in the respondents' estimated burden (Section 6(a)) and consideration of the experience under the twenty-two austral summer seasons the Rule has been in effect:

- Section 6(a), including Figure 2, lists the potential respondents.
- The maximum length for an IEE is about 200 pages including supplemental information.
- An IEE consists of "core" information with supplemental expedition-specific (e.g., dates, landing sites, number of tours, etc.) or other project-specific information attached or referenced.
- The core information requires a "Core IEE" review and a "Core IEE" review is estimated to be 50% of the respondent's time to prepare a "core" IEE, or 80 hours.

- The time to review a "Revised IEE" is estimated to be 25% of the respondent's time to prepare a "core" IEE, or 40 hours.
- Operators may employ the multi-year provision whereby multi-year IEE documentation will be submitted. The multi-year provision also allows operators to update basic information and to provide information on additional activities to supplement the multi-year environmental document. Review of the initial multi-year document is assumed to be the same as review of a Revised IEE, e.g., 40 hours for the Revised IEE. For the subsequent four years, the annual advance notice and confirmation that the conditions of the multi-year document are unchanged is estimated to take 20 hours per IEE.
- The IEE level of documentation requires assessment and verification (A/V) procedures. The hourly burden for review of A/V information is estimated 1 hour per information package.
- For an IEE that covers multiple operators, the hours and costs per operator for reviews are spread among the total number of operators; e.g., the more operators under one document, the lower the hours and costs for each review on a per operator basis.<sup>34</sup>

IEE Model 1 - Core IEE: The following estimate is based on the EPA's experience for the nineteen austral summer seasons the Rule has been in effect and considers the paperwork reduction options utilized by the operators. The EPA anticipates three one-time core IEEs will be prepared annually for the three austral summer seasons this ICR renewal will be in effect. The Federal government hourly burden for preparation of a Core IEE is estimated as follows:

Review "core" IEE	80 hrs/IEE x 3IEEs	=	240 hours
Review of A/V information	1 hrs/A/V pkg x 3 operators	=	3 hours
TOTAL HOURS		=	243hours
TOTAL HOURS PER IEE (3 IEEs)		=	81 hours
TOTAL HOURS PER OPERATOR (3operators)		=	81 hours <sup>35</sup>

IEE Model 2 - Revised IEE: For purposes of maximum burden assessment, the EPA assumes that five present operators will remain the same, and that these operators will continue to submit revised IEEs annually for the three austral summer seasons this ICR will be in effect. Updates are likely to include such items as dates of expeditions and changes in landing locations. Revisions could address items such as assessment of the potential impacts, including cumulative impacts, of modifications to the planned activities and any associated mitigation measures, or a reassessment of overall impacts for the expedition. Thus, for subsequent seasons, the EPA estimates the government review time to be 25% of the respondent's time to prepare a "core"

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<sup>34</sup>For an IEE that covers multiple operators, the cost per review per operator is further reduced; specific examples are listed as a footnote for each model calculation.

<sup>35</sup>If, for example, the "Core" IEEs cover six operators (e.g., four of the IEEs cover one operator each and one of the IEEs covers 2 operators), the cost per operator would be reduced

IEE, or 40 hours, and the hours for review of supplemental information will remain the same.<sup>36</sup> The model for estimating respondent hourly burden for a “Revised” IEE is based on EPA’s experience under the Rule and considers the paperwork reduction options employed by the operators. The operator hourly burden for preparation of a “Revised” IEE is estimated as follows:

Review "revised" IEE	40 hours/IEE x 5 IEEs	= 200 hours
Review of A/V information	1 hours/A/V pkg x 5 operators	= 5 hours
TOTAL HOURS		= 205 hours
TOTAL HOURS PER IEE (5 IEEs)		= 41 hours
TOTAL HOURS PER OPERATOR (5 operators)		= 41 hours <sup>37</sup>

Model 3 - Multi-Year IEE: Under the Final Rule, operators may also choose to submit multi-year IEE documentation. Under this model, the EPA assumes the operators will submit a Revised IEE in the initial year. The multi-year provision then allows operators to supplement the multi-year environmental document in order to update basis information as necessary, and to provide information on any new activities or revisions to the documented activities.

EPA assumes seventeen operators may submit "multi-year" IEEs, and the Federal government hourly burden for review of the "Multi-Year" IEE will require review at the Revised IEE level of review (e.g., 40 hours) and 1 hour for A/V information. In subsequent years, for purposes of maximum burden estimation, 20 hours per IEE is estimated for review of supplemental information and 1 hour for A/V information. The Federal government hourly burden is estimated as follows for review of "Multi-Year" IEEs:<sup>38</sup>

Initial Year:

Review Revised IEE:	40 hours/IEE x 15 IEEs x 1 yr	= 600 hours
Review A/V information:	1 hour/operator x 17 ops x 1 year	= 17 hours

Four Subsequent Years for a Total of Five Consecutive Years:

Review supplemental information:	20 hour/operator x 17 ops x 4 years	= 1360 hours
Review A/V information:	1 hour/operator x 17 ops x 4 years	= 68 hours

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<sup>36</sup>If a new IEE is submitted by another U.S.-based operator, the hourly burden estimate for this IEE is the same as for an initially prepared "core" IEE.

<sup>37</sup>If, for example, the Revised IEEs cover three operators (e.g., two of the IEEs cover one operator each and one of the IEEs covers 2 operators), the cost per operator is reduced per review per operator.

<sup>38</sup>For purposes of demonstrating the hourly burden for an operator submitting a Multi-Year IEE, the EPA assumed seventeen operators would submit fifteen multi-year IEEs annually during the time covered by this ICR renewal. It is possible that the five operators listed under the Revised IEE model may submit multi-year rather than revised IEEs. However, since the intent of these operators is unknown, EPA assumed these five operators would submit revised IEEs, an assumption that provides the maximum hours and cost estimates for the three year period of this ICR renewal since the hours and costs per operator are more for a Revised IEE than for a Multi-Year IEE.

TOTAL HOURS for 5-Year Period of Multi-Year IEE = 2,045 hours  
 TOTAL HOURS PER YEAR (5 Years) PER IEE 15 IEEs) = 27 hours  
 TOTAL HOURS PER YEAR (5 Years) PER OPERATOR (17 operators) = 24hours<sup>39</sup>

2. Estimated Technical Hours by Federal Agency for Review of an IEE: The EPA has used and would continue to use a "Principal Reviewer/Associate Reviewer" process to review environmental documentation submitted by operators. OFA would serve as the Principal Reviewer. Associate Reviewers may include representatives from program offices within EPA and other Federal agencies with an interest in Antarctica. The interested Federal agencies are listed in Section 5(a). Based on experience during the twenty-two austral summer seasons the Rule has been in effect and the anticipated consultation needs under the Final Rule, the following calculations spread amongst the Federal agencies the 81 total hours per "Core" IEE review, the 41 total hours per "Revised" IEE review, and the 21 total hours per "Subsequent Year, Multi-Year" IEE.

Federal Agency	Core IEEs			Revised IEEs			Subseq.Yrs, Multi-Year IEEs		
	Relative Time/Hr	x 81 Hrs	Hrs	Relative Time/Hr	x 41 Hrs	Hrs	Relative Time/Hr	x 21 Hrs	Hrs
EPA	0.65	x 81	53	0.65	x 41	27	0.65	x 21	14
NSF	0.34	x 81	28	0.34	x 41	14	0.34	x 21	7
DOS	0.01	x 81	0	0.01	x 41	0	0.01	x 21	0
Others	0.00	x 81	0	0.00	x 41	0	0.00	x 21	0
Totals	1.00		81	1.00		41	1.00		21

"Others" may include: USCG, NOAA, MMC and DOJ

The model further assumes that 2/3 of the time for review of each document applies to the draft IEE, and 1/3 of the time to the final IEE:

	Core IEEs	Revised IEE	"Subsequent Years, Multi-Year IEE
Review Hours per Draft	53	27	14
Review Hours per Final	28	14	7
Total Hours	81	41	21

The hours are then spread amongst the Federal agencies as follows:

Core IEE	Revised IEE	Subseq.Yrs, Multi-Year IEE
Draft Final	Draft Final	Draft Final

<sup>39</sup>Because the fifteen Multi-Year IEEs cover seventeen operators (e.g., one IEE covers one operator and the other covers two operators), the hours per operator is reduced from 27 hours to 24 hours (e.g., the hours for review of the annual supplemental information and A/V information) as the initial review cost of the Revised IEE is spread amongst the operators. Review for subsequent years, the hours per operator is 24 hours.

EPA	.65	34	18	.65	18	9	.65	9	4
NSF	.34	18	10	.34	9	5	.34	5	3
DOS	.01	1	0	.01	0	0	.01	0	0
Others	.00	0	0	.00	0	0	.00	0	0
Totals		53	28		27	14		14	7

In Exhibits 2A through 2E for the "Estimated Federal Government Hours and Cost," the total hours listed for the Government hours/year are assumed to include the spread of hours across the Federal agencies as calculated above. The costs in Exhibits 2A through 2E are calculated at the \$74.46/hour rate for technical activities as discussed in Section 6(b), item 2.

**6(d) ESTIMATING RESPONDENT UNIVERSE AND TOTAL BURDEN AND COSTS:**

Number of Respondents: Based on the EPA’s experience during the twenty-two austral summer seasons the Rule has been in effect (see Figure 1), for purposes of this ICR renewal, the total number of respondents is estimated as twenty-five as delineated in Figure 9. This estimate includes 22 repeat operators who are expected to submit or revised or multi-year IEE documentation, and three new operators who are expected to submit new IEEs.

FIGURE 9. Estimated Respondents and Anticipated Level of EIA Documentation Considering EPA’s Experience Under the Rule	
<u>Operators</u>	<u>Number of Operators</u>
U.S.-based IAATO-member tour operators	16 Peninsular Area
U.S.-based IAATO-member tour operators	1 Ross Sea Area
U.S.-based IAATO-member tour operators	1 Continental Area
U.S.-based non-IAATO member tour operators	2 Peninsular Area
U.S.-based privately funded researcher	2
U.S.-based possible new respondents	3
TOTAL ESTIMATED	25

Exhibit 3 is the summary of the estimated hours and costs for respondents and the Federal government. This summary compiles the totals for the respondents (Exhibits 1A, 1B including Table 1, 1C, and 1D) and Federal government (Exhibits 2A, 2B including Table 2, 2C, and 2D) for each level of environmental documentation.<sup>40</sup> Chart 2 in Exhibit 3 further summarizes for respondents and the Federal government the hours and costs for the most likely documentation

<sup>40</sup>Exhibit 2E summarizes the Federal government hours and cost for coordinating review of information received from other Parties and is not further summarized since it is not possible to predict what may be received from another Party in any given year, and there is no associated respondent hours or costs.



scenario for the 3-year life of this ICR renewal, namely, a "Multi-Year" IEE which includes for the initial year a "Revised" IEE and "Subsequent Year, Multi-Year" IEE documentation for the two subsequent years. Exhibit 3 is annualized over a three-year period by assuming a 3.5% escalation rate per year, the assumed Consumer Price Index (CPI) escalation rate.<sup>41</sup>

Based on the reporting by operators for the twenty-two austral summer seasons during the time the Rule has been in effect under an OMB-approved ICR and the EPA's understanding of the types of nongovernmental activities likely to continue to be undertaken by U.S.-based operators in Antarctica, the EPA anticipates that the most likely scenario during the three-year renewal period this information collection will be in effect consists of the following:

- Twenty-five operators will likely plan expeditions to Antarctica and will submit environmental documentation including assessment and verification information. Twenty-two will likely be repeat operators with annual expeditions, and three operators may submit new documentation. These three may be new operators planning annual expeditions and operators of one-time only expeditions.
- Five of the 22 repeat operators with annual expeditions will submit revised IEEs.
- It was assumed that 17 of the 22 repeat operators would submit new Multi-Year IEEs, including a "Revised" IEE in the initial year and "Subsequent Year, Multi-Year" IEE documentation for the two subsequent years.
- No CEEs have been submitted as the final documentation during the past twenty-two austral seasons and only three PERMs have been submitted during this time-frame. No CEEs are anticipated during the effective period for this ICR renewal.
- There were no emergencies requiring emergency reporting during the twenty-two austral summer seasons the Rule has been in effect, and none are expected to occur during the effective period for this ICR renewal.
- Other than receipt of the annual list of IEEs, there is no way to anticipate receipt of environmental documents from the Parties on an annual basis or during the effective period for this ICR renewal. There is no burden to the respondents associated with receipt of documents from the Parties. Therefore, there are no burden estimates associated with coordinating review of information received from other Parties included in the burden summary.
- The Consumer Price Index (CPI) is estimated to be 3.5% for the subsequent years and is incorporated into the cost calculations for these years.

Based on the above assumptions, Chart 3 in Exhibit 3 summarizes the estimated hours and costs for the respondents and the Federal government for the 3-year period of this ICR renewal. This summary assumes 25 operators per year with 3 new operators and 22 repeat operators each year. For the 22 repeat operators, the assumptions are that five will prepare "Revised" IEEs and 17 will prepare "Multi-Year" IEEs.

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<sup>41</sup>Three years are used in these calculations because that is the period of time the ICR is in effect before it must be renewed.

As summarized in Chart 3, for the estimated 25 operators submitting environmental documentation under the Final Rule during this ICR renewal period, the annual total hours for the 25 operators is estimated to be 1,544 hours, and the annual total hourly burden per operator is estimated to be 62 hours. These annual totals reflect submission of different levels of documentation by the 25 operators. The estimated annual average time per respondent ranges from 38 to 185 hours depending on the level of environmental documentation and the paperwork reduction provisions employed by the respondent.

As summarized in Chart 3, for the estimated 25 operators submitting environmental documentation under the Final Rule during this ICR renewal period, the annual total cost for the 25 operators is estimated to be \$133,780 and the annual total cost burden per operator is estimated to be \$5,351. These annual totals reflect submission of different levels of documentation by the 25 operators. The estimated annual average per respondent ranges from \$2,875 to \$14,366 depending on the level of environmental documentation and the paperwork reduction provisions employed by the respondent.

As summarized in Chart 3, for the estimated 25 operators submitting environmental documentation under the Final Rule during this ICR renewal period, the annual total hours and cost for the Federal government is estimated as 1,031 hours and \$77,577. The annual total hours and cost per operator for the Federal government is estimated as 41 hours and \$3,100. These annual totals reflect submission of different levels of documentation by the 25 operators. The estimated annual average hours and cost per respondent ranges from 28 hours and \$2,060 to 81 hours and \$6,245 depending on the level of environmental documentation and the paperwork reduction provisions employed by the respondent.

Exhibit 4 summarizes the Respondent and Agency estimated O&M costs as well as an O&M breakout within the total cost burden.

**6(e) BOTTOM LINE BURDEN HOURS AND COST TABLES:**

**(i) RESPONDENT TALLY**

TOTAL ESTIMATED RESPONDENT BURDEN AND COST SUMMARY

	Number of Respondents	Total Hours Per Year	Total Labor Cost Per Year	Total Annual O&M Costs
“Core”	3	555	\$43,098	\$0
“Revised”	5	130	\$25,240	\$0
“Multi-Year”	17	646	\$48,875	\$0
PERM, CEE, and ER	-	213	\$16,567	\$0
<b>Total</b>	<b>25</b>	<b>1,544</b>	<b>\$133,780</b>	<b>\$0</b>

**(ii) THE AGENCY TALLY**

TOTAL ESTIMATED AGENCY BURDEN AND COST SUMMARY

	Number of Respondents	Total Hours Per Year	Total Labor Cost Per Year	Total Annual O&M Costs
“Core”	3	243	\$18,735	\$0
“Revised”	5	205	\$15,805	\$0
“Multi-Year”	17	476	\$35,020	\$0
PERM, CEE, and ER	-	107	\$8,017	1,218
<b>Total</b>	<b>25</b>	<b>1,031</b>	<b>\$77,577</b>	<b>\$ 1,218</b>

**(iii) VARIATIONS IN THE BOTTOM LINE**

There is no anticipation of significant variation (>25%) in the annual respondent reporting/recordkeeping burden or cost over the course of the clearance period request.

**6(f) REASONS FOR CHANGE IN BURDEN**

The current inventory approved by the OMB for the annual reporting and recordkeeping hourly burden is 1,217 hours. The total 3-year estimated hourly burden of 4,633 hours for the anticipated 25 operators represents an annual reporting and recordkeeping hourly burden of 1,544 hours, or 62 hours per operator for this 3-year renewal period. This increased adjustment to the annual reporting and recordkeeping hourly burden is 327 hours. This increased adjustment is the result of an anticipated increase in the number of operators by at least 6 operators and the accounting of a potential PERM, CEE and Emergency Report submitted by any of the 25 anticipated operators (every three years).

**6(g) BURDEN STATEMENT**

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,544 hours annually, or 62 hours per response. This hourly burden reflects annual submission of different levels of environmental documentation by an anticipated 25 respondents (e.g., U.S.-based nongovernmental operators). 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 are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden

estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the EPA has established a public docket for this ICR under [EPA- OA-2019-0370] formerly [EPA-HQ-OECA-2007-0468], which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person viewing at the Docket and Information Center in the EPA Docket Center (EPA/DC), William Jefferson Clinton 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 Enforcement and Compliance Docket and Information Center is (202) 564-1752. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select “search,” then key in the docket ID number identified above.

**Exhibit 1A: PERMs - ESTIMATED RESPONDENT HOURS AND COST**

<u>Hours</u>	<u>\$65/hour</u>	<u>\$75/hour</u>	<u>\$100/hour</u>	Totals for Respondent Rate Range		
YEAR ONE			40	\$ 2,600	\$ 3,000	\$ 4,000
YEAR TWO (3.5% estimated CPI escalation rate)			40	2,691	3,105	4,140
YEAR THREE (3.5% estimated CPI escalation rate)			40	2,785	3,214	4,285
TOTAL ESTIMATED POTENTIAL HOURS and COST:			120	\$ 8,076	\$ 9,319	\$12,425
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR:			40	\$ 2,692	\$ 3,106	\$ 4,142

Assumptions:

1. Exhibit 1A represents the estimated hours and cost for PERMs. In fact, during the twenty-two austral summer seasons the Rule has been in effect, only three PERMs were submitted as the final documentation for an expedition. For purposes of estimating the potential maximum hours and cost associated with PERMs over the three-year life of the ICR, the three-year projection assumes submission of one PERM total for the next three years.
2. Estimates for preparation of a PERM are based on estimated time that would be needed to comply with the Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.6, preliminary environmental review.
3. The cost estimates are based on industry labor rates obtained during informal consultations with industry representatives and include overhead and fringe benefits. The three rates used in the calculations represent the rates provided by the industry representatives. The \$75/hour intermediate rate is used for summary purposes. See Part D for additional information on the consultations with affected respondents.
4. Hours and cost associated with preparation of higher-level EIA documentation, if necessary, is addressed in Exhibits 1B (IEEs) and 1C (CEEs).

## Exhibit 1B: IEEs - ESTIMATED RESPONDENT HOURS AND COST

### Assumptions for IEEs:

1. IEEs would need to comply with the Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.7, initial environmental evaluation.
2. A "Core" IEE and associated supplemental information comprises the IEE package for the initial preparation of an IEE by an operator.
3. A "Revised" IEE and associated supplemental information comprises the IEE package for a current year's submission developed through revision of a previous year's submission.
4. A Multi-Year IEE consists of a Revised IEE and the associated supplemental information in the initial year and, for each of the subsequent four years, an annual submission of the advance notice and confirmation that the information provided in the Multi-Year IEE is unchanged.
5. Supplemental information for purposes of the costs estimated in Exhibit 1B and Table 1 refers to supplemental information submitted regarding the specifics of the tours/expedition (e.g., dates, number of tours, etc.) rather than supplemental information of a more technical nature that is incorporated into the "Core" or "Revised" IEE by reference.
6. The cost estimates are based on industry labor rates obtained during informal consultations with industry representatives and include overhead and fringe benefits. The three rates used in the calculations represent the rates provided by the industry representatives. The \$75/hour intermediate rate is used for summary purposes. See Part D for additional information on the consultations with affected respondents.

**TABLE 1. IEEs - TOTAL ESTIMATED HOURS AND COST FOR THE THREE IEE MODELS WITH 3.5% ESCALATION RATE**

#### Core IEE for One Operator and One IEE

##### Totals for Respondent Rate Range

	<u>Hours</u>	<u>\$65/hour</u>	<u>\$75/hour</u>	<u>\$100/hour</u>
YEAR ONE	185	\$ 12,025	\$ 13,875	\$ 18,500
YEAR TWO (3.5% estimated CPI escalation rate)	185	12,446	14,361	19,148
YEAR THREE (3.5% estimated CPI escalation rate)	185	12,881	14,863	19,818
TOTAL ESTIMATED POTENTIAL HOURS and COST:	555	\$ 37,352	\$ 43,099	\$ 57,466
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR:	185	\$ 12,451	\$ 14,366	\$ 19,155

#### Revised IEE for One Operator and One IEE

##### Totals for Respondent Rate Range

	<u>Hours</u>	<u>\$65/hour</u>	<u>\$75/hour</u>	<u>\$100/hour</u>
YEAR ONE	65	\$ 4,225	\$ 4,875	\$ 6,500
YEAR TWO (3.5% estimated CPI escalation rate)	65	4,373	5,046	6,728
YEAR THREE (3.5% estimated CPI escalation rate)	65	4,526	5,223	6,963
TOTAL ESTIMATED POTENTIAL HOURS and COST:	195	\$ 13,124	\$15,144	\$ 20,191
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR:	65	\$ 4,375	\$ 5,048	\$ 6,730

"Multi-Year" IEE for One Operator and One IEE - A Multi-Year IEE consists of a Revised IEE and, for each of the subsequent four years, an annual submission of the advance notice and confirmation that the information provided in the Multi-Year IEE is unchanged. See above for the hours and cost per operator for the "Revised" IEE for the initial year. The hours and cost per operator for the subsequent years follows for which hours and cost are calculated for "Subsequent Year Multi-Year" IEE submissions.

"Subsequent Year Multi-Year" IEE for One Operator

	<u>Hours</u>	<u>Totals for Respondent Rate Range</u>		
		<u>\$65/hour</u>	<u>\$75/hour</u>	<u>\$100/hour</u>
YEAR ONE	25	\$ 1,675	\$ 1,875	\$ 2,500
YEAR TWO (3.5% estimated CPI escalation rate)	25	1,734	1,941	2,588
YEAR THREE (3.5% estimated CPI escalation rate)	25	1,794	2,009	2,678
TOTAL ESTIMATED POTENTIAL HOURS and COST:	75	\$ 5,203	\$ 5,825	\$ 7,765
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR:	25	\$ 1,734	\$1,941	\$ 2,588

Average Estimated Hours and Cost for One Operator Initiating and Continuing with a Multi-Year IEE During This ICR Renewal Period

"Revised" IEE based on \$75/hour rate	65	\$ 4,875
"Subsequent Year Multi-Year" IEE based on \$75/hour rate for two subsequent year	25 hours x 2 = 50	\$1,875 x 2 = \$ 3,750
TOTAL ESTIMATED POTENTIAL HOURS and COST: (over 3-year life of this ICR Renewal)	115	\$ 8,625
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR: (over 3-year life of this ICR Renewal)	38	\$ 2,875

**Exhibit 1C: CEEs - ESTIMATED RESPONDENT HOURS AND COST**

Totals for Respondent Rate Range

	<u>Hours</u>	<u>\$65/hour</u>	<u>\$75/hour</u>	<u>\$100/hour</u>
YEAR ONE	300	\$ 19,500	\$ 22,500	\$ 30,000
YEAR TWO (3.5% estimated CPI escalation rate)	300	20,183	23,288	31,050
YEAR THREE (3.5% estimated CPI escalation rate)	300	20,889	24,103	32,137
TOTAL ESTIMATED POTENTIAL HOURS and COST:	900	\$ 60, 572	69,891	93,187
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR:	300	\$ 20,191	23,297	31,062

Assumptions:

1. Exhibit 1C represents the estimated hours and cost for CEEs. In fact, no CEEs were submitted during the twenty-two austral summer seasons the Rule has been in effect. For purposes of estimating the potential maximum hours and cost associated with CEEs over the three-year life of the ICR, the three-year projection assumes submission of one CEE total for the next three years.
2. Estimates for preparation of a CEE are based on estimated time that would be needed to comply with the Final Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.8, comprehensive environmental evaluation.
3. The cost estimates are based on industry labor rates obtained during informal consultations with industry representatives and include overhead and fringe benefits. The three rates used in the calculations represent the rates provided by the industry representatives. The \$75/hour intermediate rate is used for summary purposes. See Part D for additional information on the consultations with affected respondents.



**1D. REPORTING FOR EMERGENCIES - ESTIMATED RESPONDENT HOURS AND COST**

There were no emergencies that required reporting during the twenty-two austral summer seasons the Rule has been in effect. An incident requiring emergency reporting could occur in the subsequent years. The following cost estimates are not additive, however, since only one such emergency in 10 years is estimated.

Totals for Respondent Rate Range

	<u>Hours</u>	<u>\$65/hour</u>	<u>\$75/hour</u>	<u>\$100/hour</u>
YEAR ONE	300	\$ 19,500	\$ 22,500	\$ 30,000
YEAR TWO (3.5% estimated CPI escalation rate)	300	20,183	23,288	31,050
YEAR THREE (3.5% estimated CPI escalation rate)	300	20,889	24,103	32,137
TOTAL ESTIMATED POTENTIAL HOURS and COST:	900	\$ 60, 572	69,891	93,187
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR:	300	\$ 20,191	23,297	31,062

Assumptions:

1. Reporting for Cases of Emergency is based on the Final Rule at Section 8.10, Cases of emergency, which requires notice and reporting for activities taken in cases of emergency which would have otherwise required the preparation of a CEE. The estimate is based on reporting requirements only, not the actual cost of the emergency response action. The hours and cost estimate assume one such emergency per 3 years.
2. Only one incident requiring emergency reporting is estimated to occur over a 3-year period. In fact, there was no emergency reporting during the twenty-two austral summer seasons the Rule has been in effect.
3. The cost estimates are based on industry labor rates obtained during informal consultations with industry representatives and include overhead and fringe benefits. The three rates used in the calculations represent the rates provided by the industry representatives. The \$75/hour intermediate rate is used for summary purposes. See Part D for additional information on the consultations with affected respondents.

**Exhibit 2A: PERMs - ESTIMATED FEDERAL GOVERNMENT HOURS AND COST**

YEAR ONE	12	\$ 894
YEAR TWO (3.5% estimated CPI escalation rate)	12	925
YEAR THREE (3.5% estimated CPI escalation rate)	12	957
TOTAL ESTIMATED POTENTIAL BURDEN and COST:	36	\$ 2,776
AVERAGE EST. BURDEN and COST PER YEAR PER OPERATOR:	12	\$ 925

Assumptions:

1. Exhibit 2A represents the estimated hours and cost for PERMs. In fact, during the twenty-two austral summer seasons the Rule has been in effect, only three PERMs were submitted as the final documentation for an expedition. For purposes of estimating the potential maximum hours and cost associated with PERMs over the three-year life of the ICR, the three-year projection assumes submission of one PERM total over the next three years.
2. Estimates for review of a PERM is estimated as 25% of the respondent's time, or 10 hours, to prepare a PERM that would be in compliance with the Final Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.6, preliminary environmental review, and two hours for administrative activities.
3. Hours and cost associated with preparation of higher-level EIA documentation, if necessary, is addressed in Exhibits 2B (IEEs) and 2C (CEEs)
4. Based on the EPA's experience for the twenty-two austral summer seasons the Rule has been in effect, the EPA estimates that the administrative costs have been no more than about 2% of the total estimated costs for the Federal government. Because this percentage is so low, the Federal government costs in Exhibit 2A through 2E are all calculated at the \$74.46/hour rate for technical activities.

**Exhibit 2B: IEEs - ESTIMATED FEDERAL GOVERNMENT HOURS AND COST**

Assumptions:

1. IEEs would need to comply with the Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.7, initial environmental evaluation.
2. "Core" IEE and associated supplemental information comprises the IEE package for the initial submittal of an IEE by an operator.
3. "Revised" IEE and associated supplemental information comprises the IEE package for a current year's submittal developed through revision of a previous year's submittal.
4. A Multi-Year IEE consists of a Revised IEE and the associated supplemental information in the initial year and, for each of the subsequent four years, an annual submission of the advance notice and confirmation that the information provided in the Multi-Year IEE is unchanged.
5. Supplemental information for purposes of the costs estimated in Exhibit 2B and Table 2 refers to supplemental information submitted regarding the specifics of the tours/expedition (e.g., dates, number of tours, etc.) rather than supplemental information of a more technical nature that is incorporated into the "Core" or "Revised" IEE by reference. The one hour for review of the supplemental information is assigned to the EPA to simplify the model and calculations.

TABLE 2. IEEs - TOTAL ESTIMATED HOURS AND COST FOR REVIEW OF THE THREE IEE MODELS, 3.5% ESCALATION RATE

Core IEE for One Operator and One IEE - (Core IEE + A/V Information + O&M)

	<u>HOURS</u>	<u>COST</u>
YEAR ONE	81	\$ 6,031
YEAR TWO (3.5% estimated CPI escalation rate)	81	6,242
YEAR THREE (3.5% estimated CPA escalation rate)	81	6,461
TOTAL ESTIMATED POTENTIAL HOURS and COST:	243	\$ 18,734
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR	81	\$ 6,245

Revised IEE for One Operator and One IEE - (Revised IEE + A/V Information + O&M)

	<u>HOURS</u>	<u>COST</u>
YEAR ONE	41	\$ 3,053
YEAR TWO (3.5% estimated CPI escalation rate)	41	3,160
YEAR THREE (3.5% estimated CPA escalation rate)	41	3,270
TOTAL ESTIMATED POTENTIAL HOURS and COST:	123	\$ 9,483
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR	41	\$ 3,161

"Multi-Year" IEE for One Operator and One IEE - A "Multi-Year" IEE consists of a "Revised" IEE and, for each of the subsequent four years, an annual submission of the advance notice and confirmation that the information provided in the Multi-Year IEE is unchanged. See above for the hours and cost per operator for the "Revised" IEE for the initial year. The hours and cost per operator for the subsequent years follows for which hours and cost are calculated for "Subsequent Year Multi-Year" IEE submissions.

“Subsequent Year Multi-Year” IEE for One Operator - (Supplemental Information + A/V Information + O&M)

	<u>HOURS</u>	<u>COST</u>
YEAR ONE	21	\$ 1,564
YEAR TWO (3.5% estimated CPI escalation rate)	21	1,618
YEAR THREE (3.5% estimated CPA escalation rate)	21	1,680
TOTAL ESTIMATED POTENTIAL HOURS and COST:	63	\$ 4,862
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR	21	\$ 1,621

Average Estimated Hours and Cost for One Operator Initiating and Continuing with a Multi-Year IEE During This ICR Renewal Period  
“Revised” IEE for One Operator and One IEE

	<u>HOURS</u>	<u>COST</u>
"Revised" IEE	41	\$ 3,053
"Subsequent Year Multi-Year" IEE - cost for 2 years	21 hrs x 2 = 42	\$1,564 x 2 =3,128
TOTAL ESTIMATED POTENTIAL HOURS AND COST: (over 3-year life of this ICR Renewal)	83	\$ 6,181
AVERAGE EST. HOURS and COST PER YEAR PER OPERATOR: (over 3-year life of this ICR Renewal)	28	\$ 2,060

**Exhibit 2C: CEEs - ESTIMATED FEDERAL GOVERNMENT HOURS AND COST**

YEAR ONE	150	\$11,169
YEAR TWO (3.5% estimated CPI escalation rate on \$12,590)	150	\$11,560
YEAR THREE (35% estimated CPI escalation rate on \$13,031)	150	\$11,965
TOTAL ESTIMATED POTENTIAL BURDEN and COST:	450	\$34,693
AVERAGE EST. BURDEN and COST PER YEAR PER OPERATOR:	150	\$11,564

**Assumptions:**

1. Exhibit 2C represents the estimated hours and cost for CEEs. In fact, no CEEs were submitted during the twenty-two austral summer seasons the Rule has been in effect. For purposes of estimating the potential maximum hours and cost associated with CEEs over the three-year life of the ICR, the three-year projection assumes submittal of one CEE per year for each of the next three years. One CEE total per a 3-year period is estimated for purposes of the cost calculations.
2. Estimates for review of a CEE is estimated as 50% of the respondent's time, or 120 hours, to prepare a CEE that would be in compliance with the Final Rule at Section 8.4, preparation of environmental documents, generally, and Section 8.8, comprehensive environmental evaluation, with an additional 15 hours for administrative activities, and 50% of respondent's time for assessment and verification procedures for review of the information.

3. EPA would publish Federal Register notices for domestic CEEs, and the Department of State would publish the Federal Register notice and circulate copies of CEEs to all Parties and others that may request copies.

**Exhibit 2D: Reporting for Emergencies - Estimated Federal Government Hours and Cost**

YEAR ONE	150	\$11,169
YEAR TWO (3.5% estimated CPI escalation rate on \$12,590)	150	\$11,560
YEAR THREE (35% estimated CPI escalation rate on \$13,031)	150	\$11,965
TOTAL ESTIMATED POTENTIAL BURDEN and COST:	450	\$34,693
AVERAGE EST. BURDEN and COST PER YEAR PER OPERATOR:	150	\$11,564

Assumptions:

1. Reporting for Cases of Emergency is based on the Final Rule at Section 8.10, Cases of emergency, which would require notice and reporting for activities taken in cases of emergency which would have otherwise required the preparation of a CEE. The estimate is based on reporting requirements only, not the actual cost of the emergency response action. The hours and cost estimate assume one such emergency per 10 years.
2. Only one incident requiring emergency reporting is estimated to occur over a 3-year period. In fact, there was no emergency reporting during the twenty-two austral summer seasons the Rule has been in effect. An incident requiring emergency reporting could occur in the subsequent years.
3. Estimates for review of an Emergency Report is estimated as 50% of the respondent's time to prepare the Emergency Report that would be in compliance with the Final Rule at Section 8.10, or 120 hours, and 50% of respondent's time for assessment and verification procedures for review of the information, or 15 hours.
3. The Department of State is responsible for notification of Parties and follow-up coordination with the Parties; hours have been allocated to the DOS accordingly.

**Exhibit 3: SUMMARY - ESTIMATED RESPONDENT/FEDERAL GOVERNMENT HOURS AND COST**

CHART 1: Summary for Respondents and Federal Government - Estimated Total and Annual Average hours and cost for each type of environmental document that is submitted by a Respondent under the Final Rule

	PERM		Core IEE		Revised IEE		Subsequent Year Multi-Year IEE		CEE		Emergency Reporting	
	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost	Hours	Cost
<u>Respondent</u>												
Year 1	40	\$ 3,000	185	\$13,875	65	\$ 4,875	25	\$ 1,875	300	\$ 22,500	300	\$ 22,500
Year 2	40	\$ 3,105	185	\$14,361	65	\$ 5,046	25	\$ 1,941	300	\$ 23,288	300	\$ 23,288
Year 3	40	\$ 3,214	185	\$14,863	65	\$ 5,223	25	\$ 2,009	300	\$ 24,103	300	\$ 24,103
TOTAL	120	\$ 9,319	555	\$43,099	195	\$15,144	75	\$ 5,825	900	\$ 69,891		
Annual Average	40	\$ 3,106	185	\$14,366	65	\$ 5,048	25	\$ 1,942	300	\$ 23,297		
<u>Federal Government</u>												
Year 1	12	\$ 894	81	\$ 6,031	41	\$ 3,053	21	\$ 1,564	150	\$ 11,169	150	\$ 11,169
Year 2	12	\$ 925	81	\$ 6,242	41	\$ 3,160	21	\$ 1,618	150	\$ 11,560	150	\$ 11,560
Year 3	12	\$ 957	81	\$ 6,461	41	\$ 3,270	21	\$ 1,680	150	\$ 11,965	150	\$ 11,965
TOTAL	36	\$ 2,776	243	\$18,734	123	\$9,483	62	\$ 4,862	450	\$ 34,693	450	\$ 34,693
Annual Average	12	\$ 925	81	\$ 6,245	41	\$ 3,161	21	\$ 1,621	150	\$ 11,564	150	\$ 11,564
TOTAL	156	\$12,095	798	\$61,833	318	\$24,627	137	\$ 10,687	1350	\$104,584	1350	\$104,584
Annual Average	52	\$ 4,031	266	\$20,611	106	\$ 8,209	46	\$ 3,563	450	\$ 34,861	450	\$ 34,861

CHART 2: Summary for Respondents and Federal Government - Estimated total hours and costs for Multi-Year IEE as the anticipated level and type of environmental document most respondents submit under the Final Rule for the 3-year ICR renewal (Year 1 = "Revised" IEE, Years 2 and 3 = "Subsequent Year Multi-Year" IEE)

Multi-Year IEE	Total Hours		Total Cost	
	3-Year Total	Annual 3-Yr Average	3-Year Total	Annual 3-Yr Average
Respondent (for one operator)	115 hours	38 hrs per op per yr	\$ 8,625	\$ 2,875 per operator per year
Federal Government (for one op.)	83 hours	28 hrs per op per year	\$ 6,181	\$ 2,060 per op per year
<b>TOTALS - For one operator</b>	198 hours	66 hrs per op per yr	\$ 14,806	\$ 4,935 per op per year

NOTES: Annual Average is the average per respondent per year. Chart 1 presents the maximum hours and cost for a respondent. Chart 2 presents the maximum hours and cost based on the anticipated level and type of environmental document a respondent would likely submit under the Final Rule. The \$75/hour intermediate rate is used for summary purposes. The hours and cost estimates for Emergency Reporting assume one such emergency per 10 years.



CHART 3: Summary for Respondents and Federal Government - Estimated hours and costs for environmental documentation for 3-year period of this ICR renewal. Summary assumes 25 operators per year with 3 new operators and 22 repeat operators each year. For the 22 repeat operators, the assumptions are that 5 will prepare "Revised" IEEs and 17 will prepare "Multi-Year" IEEs. For Chart 3, the calculations use the "Annual Average" from Chart 1 for "Core," "Revised," and "Subsequent Year, Multi-Year" IEEs and the hours and cost in Chart 2 for the "Multi-Year" IEE.

Operators: 25 operators each year for the 3-year ICR renewal period	Respondent Burden		Federal Government Burden	
	Hours	Cost	Hours	Cost
3 new operators submit "Core" IEEs each year Burden per year Total 3-year burden	185 x 3 = 555 555 x 3 = 1,665	\$14,366 x 3 = \$ 43,098 \$43,098 x 3 = \$129,294	81 x 3 = 243 243 x 3 = 729	\$6,245 x 3 = \$ 18,735 \$18,735 x 3 = \$56,205
5 of 22 repeat operators submit "Revised" IEEs each year Burden per year Total 3-year burden	65 x 5 = 130 130 x 3 = 390	\$ 5,048 x 5 = \$ 25,240 \$25,240 x 3 = \$ 75,720	41 x 5 = 205 205 x 3 = 615	\$ 3,161 x 5 = \$ 15,805 \$15,805 x 3 = \$ 47,415
17 of 22 repeat operators submit new "Multi-Year" IEEs Burden per year Total 3-year burden	38 x 17 = 646 646 x 3 = 1,938	\$ 2,875 x 17 = \$ 48,875 \$48,875 x 3 = \$ 146,625	28 x 17 = 476 476 x 3 = 1,428	\$ 2,060 x 17 = \$35,020 \$35,020 x 3 = \$105,060
An Operator may submit every three years: 1 PERM 1 CEE 1 Emergency Report Burden per year Total 3- year burden	40/3 = 13 300/3= 100 300/3= 100  213 640	\$ 3,106/3 = \$ 1,035 \$ 23,297/3 = \$ 7,766 \$ 23,297/3 = \$ 7,766  \$16,567 \$49,701	20/3 = 7 150/3= 50 150/3= 50  107 320	\$ 925/3 = \$ 308 \$ 11,564/3 = \$ 3,855 \$ 11,564/3 = \$ 3,855  \$8,017 \$24,052
ANNUAL TOTAL BURDEN for 25 operators (with 1 PERM, CEE, Emergency Report every three years) ANNUAL TOTAL BURDEN per operator TOTAL 3-YEAR BURDEN for 25 operators TOTAL 3-YEAR BURDEN per operator	1,544  62 4,633 185	\$133,780  \$ 5,351 \$400,770 \$ 16,031	1,031  41 3,093 124	\$ 79,118  \$ 3,165 \$ 232,732 \$ 9,309

**EXHIBIT 4: SUMMARY FOR RESPONDENTS AND FEDERAL GOVERNMENT - O&M COSTS**

Estimated O&M costs for Respondents and the Federal Government and O&M breakout within the total cost burden.

Operators: 22 operators each year for the 3-year ICR renewal period	Respondent Burden			Federal Government Burden				
	O&M Cost	O&M + Labor = Total Cost		O&M Cost	O&M + Labor = Total Cost			
3 new operators submit "Core" IEEs each year								
Burden per year	\$ 0	\$0 + 43,098 = \$ 43,098		\$ 0	\$0 + 18,735 = \$ 18,735			
Total 3-year burden	\$ 0	\$0 + 129,294 = \$129,294		\$ 0	\$0 + 56,205 = \$56,205			
5 of 22 repeat operators submit "Revised" IEEs each year								
Burden per year	\$ 0	\$0 + 25,240 = \$ 25,240		\$ 0	\$0 + 15,805 = \$15,805			
Total 3-year burden	\$ 0	\$0 + 75,720 = \$ 75,720		\$ 0	\$0 + 47,415 = \$ 47,415			
17 of 22 repeat operators submit new "Multi-Year" IEEs <sup>42</sup>								
Burden per year	\$ 0	\$0 + 48,875 = \$ 48,875		\$ 0	\$0 + 35,020 = \$35,020			
Total 3-year burden	\$ 0	\$0 + 146,625 = \$ 146,625		\$ 0	\$0 + 105,060 = \$105,060			
An Operator may submit every three years:								
1 PERM	\$0	\$0 + 1,035 = \$ 1,035		\$0	\$0 + 308 = \$ 308			
1 CEE	\$0	\$0 + 7,766 = \$ 7,766		\$ 770	\$ 770 + 3,855 = \$ 4,625			
1 Emergency Report	\$0	\$0 + 7,766 = \$ 7,766		\$448	\$ 448 + 3,855 = \$ 4,625			
Burden per year	213	\$16,567		\$ 1,218	\$9,558			
Total 3- year burden	640	\$49,701		\$ 3,654	\$28,674			
ANNUAL TOTAL BURDEN for 25 operators (with 1 PERM, CEE, Emergency Report every three years)		O&M	Labor	Total Cost		O&M	Labor	Total Cost
ANNUAL TOTAL BURDEN per operator		\$ 0	+ 133,780 =	\$133,780		\$ 1,218	+ 79,118 =	\$ 80,336
TOTAL 3-YEAR BURDEN for 25 operators		\$ 0	+ 5,351 =	\$ 5,351		\$ 406	+ 3,165 =	\$ 3,571
TOTAL 3-YEAR BURDEN per operator		\$ 0	+ 401,340 =	\$401,340		\$ 3,654	+ 232,732 =	\$236,386
		\$ 0	+ 16,054 =	\$ 16,054		\$ 146	+ 9,309 =	\$ 9,455

**PART B OF THE SUPPORTING STATEMENT  
STATISTICAL SURVEY**

This collection of information does not use or is otherwise based on a statistical survey.