

**INFORMATION COLLECTION REQUEST
SUPPORTING STATEMENT**

**EFFLUENT LIMITATIONS GUIDELINES AND STANDARDS
FOR THE MEAT AND POULTRY PRODUCTS CATEGORY
PROPOSED RULE**

**U.S. Environmental Protection Agency
Office of Water
Office of Science and Technology**

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PART A OF THE SUPPORTING STATEMENT

1. Identification of the Information Collection

a. Title of the Information Collection

Effluent Limitations Guidelines and Standards (ELGs) for the Meat and Poultry Products Category; Proposed Rule (40 CFR Part 432). EPA ICR No. 2701.02, OMB No. 2040-0306.

b. Short Characterization/Abstract

This Information Collection Request (ICR) seeks approval of the information collection requirements in the Proposed Rule for the Effluent Guidelines and Standards for the Meat and Poultry Products (MPP) Category. EPA is proposing revisions to Best Available Technology Economically Achievable (BAT), as well as new Pretreatment Standards for Existing Sources (PSES) and Pretreatment Standards for New Sources (PSNS) under the Clean Water Act (CWA) for MPP facilities. Under the proposed BAT, certain MPP facilities that discharge wastewater directly to surface waters would be required to monitor for additional pollutants, such as phosphorus. Under the proposed PSES/PSNS, certain MPP facilities that discharge wastewater into publicly owned treatment works (POTWs) would be required to control the discharge of conventional pollutants.

The proposed rule would require all affected direct MPP facilities to meet limits for nitrogen, and phosphorus before discharging wastewater to surface waters. These facilities are already required to monitor for nitrogen.

The proposed rule would require all affected indirect MPP facilities to meet limits for biochemical oxygen demand (BOD), oil and grease, and total suspended solids (TSS) before discharging wastewater to POTWs through the use of wastewater treatment technologies and Best Management Practices (BMPs).

2. Need for and Use of the Collection

a. Need/Authority for the Collection

EPA is proposing this regulation under the authorities of sections 101, 301, 304, 306, 307, 308, and 501 of the Clean Water Act (CWA), 33 U.S.C. §§ 1251, 1311, 1314, 1316, 1317, 1318, 1342 and 1361 and pursuant to the Pollution Prevention Act of 1990, 42 U.S.C. § 13101 et seq.

b. Practical Utility/Users of the Data

The users of the data would be MPP facilities, state and local regulatory authorities, EPA, and, perhaps most importantly, the general public. Specifically for indirect dischargers, the users of the data would be MPP facilities and their Control Authorities.

By establishing categorical pretreatment standards for the MPP category in 40 CFR Part 432, MPP dischargers to POTWs would become subject to certain reporting requirements in 40 CFR Part 403. These include a requirement to submit a baseline monitoring report, 90-day compliance report and on-going monitoring and reporting requirements including results of discharge sampling.

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

a. Non-Duplication

The rule does not duplicate other information requirements. Some MPP facilities that discharge to surface waters or to POTWs are currently subject to monitoring and reporting requirements. The proposed ELG would not duplicate these requirements. The proposed ELG may require these MPP facilities to monitor and submit additional reports/certifications. For MPP facilities that discharge to POTWs and do not currently have any monitoring and/or reporting requirements, the proposed ELG would require the MPP facilities to monitor and submit reports/certifications. There are no public sources available from which a Permitting or Control Authority would be able to obtain this information.

b. Public Notice Required Prior to ICR Submission to OMB

A summary of the ICR for the rule is included in the Effluent Limitation Guidelines and Standards for the MPP Category Federal Register Notice.

c. Consultations

EPA met with stakeholders during the development of the proposed rule. Trade associations included US Poultry and Egg Association (US Poultry), North American Meat Institute (NAMI), National Cattlemen's Beef Association, and National Pork Producers Council. EPA met with the National Association of Clean Water Agencies (NACWA), National Rural Water Association (NRWA), and Water Environment Federation (WEF). EPA met with a variety of MPP companies and their POTWs. Through the Small Business Regulatory Flexibility Act (SBREFA) process, EPA met with MPP small business owners, representatives, and associations. EPA also consulted federal agencies including USDA, SBA, and the FDA. EPA also spoke with environmental groups. Stakeholders provided data on the characteristics of the MPP industry, pollutant discharge characteristics, treatment technologies and best management practices to reduce pollutant discharges, and related regulatory issues.

d. Effects of Less Frequent Collection

MPP indirect dischargers are not currently federally required to report the characteristics of their discharges to Control Authorities. Beyond the initial reporting requirements that would be required in 40 CFR Part 403, the proposed rule would not require specific monitoring and reporting frequencies for MPP facilities. Control Authorities would establish monitoring requirements and frequencies at their discretion.

MPP direct dischargers are already required to report compliance data for their nitrogen discharges to Permitting Authorities. The proposed requirements for these facilities would not impact the frequency of their existing monitoring or reporting requirements.

In developing the BAT and PSES/PSNS regulations, EPA considered a monthly sampling frequency. Data submission less frequent than monthly may prevent the permitting authorities from carrying out their duties to enforce the requirements of the proposed rule.

e. General Guidelines

The information collection requirements of the rule are in accordance with the Paperwork Reduction Act guidelines in 5 CFR 1320.5(d)(2).

f. Confidentiality

Reports submitted to the Permitting or Control Authority may contain confidential business information. However, EPA does not consider the specific information being requested by the rule to be typical of confidential business or personal information. If a respondent does consider this information to be of a confidential nature, the respondent may request that such information be treated as such. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR Part 2, and EPA's Security Manual Part III, Chapter 9, dated August 9, 1976.

g. Sensitive Questions

The rule does not require respondents to divulge information of a sensitive nature, such as private or personal information.

4. The Respondents and the Information Requested

a. Respondent NAICS Codes

The respondents affected by this information collection request are Meat and Poultry Products facilities. The North American Industry Classification System (NAICS) identification numbers applicable to respondents are:

Category	Example of Regulated Entity	North American Industry Classification System (NAICS) Code
Industry	Facilities engaged in first processing, further processing, or rendering of meat and poultry products, which may include the following sectors:	
	Meat Packing Plants	31161
	Animal (except Poultry) Slaughtering	311611
	Meat Processed from Carcasses	311612
	Sausages and Other Prepared Meat Products	311612
	Poultry Slaughtering and Processing	311615
	Meat & Meat Product Wholesalers	422470

Poultry Processing	311615
Rendering and Meat By-Product Processing	311613
Support Activities for Animal Production	11521
Prepared Feed and Feed Ingredients for Animals and Fowls, Except Dogs and Cats	311119
Dog and Cat Food Manufacturing	311111
Other Animal Food Manufacturing	311119
All Other Miscellaneous Food Manufacturing	311999
Animal and Marine Fats and Oils	311613
Livestock Services, Except Veterinary.	311611

Some facilities under these NAICS codes will not be covered by the rule. There may be some facilities covered by the rule that are not covered by these NAICS codes. The Meat and Poultry Products (MPP) point source category includes facilities “engaged in the slaughtering, dressing and packing of meat and poultry products for human consumption and/or animal food and feeds. Meat and poultry products for human consumption include meat and poultry from cattle, hogs, sheep, chickens, turkeys, ducks and other fowl as well as sausages, luncheon meats and cured, smoked or canned or other prepared meat and poultry products from purchased carcasses and other materials. Meat and poultry products for animal food and feeds include animal oils, meat meal and facilities that render grease and tallow from animal fat, bones and meat scraps” (See 40 CFR 432.1).

Control authorities: Control authorities have regulatory oversight for pollutant discharges to POTWs. The “Control Authority” refers to the POTW if the POTW has an approved pretreatment program, or the Approval Authority if it has not been approved, which may be the State or EPA. By establishing categorical pretreatment standards for the MPP category, control authorities would be subject to certain oversight requirements in 40 CFR Part 403.

b. Information Requested

i. Data Items, Including Record Keeping Requirements

The proposed rule would require all affected direct MPP facilities to meet limits for nitrogen and phosphorus before discharging wastewater to surface waters. The proposed rule does not specify monitoring requirements or monitoring frequencies. The Permitting Authorities may establish monitoring requirements and monitoring frequencies at their discretion. The Agency notes, however, that in developing the proposed BAT regulations, it considered a monthly sampling frequency.

The proposed rule would require certain MPP facilities that discharge wastewater into POTWs to control the discharge of conventional pollutants to levels achievable through the use of the best available technology for each pollutant and the use of BMPs. The proposed rule does not specify monitoring requirements or monitoring frequencies. The Control Authorities may establish monitoring requirements and monitoring frequencies at their discretion. The Agency notes, however, that in developing the proposed PSES/PSNS regulations, it considered a monthly sampling frequency.

ii. Respondent Activities

The MPP facilities would complete monitoring reports based on the frequency set by the Permitting or Control Authority and MPP indirect dischargers would complete a baseline monitoring report. As mentioned, the Permitting or Control Authorities may establish monitoring requirements and monitoring frequencies at their discretion of which the MPP facilities must adhere.

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

a. Agency Activities

EPA is responsible for overseeing the implementation of the rule. For direct dischargers, states or EPA would be responsible for overseeing the implementation of the rule and managing NPDES permits. As explained above, for indirect dischargers, implementation of reporting requirements would rely extensively on POTWs (if the POTW has an approved pretreatment program), or the Approval Authority if it has not been approved, which may be the State or EPA. Where the POTW does not have an approved pretreatment program and EPA is the Approval Authority, EPA performs the same activities as those outlined for Control Authorities in Section 4.

b. Collection Methodology and Management

An MPP discharger would submit its monitoring reports and any other reports/certifications required by the Permitting or Control Authority, in a manner specified by that Authority.

c. Small Entity Flexibility

The majority of the MPP indirect dischargers are small businesses as defined by the Small Business Administration. The Agency has discussed flexibilities with small businesses and SBA. EPA considered issues specific to small businesses during the rulemaking process. EPA is able to certify that the proposed rule would not have a significant economic impact on a substantial number of small entities (no SISNOSE) under the Regulatory Flexibility Act.

d. Collection Schedule

As discussed in Section 4.b.i, an MPP discharger would submit its monitoring reports and any other reports/certifications required by the Permitting or Control Authority at the frequency specified by that Authority. EPA costed for monthly monitoring.

6. Estimating the Burden and Cost of the Collection

a. Estimating Respondent Burden

MPP Facilities: EPA estimates the proposed rule would add requirements for both direct dischargers and indirect dischargers. The proposed requirements would impact 125 direct dischargers; all of which would have new phosphorus limits and revised nitrogen limits. The proposed requirements would impact 719 indirect dischargers; all would be required to meet limits on selected conventional pollutants.

For the purposes of calculating burden, EPA assumed the following:

- Direct facilities meeting the current ELG requirements already have limits for nitrogen. These facilities would add requirements for phosphorus. Some facilities may already have requirements to monitor and report for phosphorus (due to water quality standards, etc.), but EPA did not account for these facilities in burden calculations.
- Half of indirect facilities (360) would be required to monitor and report for additional pollutants. Some facilities may already have agreements with their POTW in place to monitor for these additional pollutants (either due to POTW limits and/or other monitoring and reporting required by the Control Authority).

All monitoring would be recommended to occur monthly. A facility's Control Authority would determine the monitoring and reporting frequency.

EPA's estimated burden for completion of compliance monitoring program and reporting and recordkeeping requirements as well production data review to determine if the ELGs apply to the MPP facility are presented in Table 1. Burden estimates include 15-30 minutes per analyte for two staff to collect grab samples from one location, one hour to ship all samples, one hour to review and report all data per month, as well as a one-time burden of 1.33 hours per facility to develop baseline and 90-day compliance reports and review production data.

Table 1. Estimated Facility Burden

Facility Monitoring Requirements	Number of Facilities	Annual Engineer (Hours)	One-Time Engineer (Hours)
Indirect Monitoring Conventionals	360	30	1.33
Direct Monitoring Phosphorus	125	6	1.33
Total	485	11,550	1,940

Control Authorities: The proposed rule would require the Control Authorities to decide on a monitoring frequency and reporting method. Additionally, the Control Authorities would need to review the monitoring reports and take enforcement action if needed.

For indirects, the entity serving the role as the Control Authority may be the POTW, State, or EPA Region. Some POTWs receive wastewater from multiple MPP facilities. However,

a Control Authority would still need to review documentation for each MPP facility regulated by the rule.

EPA estimated 6.67 hours per facility (5 engineering hours and 1.67 managerial hours) for a one-time burden to review the ELGs and establish monitoring requirements. EPA estimated 1.5 hours per facility (1 engineering hour and 0.5 managerial hours) annually for Control Authorities to review data. For the purposes of this estimate, EPA assumed all POTWs would require monthly monitoring and that 70 percent of indirect MPP facilities discharge to a POTW with an existing pre-treatment program. EPA’s estimated burden for completion of these reporting and recordkeeping requirements are presented in Table 2 below.

Table 2. Estimated Indirect Discharging Facility Control Authority Burden

Number of Facilities	Frequency	Manager (Hours)	Technical (Hours)
359.5	One Time	599.17	1797.5
359.5	Annually	179.75	359.5

b. Estimating Respondent Costs

i. Estimating Labor Costs

MPP Facilities: EPA estimated facility labor costs for the specific activities related to the proposed reporting requirements of the rule and assumed rates for engineering support. EPA based the labor rates for the proposed reporting requirements on average labor costs from the [Bureau of Labor Statistics](#) (2022). EPA used the estimated hours required to respond to the requirements of the proposed rule and multiplied these costs by this labor rate. See EPA’s estimates in Table 3. EPA made the following assumptions for estimating labor costs:

- Hourly rates were estimated as: Engineer (\$51.53/hr).
- Hourly rates were increased by 110 percent for overhead costs.

Control Authorities: EPA estimated permitting and control authority labor costs for the specific activities related to oversight requirements. EPA included managerial and technical support using labor rates from the [Salary Table 2022-GS](#) from the US Office of Personal Management. The government employee labor rates are \$38.92 per hour for technical (GS-13, Step1) and \$54.09 per hour for managerial (GS-15, Step 1). EPA used the estimated hours required to respond to the requirements of the proposed rule and multiplied these costs by this labor rate. See EPA’s estimates in Table 4. EPA made the following assumptions for estimating labor costs:

- Hourly rates were estimated as: Manager (\$54.09/hr) and Technical (\$38.92/hr).
- Hourly rates were increased by 110 percent for overhead costs.

Table 3. Estimated Facility Labor Cost

Facility Monitoring Requirements	Number of Facilities	Annual Engineer (Hours)	One-Time Engineer (Hours)	Total Hours (3 years)	Average Labor Per Year	Total \$ per Year
Indirect Monitoring Conventionals	360	30	1.33	33,840	11,280	1,220,643
Direct Monitoring Phosphorus	125	6	1.33	2,750	916.67	99,195
Facilities Total				36,590	12,196.67	1,319,838

Table 4. Estimated Control Authority Labor Cost

Number of Facilities	Annual Mgr. (Hours)	Annual Tech (Hours)	One-Time Mgr. (Hours)	One-Time Tech (Hours)	Total Hours (3 years)	Average Labor per Year	Total \$ per Year
359.5	1.67	5	0.5	1.0	8,807	8.17	321,892.81

ii. Estimating Capital and Operations and Maintenance (O&M) Costs

Because EPA is not requiring respondents to purchase any nonexpendable goods, including equipment or machinery, to perform reporting, the Agency does not expect capital costs to result from the reporting requirements. EPA expects that recordkeeping and reporting to be done electronically, consistent with existing requirements for NPDES reporting, and therefore, does not estimate any additional O&M costs for these activities.

However, facilities will incur additional O&M costs through sampling materials, sample preservation, shipping, and sample analysis costs. See EPA’s estimates in Table 5.

Table 5. Estimated Facility O&M Cost

Facility Monitoring Requirements	Number of Facilities	Materials Cost	Preservation Costs	Sample Analysis Cost	Shipping Costs	Total \$
Indirect Monitoring Conventionals	360	124	62	2,112	900	3,198
Direct Monitoring Phosphorus	125	52	62	492	900	1,506
Total One-Time						0
Total Annually – Year 1, 2, and 3						1,339,530

iii. Capital/Start-up Operating and Maintenance Costs

Because EPA is not requiring respondents to purchase any nonexpendable goods, including equipment or machinery, to perform reporting, the Agency does not expect capital costs to result from the reporting requirements.

iv. Annualizing Capital Costs

There are no capital costs associated with any of the monitoring or reporting, as described above.

c. Estimating Agency Burden and Costs

As described above, for direct dischargers, the state or EPA will be in charge of NPDES permits and implementation of the rule. Most of the 125 direct discharging facilities already have NPDES permits, and while they would need updates to the permits, EPA assumed the time required to make these updates would be minimal and was not included in burden estimates. Permitting Authorities would have additional pollutant data to review under the proposed rule. EPA estimated 1.5 hours per facility (1 technical hour and 0.5 managerial hour) for an annual burden to review data for compliance. EPA included managerial and technical support using labor rates from the [Salary Table 2022-GS](#) from the US Office of Personal Management. The government employee labor rates are \$38.92 per hour for technical (GS-13, Step 1) and \$54.09 per hour for managerial (GS-15, Step 1). Loaded for overhead and benefits the hourly EPA labor costs are \$62.27 and \$86.54 respectively. EPA used the estimated hours required to respond to the requirements of the proposed rule and multiplied these costs by this labor rate. See EPA’s estimates in Table 6. EPA made the following assumptions for estimating labor costs:

- Hourly rates were estimated as: Manager (\$54.09/hr) and Technical (\$38.92/hr).
- Hourly rates were increased by 110 percent for overhead costs.

As explained above, where a POTW does not have an approved pretreatment program, EPA (Regions) may serve as the Approval Authority. Where EPA is the Approval Authority, EPA will incur costs and burdens similar to those incurred by Control Authorities. EPA assumed that 30 percent of indirect MPP facilities discharge to a POTW without an existing pre-treatment program, thus requiring EPA support. See EPA's estimates in Table 7.

Table 6. Estimated Agency Labor Cost for Direct Dischargers

Frequency	Number of Facilities	Mgr. (hours/year = 0.5x6)	Tech (hours/year = 1x12)	Mgr. (total hours)	Tech (total hours)	Total Hours	Mgr. (\$)	Tech (\$)	Total \$
Annually	125	6	12	750	1,500	2,250	64,908	93,408	158,316

Table 7. Estimated Agency Labor Cost for Indirect Dischargers

Frequency	Number of Facilities	Mgr. (hours/year)	Tech (hours/year)	Mgr. (total hours)	Tech (total hours)	Total Hours	Mgr. (\$)	Tech (\$)	Total \$
One-Time/3	108	1.667	5	180	540	720	\$15,578	\$33,627	\$49,205
Annually	108	6	12	648	1,296	1,944	\$56,018	\$80,705	\$136,785
Total Annually				828	1,836	2,664	\$71,658	\$114,331	\$185,990
Grand Total Average Annual Agency Labor for Direct & Indirect Dischargers				1,578	3,336	4,914	\$136,556	\$207,739	\$344,306

d. Estimating the Respondent Universe and Total Burden Costs

MPP Facilities: For the purpose of this estimate, EPA assumed the following universe would be impacted by additional requirements based on this proposed ELG, 125 direct discharging MPP facilities, 360 indirect discharging MPP facilities (half of the population), and 359.5 POTWs. EPA estimates the total labor hours associated with this ICR to facilities are 36,590. Similarly, EPA estimates the total labor costs to facilities are \$1,319,838.

Control Authorities: For purposes of this ICR, EPA assumed that Control Authorities would develop new permits and review the required compliance data on a monthly basis. EPA estimates the total labor hours associated with this ICR to Control Authorities are 8,807.75. Similarly, EPA estimates total labor costs of \$965,675.

e. Bottom Line Burden Hours and Cost Tables

i. Respondent Burden Hours and Costs

For purposes of this ICR, EPA assumed 359.5 POTWs serve as Control Authorities for one or more MPP facilities. EPA estimates the total combined labor hours associated with this ICR over the first three years to facilities and Control Authorities are 45,397.75. Similarly, EPA estimates the total combined costs over the first three years to facilities are \$8,934,779. EPA estimates the average annual cost per respondent (MPP facilities and Control Authorities) is \$2,981,260; of this, \$1,339,530 are non-labor costs. See Table 8.

Table 8. Summary of Total Burden and Costs for Respondents (MPP Facilities) and Control Authorities Over 3 Years

	Respondents	Total Burden (Hours)	Total Costs (\$)	Average Annual Burden	Average Annual Cost (\$)
MPP Facilities	485	36,590	7,978,104	12,196.67	2,659,368
Control Authority (POTWs)	359.5	8,807.75	965,675	2,935.92	321,892
TOTAL	844.5	45,397.75	8,943,779	15,132.58	2,981,260

ii. Agency Burden Hours and Costs

EPA estimates the total combined one-time and annual labor hours associated with this ICR over the first three years to the Agency are 14,731. Similarly, EPA estimates the total combined one-time and annual labor costs over the first three years to the Agency are \$709,598. See Table 9.

Table 9. Summary of Total Burden and Costs for Agency (EPA) Over 3 Years

	Respondents	Total Burden (Hours)	Total Costs (\$)
TOTAL	233	14,742	\$1,032,917

iii. Variations in the Annual Bottom Line

The burden to Control Authorities would increase for MPP facilities that do not submit the required reports in a timely manner.

f. Reasons for Change in Burden

Not applicable, because this request does not renew or modify an existing ICR.

g. Burden Statement

The information collection requirements in this rule have been submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. An Information Collection Request (ICR) document has been prepared by EPA and has been assigned EPA 2514. The information collection requirements are not enforceable until OMB approves them. EPA estimates it would take a total of 49,001 hours and \$6.8 million for affected MPP facilities to collect and report the information required for certification in the proposed rule. This estimate includes effort associated with completing the baseline monitoring report and monthly monitoring reports for each year of this three-year ICR. This estimate is based on average labor rates from the Bureau of Labor Statistics for the MPP facility personnel involved in collecting and reporting the information required. EPA estimates it would take a total of 18,622 hours and \$0.9 million for Control Authorities to review the information submitted by MPP facilities that certify they meet the requirements in the proposed rule. EPA estimates that there would be no start-up or capital costs associated with the information described above. Burden is defined at 5 CFR 1320(b).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR Part 9. When this ICR is approved by OMB, the Agency will publish a technical amendment to 40 CFR Part 9 in the Federal Register to display the OMB control number for the approved information collection requirements contained in this final rule.