

U.S. Environmental Protection Agency

Information Collection Request

Title: Clean Water Act Section 401 Water Quality Certification Regulations

OMB Control Number: 2040-0295

EPA ICR Number: 2603.09

Abstract: This Information Collection Request (ICR) describes the burden (hours) and cost (dollars) associated with Clean Water Act (CWA) section 401, including the changes as a result of the proposed revisions to the regulations at 40 CFR part 121. This supporting statement relies on data provided in previously approved information collection requests (OMB Control No. 2040-0295, EPA ICR No. 2603.08) to establish burden and cost related to the current implementing regulations at 40 CFR part 121 (henceforth referred to as the 2023 Rule).¹ Proposed revisions to the implementing regulations for CWA section 401, as described in the EPA's *Federal Register* notice², serve as the basis for estimating the change in regulatory burden in this ICR supporting statement. Section 401 provisions being proposed for revision that would affect information collection requirements include: contents of a request for certification, contents of a certification decision, certification modifications procedures, and "treatment in a similar manner as a State," or TAS, provisions for sections 401 and 401(a)(2). The agency relies on the best available data to estimate changes in burden associated with the proposed revisions. For activities with no data available, the agency provided its best estimate.

The new baseline total annual burden and labor costs incurred by certifying authorities and applicants³ is 786,965 hours and \$49.7 million. The new baseline is an overall decrease in burden and labor costs compared to the previous collection (OMB Control No. 2040-0295, EPA ICR Number 2603.08). Revisions related to the rulemaking decreased the overall annual burden and labor costs by 12%, with a 13% and 10% reduction on certifying authorities' and applicants' burden and costs, respectively. Primary factors contributing to this overall decrease in burden and costs are related to the proposed change in the scope of certification, streamlining the contents of the request for certification, and removal of the standalone TAS provisions for sections 401 and 401(a)(2).

Supporting Statement A

1) NEED AND AUTHORITY FOR THE COLLECTION

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Under CWA section 401, a Federal agency may not issue a license or permit to conduct any activity that may result in any discharge into waters of the United States unless the State or authorized Tribe

¹ 40 CFR part 121 (2023).

² <https://www.regulations.gov/document/EPA-HQ-OW-2025-2929>

³ Formerly referred to as project proponent under the 2023 Rule.

where the discharge would originate either issues a CWA section 401 water quality certification “that any such discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307” of the CWA and any other appropriate requirement of State or Tribal law, or waives certification. 33 U.S.C. 1341(a)(1), (d). A summary of Federal licenses and permits that may require section 401 certification is presented in Table A-1.

Under section 401(a)(1), applicants are required to submit project-specific information to certifying authorities.⁴ Certifying authorities may then act on project-specific information by granting, granting with conditions, denying, or waiving CWA section 401 certification. CWA section 401 requires certifying authorities to submit information to the applicant to indicate the action taken on a request for certification. If the certifying authority fails or refuses to act on a request for certification within a reasonable period of time (which shall not exceed one year) after receipt of such request, the requirement to obtain certification is waived, and the Federal license or permit may be issued. Under CWA section 401(a)(2), Federal agencies are responsible for providing notification to the EPA after receiving an application for a Federal license or permit and a certification. The EPA is responsible for providing notification to other States and authorized Tribes whose waters may be affected by a discharge from a Federally licensed or permitted project. A notified other State or authorized Tribe must notify the EPA and the Federal agency if it determines that the discharge will violate its water quality requirements, object to the issuance of the license or permit, and provide a justification for objecting.

2) PRACTICAL UTILITY/USERS OF THE DATA

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The information collected under CWA section 401 is used by the certifying authority for reviewing proposed projects that require a Federal license or permit and have the potential for a discharge into waters of the United States. Certifying authorities could not make decisions on certifications (i.e., grant, grant with conditions, deny, or waive) without the information collected.

3) USE OF TECHNOLOGY

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The EPA does not define the collection method. The regulations provide the requirements for requesting and issuing certification and section 401(a)(2) notice. There are no automatic data collections, forms, etc., associated with implementing CWA section 401. The certifying authority collecting project-specific information from applicants determines the information collection method

⁴ Certifying authorities include all States and Tribes with TAS authorization for CWA section 401. The EPA has the authority to implement CWA section 401 certification programs on behalf of States and Tribes without the authority to issue certifications, including Tribes without TAS for CWA section 401 and on lands of exclusive Federal jurisdiction in relevant respects.

and may require physical or electronic submission of information. Additionally, the regulations do not specify recordkeeping requirements for certifying authorities or applicants.

4) EFFORTS TO IDENTIFY DUPLICATION

Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Under section 402, the National Pollutant Discharge and Elimination Permits (NPDES) permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. For section 402 NPDES permits, section 401 certification only applies when the EPA (a Federal agency) is the permitting authority. The EPA is the sole NPDES permitting authority for three States (Massachusetts, New Hampshire, and New Mexico), the District of Columbia, all U.S. territories except the Virgin Islands, and generally on Tribal lands. Information collected directly by the EPA under CWA section 401 in support of the section 402 permit program is already captured under an existing ICR (OMB Control Number 2040-0004). It is therefore not included in this analysis.

CWA section 518(e) authorizes the EPA to treat eligible Federally recognized Indian Tribes in a manner similar as States for purposes of administering section 401 and certain other provisions of the CWA. The EPA has promulgated regulations establishing a process for Federally recognized Tribes to obtain TAS for several provisions of the CWA, including TAS authority to adopt water quality standards under CWA section 303(c). The 2023 Rule promulgated standalone provisions for Tribes to obtain TAS for sections 401 and 401(a)(2). The EPA's proposed rule removes these standalone TAS provisions in CWA section 401 and, instead, encourages Tribes interested in taking on the certification responsibilities to utilize the existing TAS procedures under CWA section 303(c).⁵ The information a Tribe submits represents a collection of information that is necessary for the EPA to fulfill the Agency's responsibilities under CWA section 518(e) in a reasonable and timely manner. Information collected directly by the EPA under CWA section 518(e) in support of the process for Tribes to obtain TAS for CWA section 303(c) and section 401 is already captured under an existing ICR (OMB Control Number 2040-0049). It is therefore not included in this analysis. The CWA does not require Tribes to administer regulatory programs.

5) MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

Information collected under CWA section 401 could be furnished by small entities.⁶ However, small entities often qualify for general permit authorizations for which CWA section 401 certification is already granted (e.g., CWA section 404 nationwide general permits). If the general license or permit requires a project-specific certification prior to authorization or if the project requires an individual license or permit, the applicant will be required to seek certification in accordance with the EPA's regulations. The

⁵ If the EPA determines that a Tribe is eligible for TAS authority under section 303(c), the Tribe is automatically eligible for TAS for CWA section 401 unless the Tribe elects not to seek such eligibility. 40 CFR 131.4(c). Tribes seeking section 401 TAS authorization must apply for and be found eligible for TAS through the procedures described in the section 303(c) regulation.

⁶ States and Tribal governments are not considered small governments under the Regulatory Flexibility Act.

EPA assumes that a greater number of applicants (especially small entities) seeking general license or permit authorizations will not need to request certification. For this reason, the burden to small business and small entities is minimal.

The EPA is proposing to revise the certification modifications provision to provide applicants a role in the process. Under the proposed rule, an applicant, certifying authority, and the Federal agency would agree to modify a grant of certification (with or without conditions) and then an applicant and the certifying authority would agree on the language of the modification. The EPA expects that applicants could experience some burden coordinating with the certifying authority; however, the applicant can decline to revise the granted certification. If the applicant agrees to modify the granted certification, the applicant stands to benefit by being a participant in the modification process, as the applicant would review the modification language and would make sure the proposed language aligns with their expectations and resources. The certification modification provision would protect applicant reliance interests because certifying authorities cannot unilaterally modify a certification decision nor revoke or change a grant of certification into a denial or waiver of certification. As such, the proposed rule's impacts on small governmental jurisdictions, businesses, and organizations are not expected to be significant.

6) CONSEQUENCES OF LESS FREQUENT COLLECTION

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

To satisfy the requirements of CWA section 401, certifying authorities must collect information necessary to determine whether a Federally licensed or permitted activity which may discharge into waters of the United States will comply with water quality requirements. Applicants cannot move forward, and a Federal agency may not proceed with issuing a license or permit, before a certifying authority acts on a request for certification. If the certifying authority fails or refuses to act on a request for certification within a reasonable period of time (which shall not exceed one year) after receipt of such request, the requirement to obtain certification is waived.

7) GENERAL GUIDELINES

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

There are no special circumstances that would cause an information collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.5.

8) PUBLIC COMMENT AND CONSULTATIONS

8a. Public Comment

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.

In compliance with the Paperwork Reduction Act of 1995 (PRA), public notice for this information collection request will be published in the *Federal Register* notice of proposed rulemaking titled “Clean Water Act Section 401 Water Quality Certification Improvement Rule.” The notice requests comments on the proposed rule and the information collection and burden estimates covered in the ICR.

8b. Consultations

Describe efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On July 1, 2025, the EPA published a *Federal Register* notice seeking input on regulatory uncertainty and implementation challenges associated with the 2023 Rule, including requesting relevant data and stakeholder experiences. 90 FR 29828 (July 7, 2025). On July 16 and 30, 2025, the agency hosted two webinar-based listening sessions, to hear input on topics identified in the *Federal Register* notice. These sessions were open to States, Tribes, applicants, and the public. Additionally, the EPA accepted written feedback for 30 days (July 7 through August 6, 2025). Separate from this process, the agency initiated the Federalism and Tribal consultation process on July 7, 2025, to obtain written feedback from States, local governments, and their representatives, as well as Tribes and their representatives. The Federalism kick-off meeting was hosted on July 22, 2025, and the Tribal Consultation kick-off meeting was hosted on July 23, 2025. Both Federalism and Tribal consultation closed on September 7, 2025.

9) PAYMENTS OR GIFTS TO RESPONDENTS

Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts were provided to respondents.

10) ASSURANCE OF CONFIDENTIALITY

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

Federal licensing and permitting agencies are responsible for following statutory and regulatory requirements regarding the collection and handling of any confidential business information. Under CWA section 401, applicants must submit project-specific information to certifying authorities through the water quality certification process as defined in 40 CFR part 121. The information collected may be published if it is not proprietary or confidential business information. The determination as to whether to publish is made by the certifying authority or Federal licensing or permitting agency collecting the information. The certifying authority may choose to collect information using a fillable form or by other correspondence. A certifying authority’s applicable submission procedures are typically found on its

website. The EPA and other Federal agencies will handle requests from the public for the release of information under standard Freedom of Information Act procedures.

11) JUSTIFICATION FOR SENSITIVE QUESTIONS

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This ICR does not require the collection of any information of a sensitive nature.

12) RESPONDENT BURDEN HOURS & LABOR COSTS

Provide estimates of the hour burden of the collection of information. The statement should:

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
 - *If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
 - *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*
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12a. Respondents/NAICS Codes

Participants in the information collection and recordkeeping activities pursuant to CWA section 401 administration described by this ICR are generally applicants or certifying authorities. Any entity that requires a Federal license or permit and has the potential to discharge into waters of the United States could be an applicant. Given the broad range of potential respondents, the EPA is unable to comprehensively catalogue their particular North American Industry Classification System (NAICS) codes. However, the following general sectors would be expected to be highly represented among respondents.

- [21 - Mining](#)
- [22 - Utilities](#)
- [23 - Construction](#)
- [31-33 - Manufacturing](#)

Most certifying authorities will fall into the following NAICS codes.

- [921110 - Executive Offices](#)
- [921190 - Other General Government Support](#)

A Federally recognized Tribe with a reservation may be approved for TAS if it meets certain eligibility criteria. Over 300 Federally recognized Tribes have reservations, and of these, as of October 2025, 84 Tribes have been approved for section 401 TAS with section 303(c) TAS. This leaves over 218 Tribes that could still apply for TAS for section 401 concurrently with section 303(c) TAS.

12b. Information Requested

Under CWA section 401, applicants must submit project-specific information to certifying authorities through the water quality certification process as defined in 40 CFR part 121. The EPA's proposed rule maintains some of the information collection requirements established under the 2023 Rule (i.e., pre-filing meeting request) and revises information collection requirements for certifying authorities, applicants, and Tribes (i.e., requests for certification, certification decisions, modifications, and TAS for CWA section 401).⁷ Revisions to the implementing regulations for CWA section 401, as described in the EPA's *Federal Register* notice, serve as the basis for estimating the regulatory burden in this ICR supporting statement.

12c. Respondent Activities

Information requirements include: 1) pre-filing meetings, 2) requests for certification, 3) a requirement for certifying authorities to provide information in a certification decision, and 4) a requirement for applicants to enter written agreements with Federal agencies and certifying authorities for certification modifications. The EPA's proposed rule would remove the standalone provisions for CWA section 401 TAS and, instead, the proposed rule encourages Tribes interested in taking on the certification responsibilities to utilize the existing TAS procedures under the water quality standards program. This proposed action removes a collection of information from Tribes; later sections describe the change in burden relative to the previous collection.

Table 1: Description of program activities and data sources used to inform this supporting statement.

Program Activity	Respondent Group(s)	Description of Program Activity	Data Source(s)
Requesting and hosting pre-filing meetings	Applicant, Certifying Authority	Early engagement and coordination discussions to help clarify questions prior to filing a request for certification	- Permit estimates - Agency's best estimate
Preparing and requesting certification	Applicant	Development of the request for certification	- Permit estimates - Agency's best estimates
Reviewing a request for certification	Certifying Authority	Review of a request for certification and issue a certification decision	- Permit estimates - Review hours
Modifications	Applicant, Certifying Authority	Activities associated with modifying a granted certification.	Agency's best estimate

⁷ If the certifying authority fails or refuses to act on a request for certification, within a reasonable period of time after receipt of such request, the information requirements of this subsection shall be waived with respect to such Federal application.

12d. Respondent Burden Hours and Labor Costs

Estimating Number of Federal License or Permits Requiring Section 401 Certification

To support this ICR, the EPA reviewed Federal agency data on licenses and permits that may be subject to section 401. Permit data spanning a roughly 10-year period (January 1, 2010, through September 1, 2020) were used to derive the annual average number of issued CWA 402 and 404⁸ permits, as well as Rivers and Harbors Act section 10 permits. For Rivers and Harbors Act section 9 permits, the EPA derived estimates based on personal communication with Bridge Permits and Policy Division, Coast Guard Bridge Program.⁹ Table 2 provides separate values for general and individual permits, when applicable. The table does not include State permits or licenses (e.g., NPDES permits).¹⁰ These are the best data available to the EPA on permits and licenses and, because the Corps issues the majority of Federal permits subject to section 401, this dataset serves as a reasonable representation of permitting trends.

Table 2. Annual average number of Federal licenses and permits issued.

Permit or License Type	Annual Average Number	Source
CWA section 404 (Dredged or Fill)	General: 45,725 Individual: 1,898	Corps ^a
Rivers and Harbors Act section 10	General: 7,600 Individual: 1,391	Corps ^a
CWA section 402 (NPDES)	General: 16 Individual: 125	EPA ^b
Rivers and Harbors Act section 9	40	Bridge Permits and Policy Division, Coast Guard Bridge Program ^c
Federal Energy Regulatory Commission license (hydropower facilities/major natural gas pipelines)	44	FERC (2021a); FERC (2021b) ^a
Nuclear Regulatory Commission license (nuclear power reactors, full-power operating and combined operating licenses)	2	U.S. NRC (2021) ^a
Total # of Permits & License	56,841	--

a. Estimates based on the annual average number of permits issued between 1/1/2010 – 9/1/2020.

b. Estimates based on the annual average of EPA-issued section 402 permits from 2010-2020.

c. Estimates based on personal communication with Bridge Permits and Policy Division, Coast Guard Bridge Program. See Footnote 9.

⁸ Most CWA section 404 permits are Federal permits, although to date, three States (Florida, Michigan, and New Jersey) have been approved to administer an authorized section 404 permit program for certain waters in their boundaries, with two States (New Jersey and Michigan) actively administering such programs.

⁹ Personal communication between the EPA and the Coast Guard staff members on January 21, 2022.

¹⁰ Most CWA section 402 permits are State-issued permits; only three States do not have any NPDES authorization, and therefore all NPDES permits issued in those States are Federal permits (Massachusetts, New Hampshire, New Mexico).

The Federal license and permit summary in Table 2 captures only those licenses and permits that are issued, which may not accurately reflect the full number of license or permit applications reviewed by certifying authorities or submitted by applicants. For example, the average annual number may underestimate the number of permits or licenses being reviewed because it does not account for requests for certification that were denied by certifying authorities or withdrawn by applicants. Additionally, the average annual number may be an overestimate because some Federal licenses and permits may not meet the requirements that trigger section 401 certification (e.g., certain nationwide permits). The EPA is unable to estimate the proportion of Federal licenses and permits that require section 401 certification due to data limitations.

Detailed data on all request for certification submittals by applicants are not currently available. The EPA relied on the total number of permits and licenses issued (Table 2), as well as responses from questionnaires¹¹, to estimate a nationwide low, midpoint, and high range of certification requests requested for individual and general permits per year (Table 3). As described in the previous collection, the EPA derived the high estimate from information made available to the Agency through eight questionnaire responses (six States, one Tribe, one territory). These estimates also accounted for data provided in public comments on the 2019 proposed rule (EPA-HQ-OW-2019-0405), as well as pre-proposal input (EPA-HQ-OW-2021-0302) and public comments on the 2022 proposed rule (EPA-HQ-OW-2022-0128). To estimate the high number of certifying authority responses per year, the EPA averaged the number of annual requests provided by six States in the questionnaire, six additional States in pre-proposal input letters, one State (Maryland) in public comments received for the 2019 proposed rule, and two States (Michigan and Utah) in public comments received for the 2022 proposed rule. The average number of annual requests across 15 States, based on numbers reported via the questionnaire, pre-proposal input letters, and public comments, was 1,947 requests per State. Multiplying the resulting average by all 50 States gives a revised high estimate of approximately 97,000 certifying authority responses per year.

While this high estimate (97,000 responses per year) could underestimate certification requests that are submitted but not reviewed, the number could also overestimate the number of unique certification requests that are resubmitted by applicants without substantial changes. The low estimate was derived from the annual issued licenses and permits presented in Table 1; the EPA assumes that, at a minimum, there is one request for certification and one response required by an applicant per license/permit issued. The midpoint of the two values is 77,000. The use of the midpoint is justified to address the incomplete nature of both estimates. The EPA applied the observed proportions of issued general and individual permits (94% general, 6% individual; Table 1) to approximate the number of general and individual permits across the low, midpoint, and high estimates; the results were rounded to the nearest thousand to simplify the burden calculations (Table 3).

Table 3: Estimated range of certification requests by permit type.

Permit Type	Low Estimate	Midpoint	High Estimate
General Permits	54,000	72,500	91,000
Individual Permits	3,000	4,500	6,000
Total	57,000	77,000	97,000

¹¹ See supporting statement 2603.08.

Respondent Group #1: Certifying Authorities (i.e., authorized States or Tribes, or the EPA)

Individual activities requiring a collection of information from certifying authorities are described below. To derive labor costs, the EPA estimates that \$35.43 (starting point of a GS-11 “Rest of U.S.” locality) is an appropriate average hourly wage for a certifying authority employee.¹² Adding a 1.6 overhead factor results in an estimated hourly wage for a certifying authority employee of \$56.69. For the purposes of this collection, we rounded the hourly wage to the nearest whole number (\$57.00) to simplify the labor cost calculations.

Pre-filing Meeting

The current regulations require an applicant to request a pre-filing meeting with the certifying authority at least 30 days prior to submitting a request for certification in accordance with the certifying authority's applicable submission procedures, unless the certifying authority waives or shortens the requirement for a pre-filing meeting request. The proposed rule retains the pre-filing meeting requirement in the existing regulations. For that reason, there is no change in burden for certifying authorities due to the proposed rule. The previous supporting statement combined the burden for the pre-filing meeting with reviewing a request for certification burden. This supporting statement separates these burdens into two categories.¹³

Based on information provided in the previous collection, the EPA assumed 90% of the pre-filing meetings requested by applicants were waived by certifying authorities. For meetings that are accepted, the EPA assumed that the duration of a pre-filing meeting was one hour. The EPA derived the annual burden by multiplying the estimated number of certifications requested (Table 3) by the number of assumed incidences of pre-filing meetings (10%) and the duration of the meeting (1 hour). The burden and labor costs are presented in Table 4.

Table 4: Estimated pre-filing meeting burden and costs on certifying authorities.

Estimate Categories	Annual Burden (Hours)	Annual Labor Cost (Millions)
Low	5,700	\$0.32
Midpoint	7,700	\$0.44
High	9,700	\$0.55

Reviewing a Request for Certification

Once an applicant submits a certification request to the certifying authority, the certifying authority must review the materials provided in the certification request and decide whether to grant, grant with conditions, deny, or waive the certification. The EPA is proposing that the statute limits the scope of certification to point source discharges from a Federally licensed or permitted activity into waters of the United States. The EPA’s proposal would limit the scope of certification to discharges from a point source into waters of the United States as opposed to the entire activity subject to the Federal license or

¹² https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/RUS_h.pdf; accessed on October 29, 2025. Annual labor costs estimates were adjusted for inflation.

¹³ The previous program ICR (EPA ICR No. 2603.08) inadvertently omitted the pre-filing meeting annual burden and labor cost from the overall totals. This supporting statement corrects the calculation error (see Table A-2).

permit. The proposed change in scope is expected to reduce the time a certifying authority spends reviewing out-of-scope information or data from applicants.

The previous collection provided low, midpoint, and high burden estimates for certifying authorities to review an individual certification request (Table 5). The EPA is reducing the estimated time to review a single certification request by one hour (Table 5). The EPA derived the annual burden by multiplying the number of requests for certification (Table 3) by the burden associated with reviewing a single request for certification (Table 5). This change in burden is expected to save certifying authorities between 57,000 and 97,000 hours per year. On average, the proposed change is expected to reduce the certifying authority's burden and labor costs by 13.9%.

Table 5: Estimated burden (hours) associated with reviewing an individual request for certification.

Estimates	Current Rule		Proposed Rule		Change in Baseline (Annual Hours)
	Individual Hours	Annual Hours	Individual Hours	Annual Hours	
General Permits					
Low Estimate	4	216,000	3	162,000	-54,000
Midpoint	7	507,500	6	435,000	-72,500
High Estimate	10	910,000	9	819,000	-91,000
Individual Permits					
Low Estimate	4	12,000	3	9,000	-3,000
Midpoint	10	45,000	9	40,500	-4,500
High Estimate	16	96,000	15	90,000	-6,000
Total					
Low Estimate	8	228,000	6	171,000	-57,000
Midpoint	17	552,500	15	475,500	-77,000
High Estimate	26	1,006,000	24	909,000	-97,000

The EPA multiplied the hourly wage of \$57.00 by the annual estimated hourly burden range presented in Table 5 to arrive at an estimated annual range of \$9.75 million to \$51.8 million per year, with a midpoint of approximately \$27.1 million per year (Table 6).

Table 6: Estimated certifying authority annual cost (millions) to review certification requests.

Estimate Categories	Current Rule	Proposed Rule	Change in Baseline
Low	\$13.0	\$9.75	-\$3.25
Midpoint	\$31.5	\$27.1	-\$4.39
High	\$57.3	\$51.8	-\$5.53

The EPA recognizes that not all requests necessitate the same associated review burden. The requests for small projects can be reviewed by the certifying authority with relatively little associated burden. The requests for larger, more complex projects may require significantly more associated burden to review. Certifying authorities may also choose to waive certification for a project. Waivers may or may not involve review by the certifying authority and are often issued without incurring any measurable associated burden. Finally, the EPA notes that this information collection does not capture information that may be requested by the certifying authority during the certification process after an initial request is received. The EPA does not mandate what further information, if any, may be needed for a certifying authority to act on a request for certification.

Modifications

Under the current regulations, the certifying authority must seek approval from the Federal agency to modify a granted certification (with or without conditions). The EPA's proposed rule provides applicants a role in the modification process. Additionally, the proposed revisions would require that the applicant must agree to the language before the certifying authority can complete the modification. Under the previous collection, the EPA assumed that the burden estimates associated with the original certification request covered any modest information associated with modifications. This collection accounts for the new burden placed on certifying authorities and applicants to coordinate on the modification language. While giving applicants a role in the modification process is expected to increase burden on the certifying authorities and applicants, it is also expected to benefit the certifying authorities and applicants as it provides transparency in the certification process, allows certifying authorities to ensure the language aligns with their water quality standards, and ensures the applicant has an opportunity to ensure the modification aligns with their goals and resources.

The EPA has no data on the number of modifications requested and completed per year by certifying authorities, nor does the EPA have data on the burden associated with requesting and completing a modification. Without data, the EPA relies on staff experience to estimate that 5% of granted certifications are modified.¹⁴ The EPA assumes the modification process may include similar procedures and burden as the pre-filing meeting requirements. Therefore, to calculate the annual burden, the EPA multiplied the estimated percentage of modified granted certifications (5%) by the estimated time to request and complete a modification (1 hour). For the purposes of this ICR, the EPA assumes the Federal agency and applicant agrees to all requests to modify a granted certification.

The EPA expects that the low estimates (2,708 hours) are sufficient to cover the simple modifications that rely on the contents included in the original certifications, and the high estimate (4,608 hours) covers the more complicated modifications that may require the certifying authority review new information and work with applicants to reach agreement on modifications language (Table 7).

Table 7: Estimated certifying authorities' annual burden and costs to modify granted certifications.

Estimate Categories	Current Rule	Proposed Rule	Change in Baseline
Annual Burden (Hours)			
Low	0	2,708	+2,708
Midpoint	0	3,658	+3,658
High	0	4,608	+4,608
Annual Cost (Millions)			
Low	0	\$0.15	+\$0.15
Midpoint	0	\$0.21	+\$0.21
High	0	\$0.26	+\$0.26

¹⁴ The Economic Analysis for the proposed rule established that 95% of Corps-issued permits were granted.

Respondent Group #2: Applicants

As previously noted, detailed data on the number of requests for certification submitted by applicants are not currently available. The EPA relies on information presented in previous collections and the proposed revisions to revise the applicants' burden. For the purposes of calculating labor costs, the EPA assumes a team of employees with a range of skills prepare the request for certification documents. The EPA reviewed the Bureau of Labor Statistics website for wage information related to engineering services.¹⁵ The median hourly wage for all occupations under engineering services for May 2021, the most recent available, is \$45.61. Adding a 1.6 overhead factor results in a median hourly wage of \$72.98. The EPA multiplied the annual burden for applicants by the rounded hourly wage (\$73.00) to simplify the labor cost calculations.

Pre-filing Meeting

The current regulations require an applicant to request a pre-filing meeting with the certifying authority at least 30 days prior to submitting a request for certification in accordance with the certifying authority's applicable submission procedures, unless the certifying authority waives or shortens the requirement for a pre-filing meeting request. The proposed rule retains the pre-filing meeting requirement in the existing regulations. For that reason, there is no change in burden for applicants due to the proposed rule. The previous supporting statement combined the burden for the pre-filing meeting with reviewing a request for certification burden. This supporting statement separates these burdens into two categories.¹⁶

To calculate the pre-filing meeting burden for applicants, the EPA relied on the low, midpoint, and high permit applications (Table 3) to derive the burden associated with pre-filing meetings. The EPA also assumes that the applicant's burden to request the pre-filing meeting is 0.25 hours. The EPA assumes 90% of the pre-filing meeting requests are waived by certifying authorities. For the meetings that are accepted, the EPA assumes the duration of a pre-filing meeting is one hour. To calculate the total annual burden, the EPA first derived the burden for applicants to request a meeting by multiplying the certification request estimates (Table 3) the time it takes to request the meeting (0.25 hours). The EPA then multiplied the certification request estimates (Table 3) by the number of assumed incidences of pre-filing meetings (10%) and the duration of the meeting (1 hour). The burden to request and meet with a certifying authority were added together to calculate the total burden on applicants. The low, midpoint, and high estimate ranges are presented in Table 8.

Table 8: Applicants' annual burden and cost to request a pre-filing meeting and to meet with certifying authorities.

Estimate Categories	Annual Burden (Hours)	Annual Cost (Millions)
Low	19,950	\$1.46
Midpoint	26,950	\$1.97
High	33,950	\$2.48

¹⁵ <https://data.bls.gov/oes/#/industry/541330>, accessed October 2025. Annual labor costs estimates were adjusted for inflation.

¹⁶ The previous program ICR (EPA ICR No. 2603.08) inadvertently omitted the pre-filing meeting annual burden and labor cost from the overall totals. This supporting statement corrects the calculation error (see Table A-2).

Preparing a Request for Certification

The current regulations establish a default list of requirements for applicants to request certification. The EPA is proposing to streamline this list of requirements. Additionally, the EPA's proposal would limit the scope of certification to discharges from a point source into waters of the United States as opposed to the entire activity subject to the Federal license or permit. The proposed change in scope is expected to reduce the time an applicant spends preparing out-of-scope information or data, ultimately saving time applicants spend on each certification request. Lastly, the EPA is proposing to remove regulatory text which allows State and Tribal certifying authorities to define additional contents in a request for certification. Removing this provision would eliminate the possibility that some applicants may be required to produce information to satisfy additional requirements.

In the previous collection, the EPA relied on information in the section 402 permit program collection to establish the baseline burden for each applicant.¹⁷ The section 402 permit program collection established the average burden on applicants to submit information to the EPA is four hours per certification request. Based on the proposed revisions, the EPA is reducing the average burden from four hours to three and half hours. This change in burden accounts for the proposed change in scope, as well as accounts for the removal of the provision allowing certifying authorities to require additional elements to the default list of contents in a request for certification. The EPA is knowledgeable of some certifying authorities establishing additional elements in the request for certification, but the EPA does not have data on how many certifying authorities exercised this option or how much additional burden may have been added to applicants to prepare these materials.

The average estimated burden associated with requests for certification for applicants was derived by multiplying the burden per application (4 and 3.5 hours) by the low, midpoint, and high estimates of certification requests per year (Table 3). The revised average estimated total cost burden associated with requests for certification for applicants ranges from \$14.6 million to \$24.8 million per year, with a midpoint of approximately \$19.7 million per year (Table 9). On average, the proposed change is expected to reduce the applicants' burden and labor costs by 12.5%.

Table 9: Applicant's annual burden and costs to prepare a certification request.

Estimate Categories	Current Rule	Proposed Rule	Change in Baseline
Annual Burden (Hours)			
Low	228,000	199,500	-28,500
Midpoint	308,000	269,500	-38,500
High	388,000	339,500	-48,500
Annual Cost (Millions)			
Low	\$16.6	\$14.6	-\$2.08
Midpoint	\$22.5	\$19.7	-\$2.81
High	\$28.3	\$24.8	-\$3.54

¹⁷ Section A.1.9.1, EPA ICR No. 0229.23.

The EPA acknowledges that not all requests for certification will involve the same associated burden. The requests for certification for small projects can be prepared by the applicant with relatively little associated burden. The requests for certification for larger, more complex projects may require significantly more associated burden to prepare. For the purposes of this ICR, the EPA assumes that removing the provision which allows certifying authorities to develop additional requirements for the certification requests reduces burden for all applicants equally. Finally, the EPA notes that this information collection does not capture information that may be requested by the certifying authority during the certification process after an initial request is received.

Modifications

The EPA's proposed rule revises the modification provision to provide applicants a role in the modification process. In the proposed rule, the EPA is adding that the applicant must agree in writing to modify a previously granted certification (with or without conditions). Additionally, the applicant must agree to the language before the certifying authority can complete the modification. Giving applicants a role in the modification process is expected to increase the burden on applicants; however, it is expected to increase transparency in the certification process. While the applicant could incur some costs to review and agree to the modification language, the EPA anticipates the proposed change to benefit applicants because applicants would be able to ensure the language aligns with their interests and available resources for the project and the certifying authority's water quality standard. In many cases, the EPA expects applicants would be able to identify ways to meet water quality requirements in the most cost-effective manner possible. For the purposes of this ICR, the EPA assumes the Federal agency and applicant agree to all requests to modify a granted certification.¹⁸

The EPA has no data available on the current modification process, including the number of modifications per year and the burden associated with completing a modification. The EPA assumes the modification process may include similar procedures and burden as the pre-filing meeting requirements. Therefore, the EPA is adding one hour of new burden for each modification. Similarly, the EPA does not have data on the number of modifications on granted certifications. The EPA anticipates that some modifications of a granted certification may be minimal, whereas others may require multiple iterations to strike the right balance. Without data, the EPA relies on staff experience and estimates about 5% of granted certifications are modified. The annual burden for modifications was derived by multiplying the total number of permits by 5% and hours to complete a modification (1 hour).

The EPA expects that the burden and costs estimates are sufficient to cover the modest information associated with modifications since the contents of the modifications may have been included in the original certifications (Table 10).

¹⁸ The Economic Analysis for the proposed rule established that 95% of Corps-issued permits were granted.

Table 10: Applicants' annual burden and costs to modify granted certifications.

Estimate Categories	Current Rule	Proposed Rule	Change in Baseline
Annual Burden (Hours)			
Low	0	2,708	+2,708
Midpoint	0	3,658	+3,658
High	0	4,608	+4,608
Annual Cost (Millions)			
Low	0	\$0.20	+0.20
Midpoint	0	\$0.27	+0.27
High	0	\$0.34	+0.34

Respondent Group #3: Tribes - Tribal Applications for TAS

In order to reduce duplication across regulatory programs, the EPA is proposing to remove the requirements that describe a process for Tribes to obtain TAS solely for CWA section 401. The EPA encourages Tribes to utilize the existing water quality standards program regulations at 40 CFR 131.8 if they are interested in pursuing TAS for CWA section 401. Additionally, the EPA is proposing to remove the regulations that provide for Tribes to obtain TAS for the limited purpose of participating as a neighboring jurisdiction under CWA section 401(a)(2). The previous supporting statement estimated a total of 322 and 452 hours for Tribal applications for TAS for administering sections 401 or 401(a)(2), respectively. The estimated annual costs for two Tribes to apply for section 401 TAS and four Tribes to apply for section 401(a)(2) was estimated to be \$12,925 and \$62,102, respectively. The proposed changes reduce the overall burden and labor costs to 0 hours and \$0.

13) Respondent CAPITAL AND O&M Costs

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities. If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

All costs associated with implementation of the section 401 program are categorized as program operation and maintenance fees. No capital costs are associated with the section 401 program.

Total annual labor costs incurred by respondents (i.e., certifying authorities, applicants, and Tribes) are summarized below in Table 11.

Table 11. Total estimated annual burden and associated labor costs (2025 dollars) assigned to each program activity under the current and proposed rule revisions to 40 CFR part 121.

Respondent Group/ Program Activity	Annual Burden (Hours)			Annual Labor Costs (Millions)		
	Current Rule	Proposed Rule	Change in Baseline	Current Rule	Proposed Rule	Change in Baseline
<i>Certifying Authorities</i>						
Pre-filing meetings	7,700	7,700	0	\$0.44	\$0.44	\$0.00
Reviewing a certification request	552,500	475,500	-77,000	\$31.5	\$27.1	-\$4.39
Modification	0	3,658	+3,658	\$0.00	\$0.21	+\$0.21
Group 1 Subtotal	560,200	486,858	-73,343	\$31.9	\$27.8	-\$4.18
<i>Applicants</i>						
Pre-filing meetings	26,950	26,950	0	\$1.97	\$1.97	\$0.00
Preparing a certification application	308,000	269,500	-38,500	\$22.5	\$19.7	-\$2.81
Modification	0	3,658	+3,658	\$0.00	\$0.27	+\$0.27
Group 2 Subtotal	334,950	300,108	-34,843	\$24.5	\$21.9	-\$2.54
<i>Tribes</i>						
Section 401	322	0	-322	\$0.03	\$0.00	-\$0.03
Section 401(a)(2)	452	0	-452	\$0.04	\$0.00	-\$0.04
Group 3 Subtotal	774	0	-774	\$0.06	\$0.00	-\$0.06
Respondent Grand Total	895,924	786,965	-108,959	\$56.4	\$49.7	-\$6.79

14) AGENCY COSTS

Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

14a. Agency Activities

Under the proposed rule, the Agency retains some of the information collection requirements established under the 2023 Rule (i.e., pre-filing meeting requirements) and revises some of the procedural requirements (i.e., request and review of a certification request, modification of a granted certification, and TAS for sections 401 and 401(a)(2)). The proposed revisions are described in the preamble to the proposed rule and are summarized below. This ICR does not account for burden and labor costs of these Federal activities because the Paperwork Reduction Act does not apply to Federal ‘burden.’

The proposed rule requires specific information to be included in all requests for certification for all certifying authorities, including the EPA. The proposed rule repeals the regulatory text which allows an

EPA Regional Administrator to request supplemental information from a Federal agency as needed to make a determination and to enter into agreements with Federal agencies to refine the notification and supplemental information process. The EPA's new online notification portal¹⁹ obviates the need for the EPA Regional Administrator to enter into separate agreements regarding the manner of notification and streamlines the notification process and procurement of any information needed to make its "may affect" determination. Federal agencies should be familiar with the required information and should benefit from using the standard form to submit information to the EPA. As a result, the EPA anticipates the proposed revisions could reduce the Federal agency's burden of entering into agreements and the portal could streamline their notification process.

The EPA acts as a certifying authority on behalf of Federally recognized Tribes that lack TAS for CWA section 401 and for lands of exclusive Federal jurisdiction (areas where the Federal government retains jurisdiction over the land, such as Denali National Park). On average, the EPA estimates it performs 117 CWA section 401 water quality certification decisions per year. The EPA rarely performs CWA section 401 water quality decisions on lands of exclusive Federal jurisdiction. The proposed rule removes the standalone TAS provision for sections 401 and 401(a)(2). This action is not expected to change the number of certifications decisions the EPA issues each year. Tribes interested in TAS for sections 401 and 401(a)(2) will follow the regulations for section 303(c).

14b. Agency Labor Cost

Not applicable.

14c. Agency Non-Labor Costs

Not applicable.

15) REASONS FOR CHANGE IN BURDEN

Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.

Based on the midpoint values, the total annual burden and costs for respondents (certifying authorities and applicants) is anticipated to be 786,965 hours and \$49.7 million, respectively. Overall, this is a 12% decrease from the previous annual burden and cost estimates. The burden reduction is primarily associated with the revised scope of certification from activity to discharge from a point source into waters of the United States. This proposed revision would reduce the scope of information that applicants provide in a request for certification and that certifying authorities review in making a certification decision. Additionally, the EPA's proposed rule would remove the regulatory text which allowed certifying authorities the option to develop additional requirements for a request for certification. While removing this option from the regulatory text would not result in a change in burden for certifying authorities, it would reduce the applicants' burden because it eliminates the possibility of certifying authorities introducing additional requirements. Collectively, these changes reduce the burden and costs to certifying authorities and applicants by 13.9% and 12.5%, respectively. While this proposed change may increase the burden on certifying authorities and applicants to review and agree

¹⁹ <https://cwa401a2notifications.epa.gov/>

on the modification language, the EPA anticipates a small fraction of granted certifications are modified, and certifying authority, Federal agency, and applicant would be able to identify ways to modify certifications in the most cost-effective manner possible. The proposed rule removes the standalone TAS provisions for sections 401 and 401(a)(2). This proposed change reduces the associated annual hourly burden and annual burden costs to 0 hours and \$0. Finally, minor differences in burden and costs estimates between collections are the result of minor corrections to underlying calculations and updated hourly wage rates.

16) PUBLICATION OF DATA

For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 11 hours per request for certification (seven hours for certifying authorities and four hours for applicants). “Burden” means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information either 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 neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB Control Number. The OMB Control Numbers for the EPA regulations are listed at 40 CFR part 9 and 48 CFR Chapter 15.

To comment on the EPA’s need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, the EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2025-2929. An electronic version of the public docket is available at <http://www.regulations.gov/>, which may be used to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and 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 in this document. The documents are also available for public viewing at the Enforcement and Compliance Docket and Information Center in EPA Docket Center (EPA/DC), WJC West, Room 3334, 1301 Constitution Ave., NW, Washington, DC. 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 docket center is (202) 566-1752. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include EPA Docket ID Number EPA-HQ-OW-2025-2929 and OMB Control Number 2040-0295 in correspondence.

17) DISPLAY OF EXPIRATION DATE

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

18) CERTIFICATION STATEMENT

Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

Not applicable.

Appendix

Table A-1. Federal Permit and License Data Characterization

Section 404 Dredged or Fill Permits

The Corps issues two types of CWA section 404 dredged or fill permits. Individual section 404 permits are for projects with more than minimal individual or cumulative impacts. General section 404 permits are for activities that are similar in nature, cause only no more than minimal individual adverse environmental impacts when performed separately, and have no more than minimal cumulative environmental impacts (U.S. EPA, 2025b). There are several types of 404 general permits, including Nationwide Permits (NWPs), Regional General Permits (RGPs), and State Programmatic General Permits (SPGPs). General permits automatically expire, unless reissued, every five years.

Rivers and Harbors Act Section 9 and 10

Rivers and Harbors Act sections 9 and 10 permits cover construction of structures in navigable waters. Section 9 permits authorize construction of bridges and causeways, which fall under U.S. Coast Guard jurisdiction, as well as dams and dikes, which fall under Corps jurisdiction. Section 10 permits authorize work and construction of wharfs, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, and other structures, which all fall under Corps jurisdiction.

Section 402 National Pollutant Discharge and Elimination Permits

The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States. There are two basic types of NPDES permits. NPDES individual permits are project specific. Typically, dischargers seeking coverage under a NPDES general permit are required to submit a notice of intent to be covered by the permit. NPDES general permits cover discharges meeting general permit eligibility requirements in areas where the EPA is the NPDES permitting authority (U.S. EPA, 2025a). For section 402 NPDES permits, section 401 certification only applies when the EPA (a Federal agency) is the permitting authority. The EPA is the sole NPDES permitting authority for three States (Massachusetts, New Hampshire, and New Mexico), the District of Columbia, all U.S. territories except the Virgin Islands, and generally on Tribal lands.

Tennessee Valley Authority Shoreline Permits

The Tennessee Valley Authority (TVA) is responsible for protecting the shorelines within the Tennessee River watershed. Under Section 26A of the TVA Act, the TVA issues shoreline permits for construction projects that take place on shorelines in the Tennessee River watershed. These permits must be obtained before construction on projects can begin. Permits are issued by the TVA after they conduct a site visit and an environmental and programmatic review (Tennessee Valley Authority, 2025a). Shoreline permits are required for all construction activities on shorelines including construction on docks, boathouses, piers, walkways, and other stabilization activities (Tennessee Valley Authority, 2025b).

Alcohol and Tobacco Tax and Trade Bureau Permits for Alcohol Producers and Manufacturers

The Alcohol and Tobacco Tax and Trade Bureau (TTB) issues permits to alcohol and tobacco businesses, including wineries and distilled spirit plants (TTB, 2025a). Prospective industry members must apply for a permit and receive TTB approval before they can commence operations. The documentation differs based on the type of permit and the applicant's business structure (TTB, 2025b).

Interstate Natural Gas Pipeline and Hydropower Project Licenses

Projects requiring interstate natural gas pipeline and hydropower project licenses, which are issued by FERC (FERC, 2025), are also subject to section 401 certification. Certifying authorities typically review section 401 certification requests for these projects rather than waiving review.

Table A-1. Federal Permit and License Data Characterization

Nuclear Power Plant Licenses

NRC issues licenses for nuclear power plants, which are often subject to section 401 review since they are often located adjacent to waters to support the power generation equipment and sometimes discharge cooling water (U.S. EIA, 2022). According to the Energy Information Administration (U.S. EIA, 2024), “[a]s of April 30, 2024, there were 54 commercially operating nuclear power plants with 94 nuclear power reactors in 28 U.S. States.”

Mining Licenses

The USDA Forest Service and BLM are responsible for management of surface resources and government-owned minerals on National Forest Service lands. The Forest Service and BLM therefore must approve mine plans of operations before mining activity can take place. Other approvals, such as section 404 permits, may also be required for such activities.

Table A-2: Baseline calculation corrections. The burden associated with the pre-filing meeting was correctly described in the previous program’s ICR (see EPA ICR No. 2603.08) but inadvertently omitted from the overall annual burden and labor cost totals. This supporting statement corrects the underlying calculation errors by incorporating the omitted values into the program’s baseline. Changes associated with the proposed rule are explained in sections 12c and 12d.

Respondent Group / Activity	Annual Burden (Hours)			Annual Labor Costs* (Millions)		
	Previous Baseline (2603.08)	Calculation Correction	Corrected Baseline (2603.09)	Previous Baseline (2603.08)	Calculation Correction	Corrected Baseline (2603.09)
Certifying Authority						
(a) Pre-filing meeting	--	+7,700	7,700	--	+\$0.44	\$0.44
(b) Cert Review & Decision	552,500	--	552,500	\$31.5	--	\$31.5
(c) Modifications	--	--	--	--	--	--
Total Annual Burden (Hours)	552,500	+7,700	560,200	\$31.5	+\$0.44	\$31.9
Applicant						
(a) Pre-filing meeting	--	+26,950	26,950	--	+\$1.97	\$1.97
(b) Cert prep (hourly burden)	308,000	--	308,000	\$22.5	--	\$22.5
(c) Modifications	--	--	--	--	--	\$0.00
Total Annual Burden (Hours)	308,000	+26,950	334,950	\$22.5	+\$1.97	\$24.5

*All labor costs reflect the updated hourly wages (see section 12d).