

SUPPORTING STATEMENT FOR
EPA INFORMATION COLLECTION REQUEST NUMBER 1637.02
"GENERAL CONFORMITY OF FEDERAL ACTIONS TO STATE IMPLEMENTATION PLANS"
JULY 31, 1997

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1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) TITLE AND NUMBER OF THE INFORMATION COLLECTION

This information collection request (ICR) is entitled "General Conformity of Federal Actions to State Implementation Plans," ICR number 1637.02.

1(b) CHARACTERIZATION OF THE INFORMATION COLLECTION

The Clean Air Act (CAA) Amendments of 1990 strengthened the conformity provisions of the Act. Prior to the 1990 Amendments, the conformity provisions provided that no Federal department shall (1) engage in, (2) support in any way or provide financial assistance for, (3) license or permit, or (4) approve any action which does not conform to a state implementation plan (SIP) after it has been approved or promulgated. Because the Act contained no specific definition of conformity, some Federal agencies interpreted these provisions to mean that actions supported or approved by agencies had to conform only with the measures contained in a SIP. The 1990 Amendments clarified and expanded the conformity provisions by defining conformity to a SIP as conformity to the plan's purpose of attaining and maintaining the National Ambient Air Quality Standards (NAAQS) or emission reduction progress plans leading to attainment. Section 176(c)(1) of the 1990 Amendments further establishes that Federal agencies and departments cannot support or approve an action that does any of the following:

- Causes or contributes to new violations of any standard in any area;
- Increases the frequency or severity of any existing violation of any standard in any area; or
- Delays timely attainment of any standard or any required interim emission reductions or other milestones in any area.

EPA promulgated the general conformity regulations at 40 CFR Part 51, Subpart W and 40 CFR Part 93, Subpart B on November 30, 1993 under the authority of CAA, as amended.¹ Section 51.850 of the rule establishes that no instrumentality of the Federal Government shall "engage in, support in any way or provide financial assistance for, license or permit, or approve any action which does not conform to an applicable implementation plan." The general conformity rule ensures that general Federal actions conform to the appropriate SIPs and sets forth the requirements a Federal agency must comply with to make a conformity determination.

The general conformity requirements in Subpart W apply to those Federal actions in nonattainment or maintenance areas that satisfy one of the following two conditions:

- The action's direct and indirect emissions have the potential to emit one or more of the six criteria pollutants at rates equal to or exceeding those established in paragraph (b)(1) (see Table 1(a)) or (b)(2) (see Table 1(b)) of §51.853, for Federal actions in nonattainment and maintenance areas, respectively; or
- The action's direct and indirect emissions of any criteria pollutant represent 10 percent or more of a nonattainment or maintenance area's total emissions inventory for that pollutant.

Examples of Federal actions that may require a conformity determination include leasing of Federal land, private construction on Federal land, reuse of military bases, and construction of Federal office buildings. The general conformity requirements do not apply to Federal actions that:

¹ The Part 93 requirements are identical to the Part 51 requirements with one exception. The latter contains a provision requiring a State to revise its implementation plan. To avoid duplication, we will cite only the Part 51 sections; however, the relevant Part 51 discussion also applies to the equivalent Part 93 rules.

- Do not satisfy either one of the above conditions;
- Occur in an attainment area;
- Are related to transportation plans, programs, and projects developed, funded, or approved under the Federal Transit Act (49 U.S.C. 1601);² or
- Qualify for exemptions established at §51.853 (e.g., judicial and legislative proceedings; rulemaking and policy development; electric power marketing activities that involve the acquisition, sale, and transmission of electric energy; prescribed burning; and continuing responses to an emergency or disaster).

TABLE 1(a) Emissions Rates for Criteria Pollutants in Nonattainment Areas (NAAs)

Pollutant	Tons/year
Ozone (VOCs or NO _x):	
Serious NAAs	50
Severe NAAs	25
Extreme NAAs	10
Other ozone NAAs outside an ozone transport region	100
Marginal and moderate NAAs inside an ozone transport region:	
VOC	50
NO _x	100
Carbon monoxide: All NAAs	100
SO ₂ or NO ₂ : All NAAs	100
PM-10:	
Moderate NAAs	100
Serious NAAs	70
Pb: All NAAs	25

TABLE 1(b) Emissions Rates for Criteria Pollutants in Maintenance Areas

Pollutant	Tons/year
Ozone (NO _x), SO ₂ or NO ₂ : All maintenance areas:	
Ozone (VOC _x)	100
Maintenance areas inside an ozone transport region	50
Maintenance areas outside an ozone transport region	100
Carbon monoxide: All maintenance areas	100
PM-10: All maintenance areas	100
Pb: All maintenance areas	25

The head of each Federal agency is responsible for ensuring that the agency's actions conform to the SIPs. States, local agencies, and private industry also may participate in a proposed Federal action.

² Such Federal actions must meet the procedures established at 40 CFR Part 51, Subpart T (Transportation Conformity), in lieu of the procedures set forth in Subpart W.

Under this scenario, the Federal agency overseeing the action can arrange for the other proponents (e.g, private industry³) of the action to complete the analysis supporting a conformity determination. In general, however, respondents under the general conformity rule are Federal agencies.

This ICR is a comprehensive description of all information collection requirements contained at 40 CFR Part 51, Subpart W and 40 CFR Part 93, Subpart B. This ICR includes the costs to States and local agencies for assisting in the release of data, as well as the cost of the information collection burden on Federal agencies and other proponents of actions that require Federal support or approval. It should be noted that most Federal actions involving a large air component already would conduct air quality analyses in accordance with the requirements of the National Environmental Policy Act (NEPA); therefore, the costs attributable to the general conformity requirements will be incremental.

2. NEED FOR AND USE OF THE COLLECTION

2(a) NEED/AUTHORITY FOR THE COLLECTION

EPA promulgated the general conformity regulations at 40 CFR Part 51, Subpart W under the authority of Section 176(c)(1) of the CAA, as amended, as described in section 1(b) of this document. EPA needs information collected under Subpart W to ensure that Federal actions conform to a SIP, thereby “eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards, and that such activities will not: (1) cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, (3) or delay timely attainment of any standard or any required interim emission reductions or other milestones in any area (CAA Section 176(c)(1)).” The Agency needs this information to guarantee that Federal actions do not impede the goal of attaining and maintaining the NAAQS throughout the US.

2(b) USE AND USERS OF THE DATA

EPA uses information collected under 40 CFR Part 51, Subpart W to ensure that general Federal actions conform to applicable provisions of the SIP and that the Federal action does not impede the goal of attaining and maintaining the NAAQS throughout the country. The State and local air agencies use the results from conformity determinations to account for Federal actions in their SIPs. In order to attain and maintain the NAAQS, the State and local air agencies want accurate data forecasting the impacts of major Federal actions on their regions.⁴ The primary users of the data, however, will be the proponents of the Federal actions. Federal agencies, and/or the private sponsors of a Federal action, responding to Subpart W requirements use information they collect for several reasons: (i) to determine applicability of the general conformity requirements; (ii) to demonstrate that their actions satisfy both the emissions and air quality criteria stipulated in the regulation; and (iii) to demonstrate that their actions conform to applicable provisions of the SIP.

3. RESPONDENTS AND THE INFORMATION REQUESTED

3(a) RESPONDENTS / SIC CODES

In the general conformity process, the respondent is either a Federal agency or a State, local agency, or private sponsor of a proposed Federal action. Because Section 176(c)(1) of the CAA states that Federal agencies cannot “... support in any way or provide financial assistance for, license or permit, or approve, any action that does not conform to an implementation plan,” the range of Federal actions affected

³ This type of agreement would apply, for example, to companies obtaining licenses or permits, receiving financial assistance, or engaging in other actions with the Federal government.

⁴ Accounting for these actions represents no extra burden to the agencies because the work will be a part of the normal SIP revision process stipulated under Section 110 of the CAA.

by the regulation is broad. In addition, there are many different types of private industries that could be affected by the regulations (e.g., those seeking licenses or permits from the Federal government).

Thus, the following is a representative list of SIC codes for the government and private industries that could be affected by the regulation. Major Groups 91-97 indicate executive, legislative, judicial, administrative, and regulatory branches of Federal, State, and local governments. Government-owned and government- or contractor-operated business establishments, however, are classified in Major Groups 1-89 according to the activity in which they are engaged.

1541	General Contractors - Industrial Buildings and Warehouses
1542	General Contractors - Nonresidential Buildings, Other Than Industrial Buildings and Warehouses
1623	Water, Sewer, Pipeline, and Communications and Power Line Construction
1629	Heavy Construction, Not Elsewhere Classified
4512	Air Transportation, Scheduled
4513	Air Courier Services
4581	Airports, Flying Fields, and Airport Terminal Services
9511	Air and Water Resource and Solid Waste Management
9532	Administration of Urban Planning and Community and Rural Development
9631	Regulation and Administration of Communications, Electric, Gas, and Other Utilities
9711	National Security

3(b) INFORMATION REQUESTED

EPA requires proponents of Federal actions to perform certain steps to ensure conformity of the action to the SIP. Figure 1 lists the typical tasks by the respondent in the conformity process. This section describes information collection requirements associated with the general conformity process established at 40 CFR Part 51, Subpart W. The general conformity process may include two main components: (1) determine applicability and (2) perform conformity analysis.

(1) Applicability

Before beginning a conformity analysis, the Federal agency or responsible entity must determine whether or not the conformity requirements of 40 CFR Part 51, Subpart W apply to the proposed action. Section 51.853 of the Subpart list exemptions to the general conformity provisions. If the action cannot be exempted categorically, the respondent will have to complete a brief emissions analysis to determine whether or not the action will be “regionally significant”⁵ or the total direct and indirect emissions of criteria pollutants in a nonattainment or maintenance area caused by the proposed action would equal or exceed any of the rates set forth in paragraphs (b)(1) or (2) of §51.853 (Tables 1(a) and (b)). If the action is not considered to be regionally significant or does not exceed the specified emission rates, the action is considered to conform to the SIP, and the general conformity process can stop at this point.

(i) Data items

Information collection activities include the following items:

- Determine applicability.

⁵ According to Section 51.852, “regionally significant” means a Federal action for which the direct and indirect emissions of any pollutant represent 10 percent or more of a nonattainment or maintenance area’s total emissions inventory for that pollutant.

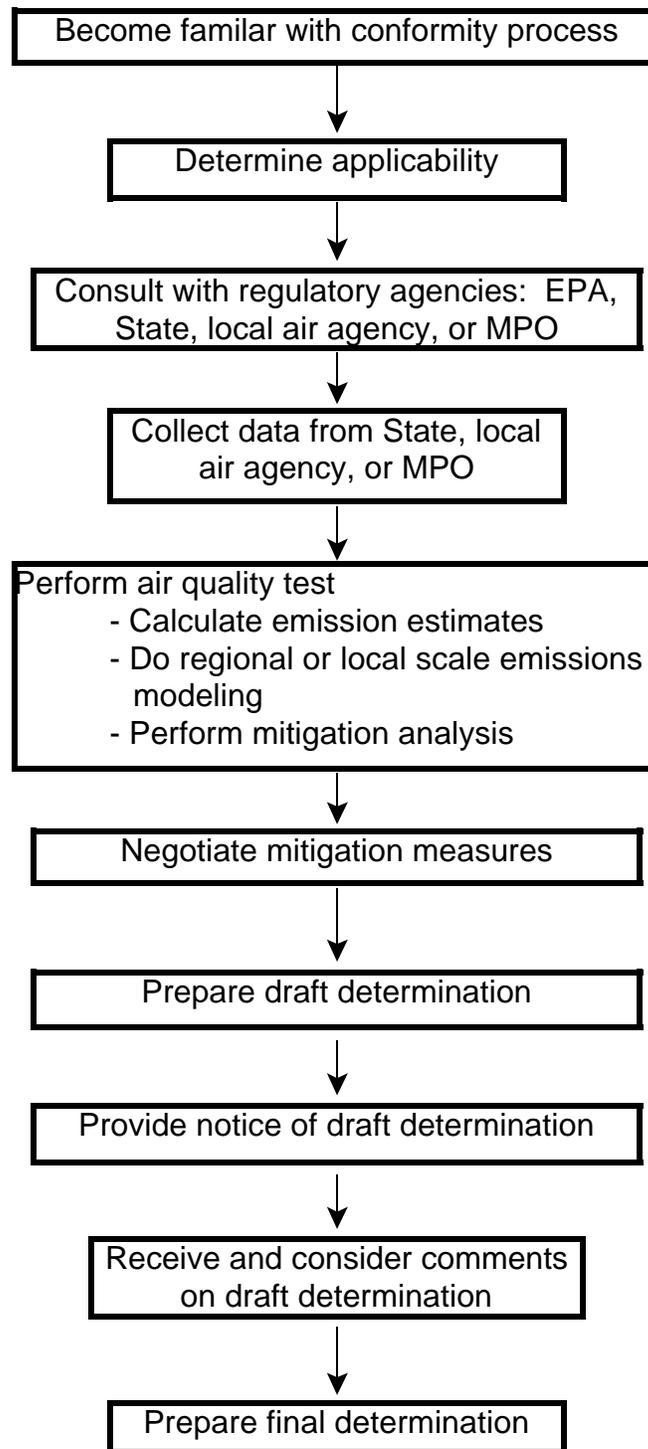


Figure 1. Typical Respondent Tasks in General Conformity Process

(ii) Respondent actions

To determine applicability, respondents (generally Federal agencies) perform the following activities:

- The respondent must read the regulations to understand the conformity requirements.
- The respondent must compare the action to the list of categorical exemptions.
- For actions not exempted, the respondent must calculate total emissions.
- The respondent must determine whether or not the activity will be "regionally significant."
- The respondent must determine whether its emissions will be above the levels specified in §51.853(b)(1) and (2) (Tables 1(a) and (b)).

(2) Conformity Determination

Federal actions that exceed de minimis thresholds or that are regionally significant are subject to the requirements of Subpart W; therefore, these respondents must conduct their own conformity determination. Sections 51.855, 51.856, 51.859, and 51.860 establish procedures and information collection requirements for conducting conformity determinations. In general, the level of information collection requirements for completing a conformity determination will vary with the complexity of the proposed Federal activity.

(i) Data Items

Information collection requirements include the following:

- Conduct conformity determination.

(ii) Respondent actions

To conduct the conformity determination, respondents (generally Federal agencies) perform the following activities.

- The respondent may consult with regulatory agencies.
 - Once the respondent determines that the conformity requirements apply to the proposed action, the respondent may consult with the EPA Regional office and/or the State or local air agency (e.g., to provide information regarding the action and determine the level of analysis necessary for the determination).
- The respondent needs to collect data from the State and/or local air agencies and other appropriate offices (e.g., National Weather Service).
 - The respondent will need to arrange meetings and consult with appropriate persons at the State and/or other local agencies to collect the most recent data (e.g., air quality trends, meteorological data, site-specific emission data) for the analysis.
- The respondent needs to perform air quality analysis.
 - The respondent will determine if the proposed action has been accounted for in the current SIP or if its emissions increases could be offset by emission reductions from existing sources in the area.
 - If the proposed activity is complex, the respondent might have to perform hotspot and/or regional air quality modeling for the relevant criteria pollutants to demonstrate

that the emissions from the proposed activity would not cause violations of the NAAQS or would not increase the frequency or severity of existing violations.

- The respondent may need to develop a mitigation plan.
 - The respondent must develop a mitigation plan, identifying the mitigation measures, process, and schedule for implementing it.
 - The respondent must guarantee financial resources for implementing the mitigation plan.
- The respondent must prepare a draft determination on the conformity assessment.
- The respondent must present a draft determination.
 - The responsible Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies, other Federal agencies if appropriate, and the MPO (if applicable).
 - For those actions that are presumed to conform because they meet one of the above criteria for establishing exemption, the responsible Federal agency must publish a notice for comment in the *Federal Register*. The notice must specify the action and the basis for the determination.
 - The responsible Federal agency must provide at least 30 days for public comment. The agency must receive, consider, and document the response to comments.
 - The responsible Federal agency must publish a final list of actions in the *Federal Register*.

4. THE INFORMATION COLLECTED--AGENCY ACTIONS, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

4(a) AGENCY ACTIVITIES

(1) EPA ACTIVITIES

The EPA Regional office is involved in the general conformity process if the proponent of the Federal action requests EPA's guidance or if it wishes to comment on a determination. Figure 2 illustrates an EPA Regional office's involvement with the conformity process.

The extent of EPA's involvement with the process will depend on the level of communication between the respondent and the Regional office. If the respondent and the Regional office reach an understanding on the contents of the determination early in the planning process of a proposed action, EPA's involvement could be limited to a quick review of the results in the draft determination. However, if the respondent does not contact the Regional office and does an inadequate air quality analysis for the determination, EPA could become involved in protracted negotiations with the respondent.

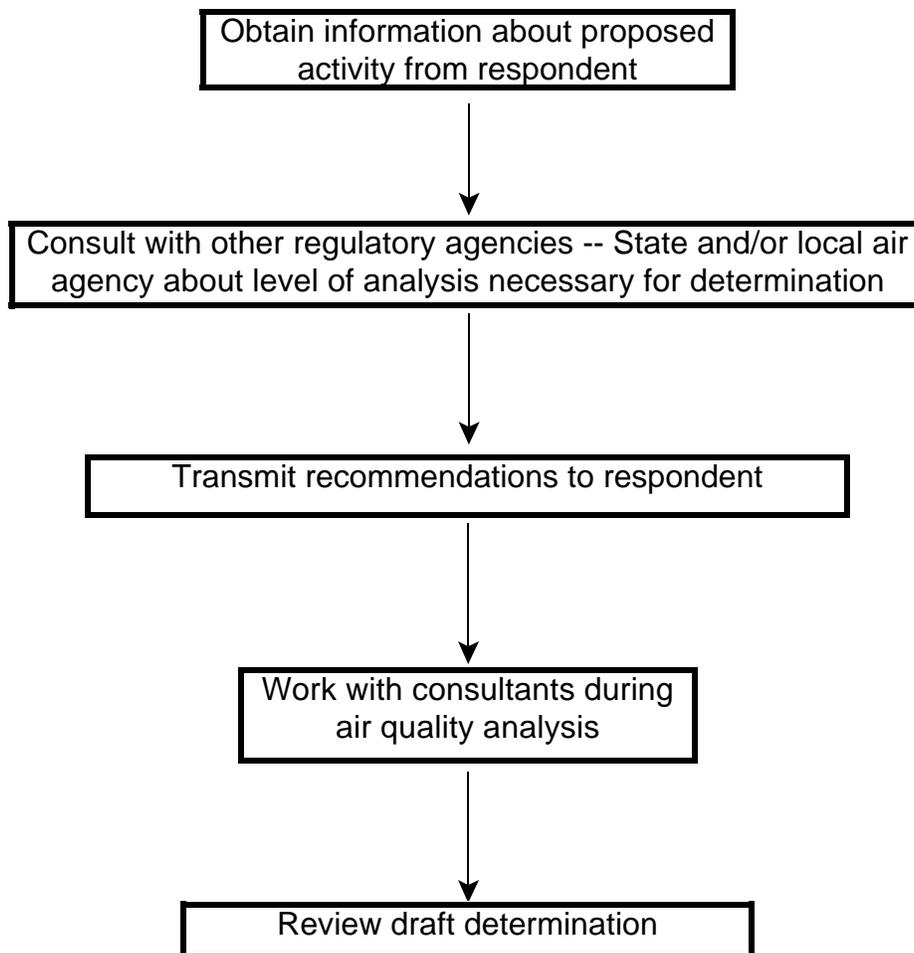


Figure 2. EPA Regional Offices Participation in Conformity Process

*The Regional office's participation in the process is not required, and will occur if the respondent requests EPA's guidance or if EPA wishes to comment on a determination.

The complexity of the proposed action will also influence the extent of EPA's involvement with the process. The Regional office will not have to consult extensively with a respondent whose proposed action only requires the calculation of emissions estimates. The Regional office might only have to direct the respondent to the correct State or local officials for obtaining the data for the determination. However, if the proposed action requires calculating emissions estimates, modeling, and mitigation analysis, the Regional office might have to review the results and provide written comment on each tier of the analysis. The Regional office would expend more labor hours for this type of conformity determination than the previous one.

The following is an outline of the potential tasks for an EPA Regional office during the conformity process:

- Obtain information from respondent about the proposed Federal action. The EPA Regional office needs to learn about the action and its potential impact on air quality. EPA will receive this information in initial consultations with the respondent.
- Consult with other regulatory agencies about the level of analysis necessary for the conformity determination. Once the EPA Regional office knows about the action, it might meet with the State and local air agencies to reach a consensus on the contents of the determination. Potential subjects of discussion are outputs of the analysis, the pollutants to be covered, the emissions factors, or the appropriate modeling protocol. These consultations can take place over the phone or in a meeting.
- Transmit recommendations to respondent. After the regulatory agencies have reached a consensus on the level of analysis for the determination, the EPA Regional office will communicate the recommendations to the respondent. This could involve a letter and a follow-up meeting.
- Work with consultants on air quality analysis. The respondent is likely to hire private consultants to complete the air quality analysis. The EPA Regional office can work with the consultants to help them obtain data from the State or local air quality agency, determine the correct emissions factors to use, and decide upon different modeling techniques. EPA's involvement with the consultants ranges from a phone conversation to several meetings.
- Review draft conformity determination. If there has been adequate communication during the steps above, the review should be a formality. The Regional office will often send a letter to the respondent stating that the air quality analysis has been reviewed and that a finding of conformity can be made based on the results.

It should be emphasized that for many determinations EPA's participation in the last four steps is possible but not probable.

(2) STATE AND LOCAL AIR AGENCY ACTIVITIES

The States are required to develop and promulgate regulations for general conformity. In addition, like the EPA Regional offices, the State and local air agencies will participate in the conformity process if their guidance is requested by the respondent or if they wish to comment on a determination. The extent of their participation will vary from State to State. In places where the State or local air agency works closely with the EPA Regional office, the air agency may take part in all of the same actions that the EPA does. Those actions are listed above in section 4(a). In other areas where the State or local air agency does not work as closely with the Regional office, the air agency may limit its participation to the initial consultations with the EPA. Moreover, the agency may participate in fewer conformity determinations than the Regional office does.

4(b) COLLECTION METHODOLOGY AND MANAGEMENT

The respondent will need to collect emissions data from the State or local air agency. For some conformity determinations, the respondent will hire a private consultant to collect the data. The consultant will make arrangements with the staff from the State or local air agency to have the data sent on computer disk or tape, if possible.

The emissions data from the State or local air agency should be very accessible. The respondent will need emissions factors and perhaps information on different modeling techniques. For most determinations, the respondent will not have to pay a fee for the data. However, the respondent will be billed by the consultant (if applicable) for the hours spent collecting the data and conducting the air quality modeling.

4(c) SMALL ENTITY FLEXIBILITY

This section is not applicable because the regulation directly affects only Federal agencies. In addition, the emissions levels used to define the Federal actions to which the rule applies are not likely to capture small entities.

4(d) COLLECTION SCHEDULE

The information collections described in this ICR must be completed before the action is undertaken. If the action is not part of a continuous Federal program, the determination will be repeated every fifth year from the date the original determination was made. If the action is less than five years in duration or is part of a continuous program, the determination will be a one-time burden.

5. NONDUPLICATION, CONSULTATION, AND OTHER COLLECTION CRITERIA

5(a) NONDUPLICATION

This regulation has tried to avoid duplicating the collection efforts required from Federal agencies and private industry under other regulatory programs. The New Source Review (NSR) program under Section 173 of the CAA, the Operating Permit Program under Title V of the CAA, and the Toxic Release Inventory (TRI) Program under EPCRA 313 all generate extensive air quality data. This regulation assumes that the actions regulated by these other programs conform to the SIP. Furthermore, the conformity regulation ensures that conformity analyses do not duplicate the air quality analyses performed for EISs under the NEPA regulations, 40 CFR Part 1500-1508. If an air quality analysis in an EIS uses the most recent data available from the State and/or local air quality agency, and reveals that the major Federal action will not violate the goal of assuring conformity to the local SIP, then a conformity analysis is not necessary for the action. Some EISs will require further analysis in order to conform to the SIP, and some EAs will require conformity analysis. The regulation also assumes that a proposed Federal action whose criteria pollutant emissions have already been included in the local SIP's attainment or maintenance demonstrations conforms to the SIP.

5(b) CONSULTATIONS

EPA made every effort to consult with the appropriate Federal agencies to prepare this ICR. EPA solicited specific burden information by conducting a survey of the Federal agencies identified as most significantly affected by the rule to collect the following types of information concerning general conformity determinations:

- (i) Estimated incremental burdens for completing a general conformity determination according to the requirements of 40 CFR Part 51, Subpart W.
- (ii) The annual number of Federal actions that are subject to the general conformity rule.

Based on expert judgment, participating Federal agencies were requested to provide burden estimates for each activity, by labor category, for completing one “straightforward” and one “complex” general conformity determination. For purposes of this ICR, a “complex” general conformity determination is assumed to require an extensive air quality analysis -- including calculating emissions estimates and running local or regional scale emissions modeling and mitigation analyses -- because of the complexity of the proposed activity. In addition, the respondent may have to address some adverse comments to the published notice. In contrast, a “straightforward” determination is assumed to require none of these.

The estimates presented in this ICR are based on a survey of Federal agency respondents. Appendix A provides a summary of the data submitted by participating Federal agencies. EPA also consulted with EPA Regional offices to collect burden information for the Agency.

5(c) EFFECTS OF LESS FREQUENT CONSULTATIONS

Under the regulation, the conformity status of a major Federal action lapses every five years from the date the determination is made unless the action is completed or is part of a continuous program. Since SIPs generally change over time, reducing the determinations to less frequently than every five years would compromise the goal of Section 176 (c)(1) of the CAA, which encourages Federal agencies to conform to the SIP.

5(d) GENERAL GUIDELINES

This ICR adheres to the guidelines stated in the 1995 Paperwork Reduction Act, OMB's implementing regulations, EPA's Information Collection Request Handbook, and other applicable OMB guidance.

5(e) CONFIDENTIALITY QUESTIONS

Any information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the EPA's policies set forth in Title 40, Chapter 1, Part 2, Subpart B -Confidentiality of Business Information (see 40 CFR Part 2; 41 FR 36902, September 1, 1976; amended by 43 FR 39999, September 8, 1978; 43 FR 42251, September 28, 1978; and 44 FR 17674, March 23, 1979).

5(f) SENSITIVE QUESTIONS

No questions of a sensitive nature are included in any of the information collection requirements.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

6(a) ESTIMATING RESPONDENT BURDEN

The burdens and costs associated with information collection requirements under the general conformity regulations vary with the complexity of the proposed Federal action. To encompass these variations, EPA analyzed two scenarios in the conformity process: a straightforward conformity determination and a complex conformity determination.

For a straightforward determination, EPA assumes that the air quality analysis will not require local or regional scale air quality modeling and mitigation analysis. Furthermore, the respondent will receive no adverse public comment regarding the determination. For a complex determination, EPA assumes that the respondent will need to complete an extensive air quality analysis because of the complexity of the proposed activity. The respondent will have to calculate emissions estimates, run local scale emissions models, and perform mitigation analysis. The respondent also must address some adverse public comments before preparing a final determination.

Determine Applicability

To determine the number of applicability reviews per year, EPA assumed that 25 percent of the Federal actions receiving environmental assessments would need conformity applicability review. Based on data from the Council on Environmental Quality, an estimated 50,000 environmental assessments are conducted annually. In turn, 40 percent of these actions are assumed to have a major air component. Thus, approximately 5,000 applicability reviews are conducted per year. EPA estimates that proponents of all Federal actions (5,000) will read the general conformity regulations per year.

Conformity Determination

Based on experience, EPA estimates that 78 of these Federal actions will require conformity determinations and that 13 of these will be complex. In addition, EPA estimates that, at most, 20 percent (3) of all complex determinations and 20 percent (13) of all straightforward determinations will incur fees for MPO services.

For both complex and straightforward determinations, respondents also will incur O&M costs for contractors to perform the following tasks: collect data from State/local agencies; perform air quality analysis, prepare draft determination, and prepare final determination. In addition, for complex determinations, respondents will incur operating and maintenance (O&M) costs for contractors to perform mitigation analysis and negotiate mitigation measures.

6(b) ESTIMATING RESPONDENT COSTS

EPA estimates an average hourly respondent labor cost (including overhead) of \$60.97 for legal staff, \$51.83 for managerial staff, \$28.01 for technical staff, and \$16.79 for clerical staff. EPA based these labor rates on those for Federal staff at the following government service levels:

Legal staff	GS-15, Step 3
Managerial staff	GS-14, Step 3
Technical staff	GS-10, Step 3
Clerical staff	GS-5, Step 3

To obtain the labor rate, EPA divided the annual 1997 GS salary by 2080 (the number of hours in a Federal work year) and multiplied by the standard government overhead factor of 1.6. Using these labor rates, Exhibits 1 and 2 summarize total annual burdens and labor costs associated with information collection requirements for straightforward conformity determinations, while Exhibits 3 and 4 summarize total annual burdens and labor costs associated with complex determinations.

In the following paragraphs, EPA estimates capital and O&M costs associated with the information collection requirements covered by this ICR. Capital costs usually include any produced physical good needed to provide the required information, such as machinery, computers, and other equipment. EPA does not expect respondents to incur capital costs for complying with the general conformity rule.

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the PRA as “the recurring dollar amount of cost associated with O&M or purchasing services.” For this ICR, O&M costs cover postage and an envelope for reports sent to other parties (32 cents postage, 3 cents per envelope) and photocopying of reports submitted to the Agency (10 cents per page). Respondents also may incur O&M costs for contractor services. The following labor rates were applied for contractors: \$93.48/hour for legal, \$77.18/hour for managerial, \$40.22/hour for technical, and \$31.52/hour for clerical staff.⁶ Respondents also may incur O&M costs for MPO services. The same Federal agency labor rates were used for MPOs. O&M costs for postage and shipping, photocopying, and contractor services are shown in Exhibits 1 through 4 for all applicable activities.

⁶ Based on data from the Bureau of Labor Statistics for corresponding labor categories.

6(c) ESTIMATING AGENCY BURDEN AND COST

Exhibits 5 and 6 present the estimated Agency burden and costs associated with all the requirements covered in this ICR. Based on a 1997 GS pay schedule, EPA estimates an average hourly labor cost of \$60.97 for legal staff, \$51.83 for managerial staff, \$28.01 for technical staff, and \$16.79 for clerical staff. For purposes of this ICR, EPA assigned Agency staff the following government service levels:

Legal staff	GS-15, Step 3
Managerial staff	GS-14, Step 3
Technical staff	GS-10, Step 3
Clerical staff	GS-5, Step 3

EPA divided annual compensation estimates by 2,080, the number of hours in a Federal work year, and multiplied the rates by the standard government overhead factor of 1.6 to derive hourly rates.

For this ICR, EPA assumes that the Agency participates in all 13 complex determinations and 26 straightforward determinations, or 50 percent of all conformity determinations. These estimates are based upon consultation with EPA Regions (see Appendix A).

Estimating State and Local Agencies Burdens

Exhibits 7 and 8 present the estimated State and local air quality agencies' burden and costs associated with all the requirements covered in this ICR. EPA estimates an average hourly respondent labor cost (including overhead) of \$60.97 for legal staff, \$51.83 for managerial staff, \$28.01 for technical staff, and \$16.79 for clerical staff. EPA based these labor rates on those for Federal staff at the following government service levels:

Legal staff	GS-15, Step 3
Managerial staff	GS-14, Step 3
Technical staff	GS-10, Step 3
Clerical staff	GS-5, Step 3

To obtain the labor rate, EPA divided the annual 1997 GS salary by 2080 (the number of hours in a Federal work year) and multiplied by the standard government overhead factor of 1.6.

For this ICR, EPA assumes that the States and local agencies participate in all 13 complex determinations and 3 straightforward determinations, or 20 percent of all conformity determinations. The State and local participation rate is lower than EPA's 50 percent rate because State and local participating will vary significantly from State to State, approaching 20 percent on average.

6(d) BOTTOM LINE BURDEN HOURS AND COSTS

Exhibits 9(a) and 9(b) summarize the annual bottom line burden for respondents (generally Federal agencies), EPA, and States or local agencies.

The bottom line burden to respondents over the three-year period covered by this ICR is estimated at 97,680 hours, with a cost of approximately \$3,354,357. The bottom-line burden for the Agency is 5,538 hours, with a cost of \$153,521. The bottom-line burden for States and local agencies is 3,468 hours, with a cost of \$97,063.

6(e) REASONS FOR CHANGE IN BURDEN

This ICR is an exhaustive description of the total respondent burden for all activities related to recordkeeping and reporting requirements for general conformity. The bottom-line burden has decreased from the previous ICR's estimate for the following reasons: (i) EPA assumed that fewer conformity determinations would be conducted per year; (ii) EPA assumed that participation by EPA or State/local agencies would incur

fewer burden hours; and (iii) EPA assumed that, since promulgation of the general conformity rule in 1993, respondents have become more familiar with the requirements and will require less time each year to read the regulations.

6(f) BURDEN STATEMENT

Table 2 presents the average annual respondent burden for recordkeeping and reporting. For complex determinations, the annual reporting burden is estimated to range from 0.25 hours to 30 hours. For simple determinations, the annual reporting burden is estimated to range from 0.25 minutes to 120 hours. There are no annual recordkeeping requirements under the general conformity rule.

Table 2
Average Annual Respondent Burden

Facility Type	Average Annual Reporting Burden	Average Annual Recordkeeping Burden
Straightforward	0.25-30	0
Complex	0.25-120	0

Send comments regarding these burden statements or any other aspect of this collection, including suggestions for reducing the burden, including through the use of automated collection techniques, to David Stonefield at: US Environmental Protection Agency, Office of Air Quality Planning and Standards, Mail Drop 15, Research Triangle Park, North Carolina 27711.

APPENDIX A

EPA consulted with Federal agency respondents and EPA Regions to collect information on burdens and associated costs for this ICR. This appendix presents the methodology for collecting and using the data obtained.

Respondent Burdens

EPA consulted Federal agency respondents under the general conformity rule to revise the burden and cost estimates presented in the 1994 general conformity ICR. EPA contacted the following Federal agencies: US Army Corps of Engineers (COE), US Department of Agriculture (USDA), US Department of Defense (DoD), US Department of Transportation (DOT), US Department of the Interior (DOI), and US Department of Housing and Urban Development (HUD). EPA asked the Federal agencies contacted to estimate the burdens associated with various tasks in the general conformity process.

EPA revised the previous burden and cost estimates based on input and data received from the US Department of Agriculture/Forest Service (USDA/FS) and the US Army Corps of Engineers.⁷ In general, COE corroborated the burden and cost estimates developed for the previous ICR. USDA/FS reported that, in practice, their burdens and costs for participating in the general conformity process are somewhat lower than those developed in the previous ICR.

Based on these consultations, EPA decided that the respondent burden estimates from the previous ICR remain a valid upper bound for the current ICR. However, to address the requirements of the Paperwork Reduction Act of 1995, the Agency has incorporated costs for activities performed by contractors as O&M costs (rather than as burden hours, as in the previous ICR), using labor rates from the Bureau of Labor Statistics for clerical, technical, managerial, and legal staff.

EPA and State/Local Air Agencies Burdens

EPA consulted the EPA Regions for information on their burdens for participating in the general conformity process. EPA revised the previous Agency burden and cost estimates based on input and data received from Region II and Region IX.

Data from both Region II and Region IX indicated that, in practice, the Agency's burden for participating in the general conformity process is much lower than had been estimated in the previous ICR. EPA decided to use the data provided by Region II to revise Agency burdens in the current ICR.

EPA also used the estimates from EPA Region II as a proxy for burdens on State and local air agencies for participating in the general conformity process.

Figure 1. Typical Respondent Tasks in General Conformity Process

⁷ Although DoD, DOI, and HUD were unable to provide new burden and cost estimates at this time, the agencies did provide feedback indicating that the numbers they submitted for the previous ICR were based on extensive input from field staff involved in the general conformity process.