

**Supporting Statement:
Coordination of Federal Authorizations for Electric Transmission Facilities
OMB Control Number 1910-New**

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, Coordination of Federal Authorizations for Electric Transmission Facilities. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.**

Section 216(h) of the Federal Power Act, as implemented by a 2009 Memorandum of Understanding (available at: <http://www.whitehouse.gov/files/documents/ceq/Transmission%20Siting%20on%20Federal%20Lands%20MOU.pdf>), requires the Department of Energy (DOE) to issue regulations governing the coordination of Federal authorizations for proposed interstate electric transmission facilities. The regulations allow applicants to request information on the completeness of an application for authorization or permit, as well as the likelihood of project approval based on early submission, compilation, and documentation of information needed to identify potential siting constraints or opportunities discussed in the proposed process (section 900.4), which is required by section 216(h)(4)(C). The regulations also allow applicants to request DOE coordination assistance for projects other than qualifying projects (section 900.2), as authorized by section 216(h)(3). This information collection package accounts for the requirements of these regulatory provisions.

- 2. 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**

Section 900.4 allows an applicant, or prospective applicant, for a Federal authorization to request information from a permitting or potential permitting entity concerning the likelihood of approval for a potential facility and key issues of concern to the agency and public. Any request for information filed under this section must specify the information sought from the permitting entity in sufficient detail for the permitting entity to provide the requested information. DOE and the permitting or potential permitting entity will use the information to provide a response to the applicant. Information sought will support an Initiation Request necessary to begin DOE's coordination assistance and must include, based on best available information, a Summary of Qualifying Project, Affected Environmental Resources and Impacts Summary, associated Maps, Geospatial Information, and Studies (provided in electronic format), and a Summary of Early Identification of Project Issues. The Initiation Request serves as the foundation of information to support discussions as a part of an Initial Meeting, and is supplemented with any available

updated information (where applicable) as a part of the information request supporting the process Close-out Request and Close-out Meeting Discussions. The regulations require that a permitting entity shall provide, to the extent permissible under existing law, information addressing the request to the applicant, or prospective applicant, and the Assistant Secretary of DOE's Office of Electricity Delivery and Energy Reliability (OE-1).

Section 900.2 allows persons seeking DOE assistance in the Federal authorization process for projects other than qualifying projects, as defined in the regulations, to file a request for coordination with OE-1. The requirements of such a request are set forth in that section. DOE will use the information provided to determine whether it is appropriate to provide coordination assistance to the applicant.

3. 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.

DOE encourages the electronic submission of information under both sections 900.2 and 900.4. We provide an email address in the regulatory text and state that electronic submission is DOE's preferred method of submission and that DOE will utilize electronic technologies to assist in the notification, submission, and sharing of information, as well as for participation in the initial and final meetings required as provided for in the regulation.

4. Describe efforts to identify duplication.

This information is collected only in the regulations implementing section 216(h). Because requests for coordination for other projects (section 900.2) and for the pre-application process (section 900.4) are: (1) voluntary; and (2) provided for only under these regulations, applicants would not provide this information to DOE other than as provided for in these regulations.

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

As explained in the proposed rule, DOE has certified that this proposed rule, if adopted, will not have a significant impact on a substantial number of small entities. This final rule sets forth simplified or revised procedures for DOE coordination of Federal Authorizations for the siting of interstate electric transmission facilities. In those cases where a Project Proponent requests DOE assistance for a project that is not a Qualifying Project, DOE expects that the provisions of this final rule, if adopted, would not affect the substantive interests of such Project Proponents, including any Project Proponents that are small entities. DOE expects actions taken under the provisions to coordinate information and agency communication before applications for Federal Authorizations are submitted to Federal agencies for review and consideration would help reduce application review and decision-making timelines. Because use of the IIP Process set forth in this final rule is voluntary, DOE further expects that the Project Proponent requesting assistance has made the calculation that the request was in the best interests of the Project Proponent. The request would also help facilitate transmission developers with determining the likelihood that they would successfully obtain permits, which is necessary to make their proposed project

successful in the competitive, regional transmission planning processes. On the basis of the foregoing, DOE certifies that this final rule would not have a significant economic impact on a substantial number of small entities.

6. 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.

If the information under section 900.2 is not collected, applicants for projects other than qualifying projects will not be able to request coordination assistance from DOE, as authorized by section 216(h)(3). If the information under section 900.4 is not collected, permitting entities or potential permitting entities will not be able to provide applicants with information on the completeness of their application(s) for authorizations and subsequent likelihood of permit approval, as required by section 216(h)(4)(C).

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines. (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in stature of regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; (h) requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

This information collection is consistent with OMB guidelines.

8. 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 5CFR 320.8(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 in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE 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 report.

DOE has requested comments on this information collection in its proposed rule (81 FR 5387, February 2, 2016). No comments were submitted related to cost and hour burden.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

No payment or gift will be provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

DOE will protect the confidentiality of any information submitted consistent with its Freedom of Information Act regulations at 10 CFR Part 1004.

11. 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 DOE 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 information collection does not contain any questions of a sensitive nature.

12. 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. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

The response times below include not only the time necessary provide the requested information, but also the time needed to search data sources, gather the information, and review the information for both the Initiation Request and supplementation of any new information necessary as a part of the Close-out Meeting Request. Section 900.4 estimates also account for time spent discussing information during the two meetings.

Section 900.2

Total number of unduplicated respondents: 5
Reports filed per person: 1
Total annual responses: 5
Total annual burden hours: 5

Average Burden Per Collection: 1.0 hour
 Per Applicant: 1.0 hour

Section 900.4

Total number of unduplicated respondents: 5
Reports filed per person: 2
Total annual responses: 10
Total annual burden hours: 50

Average Burden Per Collection: 25.0 hour
 Per Applicant: 25.0 hour

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

No cost burden on respondents is anticipated beyond the cost of the burden hours listed above in item #12.

14. Provide estimates of annualized cost to the Federal government.

DOE will incur costs under section 900.2 in reviewing the information provided by applicants and determining whether to provide coordination assistance. The Federal government will incur costs under section 900.4 in reviewing the information provided by respondents and providing information (whether written or oral) on the likelihood of project approval based on the identification of potential siting constraints or opportunities, data gaps, or other considerations that could affect the likelihood of approval of the application. These reviews, however, are expected to be conducted by existing Federal staff. Under both sections 900.2 and 900.4, DOE assumes that its review of requested information would be performed by an employee at a GS-13 Step 1 pay scale (i.e., \$35.03/hour). Assuming that it would take approximately 3 hours to review the information submitted under section 900.2 and a total of five (5) Section 900.2 responses, the total annualized cost to the Federal government is estimated to be \$525.45. Assuming it would take roughly 24 hours (three 8-hour working days) to review information submitted under section 900.4 of the final rule and at an assumed annual total of ten (10) responses, the total annualized cost to the Federal government for section 900.4 responses is estimated to be \$8407.20. Therefore the estimated annualized cost to review the total maximum anticipated responses under both sections 900.2 and 900.4 of the rule is estimated to be \$8932.65.

15. Explain the reasons for any program changes or adjustments reported in Items 13 (or 14) of OMB Form 83-I.

This is a new collection; therefore there are no program changes or adjustments.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Results of this information collection (both 900.2 and 900.4) will not be published.

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

This information collection will display the expiration date.

18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

The certification statement contains no exceptions.