



Department of Energy

Washington, DC 20585

February 11, 2026

Dominic J. Mancini
Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, DC

Subject: Backup Generator Data Integration – Request for Emergency Review and Clearance

Dear Dr. Mancini:

Pursuant to Office of Management and Budget (OMB) procedures established at 5 CFR Part 1320, Controlling Paperwork Burdens on the Public, I request that the proposed information collection request, “Form EIA-860 Supplement – State Level Generator Air Permit Inventory,” be processed as an Emergency Revision Request in accordance with Section 1320.13, Emergency Processing. As required under 1320.13(a)(1), I have determined that the information must be collected prior to the expiration of the time period established under Part 1320 and is essential to the mission of the U.S. Energy Information Administration (EIA). The Paperwork Reduction Act and these implementing regulations further require that any such emergency request meets at least one of three tests: under 1320.13(a)(2)(i), that public harm is reasonably likely to result if normal clearance procedures are followed; under 1320.13(a)(2)(ii), that an unanticipated event has occurred; or, under 1320.13(a)(2)(iii), that the use of normal clearance procedures is reasonably likely to prevent the collection of information.

EIA is making this emergency request at a time of unprecedented increases in electricity demand. In January 2026, we forecasted that electricity demand would increase in both 2026 and 2027, which would mark “the first four years of consecutive growth since 2005–07, and the strongest four-year period of growth since the turn of the century.”¹ President Donald J. Trump has issued three executive orders with direct bearing on questions of urgency, public harm, and unanticipated events related to this demand growth. Executive Order 14156, “Declaring a National Energy Emergency,” issued on January 20, 2025, cites a “precariously inadequate and intermittent energy supply, and an increasingly unreliable grid, requiring swift and decisive action.”² Executive Order 14262, “Strengthening the Reliability and Security of the United States Electric Grid,” issued on April 8, 2025, states that “an increase in demand, coupled with existing capacity challenges, places a significant strain on our Nation’s electric grid,” and further notes “[that the] lack of reliability in the electric grid puts the national and economic security of the American people at risk.”³ The same executive order also refers to an unanticipated event in

¹ *Short-Term Energy Outlook* (January 2026), EIA, at 3, <https://www.eia.gov/outlooks/steo/archives/Jan26.pdf>.

² Executive Order No. 14156, 90 Fed. Reg. 8433 (Jan. 20, 2025) (Declaring a National Energy Emergency), <https://www.federalregister.gov/documents/2025/01/29/2025-02003/declaring-a-national-energy-emergency>.

³ Executive Order No. 14262, 90 Fed. Reg. 15521 (Apr. 8, 2025) (Strengthening the Reliability and Security of the United States Electric Grid), <https://www.federalregister.gov/documents/2025/04/14/2025-06381/strengthening-the-reliability-and-security-of-the-united-states-electric-grid>.

the form of “an unprecedented surge in electricity demand driven by rapid technological advancements, including the expansion of artificial intelligence data centers and increase in domestic manufacturing.” With respect to the expansion of artificial intelligence, Executive Order 14365, “Ensuring a National Policy Framework for Artificial Intelligence,” issued on December 11, 2025, asserts that “we remain in the earliest days of this technological revolution and are in a race with adversaries for supremacy within it.”⁴

The urgency articulated by these executive orders is underscored by the 36 emergency orders issued by the U.S. Department of Energy (DOE) under section 202(c) of the Federal Power Act (FPA) since January 2025.⁵ By comparison, only one 202(c) order was issued in each of 2023 and 2024.⁶ FPA section 202(c)(1) provides that whenever the Secretary of Energy determines “that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy,” then the Secretary has the authority “to require by order . . . such generation, delivery, interchange, or transmission of electric energy as in [his] judgment will best meet the emergency and serve the public interest.”⁷ This statutory language constitutes a specific grant of authority to the Secretary to authorize the operation of generation, delivery, and transmission resources that the Secretary has determined will best meet an emergency. Such orders have affected every region of the country, including Colorado, Florida, Indiana, Maryland, Michigan, New York, Pennsylvania, Texas, Puerto Rico, and Washington. Each of these orders inherently signifies an official declaration of an “emergency” within the electric power system.

The Department of Energy Organization Act establishes the EIA Administrator’s central mission as “carrying out a central, comprehensive, and unified energy data and information program which will collect, evaluate, assemble, analyze, and disseminate data and information . . . which is relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation’s economic and social needs.” To achieve this mission, the EIA manages a complex system of surveys to gather data from every sector of the U.S. energy system. One survey critical to this effort is EIA-860, Annual Electric Power Industry Report, which is intended to maintain a census of every U.S. electricity generating unit with a generation capacity equal to or greater than one megawatt (1 MW). The Department of Energy uses the results of this mandatory annual survey to inform its emergency orders under section 202(c) of the Federal Power Act. It is accompanied by a monthly requirement to provide updates on generator retirements and additions.

This emergency request is prompted by a demonstrable mission requirement, not a theoretical exercise. On January 22, 2026, Secretary of Energy Chris Wright issued a letter to reliability coordinators and balancing authorities in which he reiterated the present “national energy emergency” and stated that “backup generation can and should be used to save American

⁴ Executive Order No. 14365, 90 Fed. Reg. 58499 (Dec. 11, 2025) (Ensuring a National Policy Framework for Artificial Intelligence), <https://www.federalregister.gov/documents/2025/12/16/2025-23092/ensuring-a-national-policy-framework-for-artificial-intelligence>.

⁵ See <https://www.energy.gov/ceser/2026-doe-202c-orders> and <https://www.energy.gov/ceser/2025-doe-202c-orders>.

⁶ See <https://www.energy.gov/ceser/2024-doe-202c-orders> and <https://www.energy.gov/ceser/2023-doe-202c-orders>.

⁷ Although the text of FPA section 202(c) grants this authority to “the Commission,” section 301(b) of the Department of Energy Organization Act transferred this authority to the Secretary of the Department of Energy. See 42 U.S.C. § 7151(b).

lives and avoid billions of dollars in economic devastation.” The letter elaborates that the Department of Energy will issue further 202(c) orders in order to “ensure that the tens of gigawatts of available backup generation, which would otherwise stand idle, is available during emergency conditions.”⁸ A full twenty such orders have been issued or extended since the date of this letter, all in the immediate context of Winter Storm Fern.

EIA has a critical need to enhance the completeness and accuracy of the frame for the EIA-860. While the survey generally excludes smaller distributed generation, backup generators are included if they meet the 1 MW threshold within a surveyed facility. However, many backup generators are often excluded or inconsistently captured due to capacity limitations or intermittent operation, revealing data gaps. The current sampling frame is unlikely to represent a complete enumeration of backup generators. Our assessment indicates a potential underestimation of the generator population, possibly by several hundred to over a thousand units. DOE’s recent *Resource Adequacy Report* (July 2025) utilizes EIA-860 data to warn that energy resources are inadequate to meet growing demand,⁹ a strong signal underscoring the importance to policymakers of the EIA’s statutory mission to collect information on “the adequacy of energy resources.”¹⁰ The current lack of comprehensive data on backup generators, particularly smaller emergency units, represents a significant gap in our understanding of total U.S. grid capacity and resilience. This gap could hinder effective emergency response and grid management during periods of stress, potentially leading to widespread power outages, economic disruption, and the loss of human life.

This proposed information collection request addresses these gaps by acquiring existing backup generator data from all 50 states, the District of Columbia, and five U.S. territories via air permitting offices, which regulate generators under the Clean Air Act, rather than imposing new direct reporting burdens on operators. This administrative data acquisition will enhance the EIA-860 frame's completeness and accuracy through reconciliation and validation, without altering the survey's fundamental purpose and structure in any way. This emergency procedure entails only a different data acquisition method for this specific generator subset. We have consulted with other DOE departmental elements, the U.S. Environmental Protection Agency, selective States, and have not identified an authoritative, comprehensive data source for backup generator capacity at the scale and granularity required for accurate grid assessment and emergency planning. Not only does the emergency request meet the statutory and regulatory tests concerning public harm and unanticipated events but following normal clearance procedures would prevent or disrupt the collection of this information. In this particular case, the information that EIA is seeking is inherently immediate and derives its value from being collected within the narrow window of the current declared national energy emergency. The optional statutory and regulatory test that authorizes emergency collection if normal clearance procedures would result in missing a statutory deadline is also herein implicated. Section 40413 of the Infrastructure, Investment and Jobs Act of 2021 requires the EIA Administrator to “implement measures to expand . . . the Commercial Building Energy Consumption Survey

⁸ See <https://www.energy.gov/documents/leveraging-backup-generation-facilities-during-energy-emergencies>.

⁹ *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid*, DOE (July 2025), <https://www.energy.gov/sites/default/files/2025-07/DOE%20Final%20EO%20Report%20%28FINAL%20JULY%202025%29.pdf>.

¹⁰ 42 U.S.C. 7135(a)(2).

[CBECS]” no later than November 15, 2023.¹¹ It is our intention to issue the next CBECS iteration in mid-2026, focusing specifically on electricity demand and data centers, which house many of the backup generators in question. While the text of the emergency exception refers to preventing a statutory deadline from being missed and it has in fact already been missed (CBECS has not been published since 2018), it would seem reasonable to apply this exception to correcting this error by making the overdue period as brief as possible. This proposed emergency collection is necessary for EIA to fulfill its mission to provide timely data collection to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment.

The total number of respondents for this data collection will be 56, comprising the air permitting offices of all 50 states, the District of Columbia, and the five major U.S. territories. Data collection is scheduled to commence as early as February 2026. The primary data collection method will be secure file transfers (SFT) facilitated by EIA's secure SFT collection portal.

The total additional burden is estimated at 280 hours, calculated as 5 hours per respondent for a one-time collection across the 56 air permitting offices. It is anticipated that the actual burden on respondents may be lower, given that the required administrative data is typically publicly available, including on official websites, although not in an easily retrievable, consolidated format. Consistent with the current EIA-860 form, all information reported will be treated as non-sensitive and may be publicly released in identifiable form.

As the emergency orders associated with Winter Storm Fern demonstrate, electricity demand is evolving far too rapidly for the EIA to follow normal clearance procedures in updating the sample frame of its generator survey. With your emergency approval, EIA is ready to deploy this data acquisition process in February 2026. We commit to publishing the first public notice about this information collection in the Federal Register within 30 days of approval. We appreciate your understanding of this urgent request and look forward to your response.

Regards,



Tristan C. Abbey

Administrator

U.S. Energy Information Administration

¹¹ 42 U.S.C. 18773(a).