

Supporting Statement for Paperwork Reduction Act Submission on Loan Guarantee Notice of Proposed Rulemaking

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, Loan Guarantee for Projects that Employ Innovative Technologies, Pre-Application/Application form. 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."

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 collection of information.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511-16514) authorizes the Secretary of Energy, after consultation with the Secretary of the Treasury, to make loan guarantees for projects that "avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued."

Section 20320(b) of Public Law 110-5, enacted February 15, 2007, requires that the Department of Energy issue final regulations for the Title XVII loan guarantee program before issuing any loan guarantees under that program. Section 20320(c) states that the final regulations must be issued within six months of the date of enactment, *i.e.* by August 15, 2007.

This collection of information is necessary in order for DOE to identify projects that are eligible for loan guarantees and that DOE may invite to apply for a loan guarantee. This collection is being sought in conjunction with the submission to OMB of a draft Notice of Proposed Rulemaking to publish the final regulations at 10 CFR Part 609, as required by Public Law 110-5.

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.

The information collected will be used by the DOE's Loan Guarantee Program Office (LGPO) in the Office of the Chief Financial Officer to identify projects that it will recommend be invited by DOE's Credit Review Board to submit an Application for a loan guarantee. The LGPO will review Pre-Applications and Applications in conjunction with the appropriate DOE program office(s).

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, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The LGPO has requested that Pre-Applications and Applications be submitted in electronic format through DOE's Industry Interactive Procurement System (<http://e-center.doe.gov>). Applicants may send questions and comments to lgprogram@hq.doe.gov. The LGPO website, www.lgprogram.energy.gov will also have these links. Respondents are also requested to submit an original and five paper copies to the Loan Guarantee Program Office at the address in the solicitation and Pre-Application/Application form.

4. 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.

The DOE loan guarantee program is a unique program. DOE does not collect similar information for any projects to which it provides financial support. Companies that sponsor projects that may be eligible for loan guarantees will develop similar information as they seek debt financing and equity investment. These companies will be able to utilize much of this information in preparing Pre-Applications and Applications, thus reducing the burden on respondents.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Most eligible projects will be larger than those that small businesses usually undertake. Moreover, the process of requiring a Pre-Application is designed, in part, to enable DOE to screen interested projects and provide an early indication of projects' eligibility for a loan guarantee under this program. By requiring a Pre-Application, DOE will be in a better position to inform interested parties whether to submit a full Application to the program. Thus, by allowing DOE to engage in a preliminary review of project proposals, the Pre-Application may reduce the paperwork burden for small and larger businesses alike, or at least lessen the burden of a subsequent full Application.

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 is not collected, DOE will be unable to implement Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511-16514).

7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 5 CFR 1320.

Information collections in this package have been reviewed and justified by Departmental management requirements, statutes, external regulations, or interagency reporting requirements, Departmental orders, or other internal DOE requirements and are collected in a manner 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 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. 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.

Not applicable. This proposed collection of information is submitted to OMB for approval pursuant to the process set forth in 5 CFR § 1320.11, which applies to the clearance of collections of information in proposed rules.

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

No payment or gift to respondents is being proposed under this information collection.

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

This information collection, at page 2, provides the following assurance of confidentiality to respondents, under the Freedom of Information Act (5 U.S.C. 552):

“Patentable ideas, trade secrets, proprietary, or confidential commercial or financial information, disclosure of which may harm the applicant, should be included in an Application only when such information is necessary to convey an understanding of the proposed project. The use and disclosure of such data may be restricted, provided the applicant includes the following legend on the first page of the project narrative and specifies the pages of the Application which are to be restricted:

‘The data contained in pages _____ of this Application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this

applicant receives an award as a result of or in connection with the submission of this Application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government's right to use or disclose data obtained without restriction from any source, including the applicant.'

"To protect such data, each line or paragraph on the pages containing such data must be specifically identified and marked with a legend similar to the following:

'The following contains proprietary information that (name of applicant) requests not be released to persons outside the Government, except for purposes of review and evaluation.'"

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 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.

No questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs or other matters commonly considered private, are included in this information collection.

12. Provide estimates of the hour burden of the collection of information. The statement should indicate the following.

Number of respondents: 100 Pre-Applications/10 Full Applications.

Frequency of response: one time for Pre-Applications; a second time for those Applicants invited to submit a full Application.

Annual hour burden: 13000 hours, most of which is likely to be time committed by firms that seek debt and/or equity financing for their projects, regardless of their intent to apply for a DOE loan guarantee.

An explanation of how the burden was estimated: All of the information required on the two-page Pre-Application/Application form will be known to the project sponsor who submits it, with one exception. The exception is the need for the Applicant to determine in which of 10 project categories their project should be placed; the information they will need to make this determination will be provided in a Solicitation and in regulations at 10 CFR Part 609.

In preparing additional material for submission with the Pre-Application/Application form, Applicants will draw extensively on material they will have used to seek equity

and/or debt financing for their project. Unless they have taken the step of obtaining at least conditional commitments for equity and debt funding for their project, they will likely not qualify for a DOE loan guarantee. Indeed, they will not have a viable project. Thus, applicants will repackage available information as they prepare additional materials for submission with their Pre-Application/Application. In making this estimate, DOE has not conducted special surveys and has not consulted extensively with potential respondents.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

Please see attached.

14. 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. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Please see attached.

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

Not applicable. This information collection is a new collection of information.

16. 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 information collected is not intended to be published. No complex analytical techniques will be employed. There will not be a report on the information we collect, other than quarterly and annual reporting on the progress of the loan guarantee program as a whole and an evaluation of the program against Government Performance and Results Act metrics. DOE could commence issuing loan guarantees under the program at some unspecified date during FY 2007. Loan guarantees issued under the program will be in effect as long as the debt they support continues to be in effect, which could be 15 years or more.

17. 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. DOE is not seeking approval to not display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable. There are no exceptions to the certification statement in Item 19.

B. Collections of Information Employing Statistical Methods

This information collection does not use statistical methods.