

**SUPPORTING STATEMENT FOR REQUESTS FOR APPROVAL UNDER
THE PAPERWORK REDUCTION ACT AND 5 CFR 1320
APPLICATION FOR SECTION 26a PERMIT, REINSTATEMENT OF 3316-0060**

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 collection of information.

Section 26a of the Tennessee Valley Authority Act of 1933, as amended, requires that TVA review and approve plans for the construction, operation, and maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries. Also, review of plans for construction is necessary to determine if plans are in compliance with Part 1304 of Title 18, Code of Federal Regulations, and with the Shoreline Management Policy implemented by TVA on November 1, 1999. The information collected is used to assess the impact of proposed projects on the statutory TVA programs and to determine if the project can be approved.

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 is reviewed by TVA staff to determine compatibility of the proposal with TVA statutory requirements for operation of the Tennessee River System and for compliance with all applicable Federal laws and Executive Orders.

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.

TVA has the ability, through a web portal, for respondents to apply to TVA for a Section 26a Permit via TVA's Internet web site. The application form can be placed "on line" for ease of access and ease of completion. However, this capability has not been widely used, partially because of the detailed drawings that must accompany applications for approval to build docks, piers, etc.

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.

Each respondent's application for a new Section 26a permit is unique to geographic location and construction plans. In cases where an applicant wishes to revise construction plans or add to a structure, TVA only requires information on the new addition. Also, the U.S. Army Corps of Engineers and TVA have a Memorandum of Understanding that established a joint permitting program for structures constructed on the Tennessee River System. This reduces paperwork by 50 percent.

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

There is no significant impact on a substantial number of small businesses; however, TVA provides technical assistance to any small businesses that request it in completing a Section 26a Permit Application Form.

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.

Section 26a of the TVA Act requires review and approval by TVA before any structure can be constructed on the Tennessee River or its tributaries. If TVA did not collect the applicants' information, it could not conduct the required review. If TVA could not conduct the required review, no construction approvals would be issued and all development on the Tennessee River System would stop.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- 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;
- requiring the use of statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or 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; or
- requiring respondents to submit proprietary trade secret, 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.

None of these apply.

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.

Attached is a copy of the Federal Register notice soliciting comments on this Information Collection. There were no public comments received.

The Federal Register notice for the Proposed Rule was provided at the time the Proposed Rule was published in the Federal Register and an approval package was submitted to OMB (OMB issued a Comment Filed and Continue action on 1/23/01). Attached is a copy of the Final Rule. No comments specifically directed to the information collection requirements of the proposed rule were received. One commenter objected generally to the requirement to apply for and obtain a permit before conducting vegetation management activities on TVA land. TVA explained in the preamble to the final rule that this requirement is a reasonable means for TVA to monitor vegetation management activities by private parties on TVA land.

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

No payments or gifts are provided.

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

The majority of information provided in a Section 26a Permit Application is not confidential. Most information collected describes construction plans and is not of a sensitive or personal nature. However, since these records are maintained by a personal identifier (name of applicant), they are identified as a Privacy Act System of Records, TVA 36 (copy attached). A Privacy Act Statement is included on the Section 26a Permit Application form.

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.

Not applicable.

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, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. 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 aggregate the hour burdens in Item 13 of OMB Form 83-I.

- 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 in Item 14.

Number of respondents (permits): 4000 annually. This number reflects an anticipated increase in applicants based on a change in the respondent pool to include persons who wish to maintain (mow, etc.) TVA land that is adjacent to their property (as described in number 15 below). However, it also reflects a downward trend in recent years of 26a applications received by TVA as less land is available for development and use on the TVA reservoirs (i.e., most people already have applied for and received approval for their docks, etc.). TVA records and tracks in a computer data base the number of respondents who apply for permit approvals under section 26a of the TVA Act. From this computerized data base, TVA is able to review applicant numbers for any year, and is able to use the data to project anticipated respondent numbers for future years.

Frequency of Response: One permit application is required for each request. There is no predetermined frequency. Permit applicants are required to provide information in the form of a permit application.

Annual Hour Burden: From 1 hour to 1.5 hours per application. Therefore, the Total Annual Hour Burden is 6,000 hours (1.5 x 4,000 = 6,000). Burden is estimated by asking some applicants how long it took to complete the permit application, completion of test applications by TVA staff, and by assisting applicants in completing the Permit Application.

Annualized cost per applicant: \$19.00. This figure, which is the average hourly wage for the states in the TVA service area, was obtained from the PEW Center on the States, a research organization administered by the University of Richmond. Therefore, the total annualized cost for all applicants is \$76,000 (\$19 x 4,000 = \$76,000).

13. Provide an estimate of 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).

- 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 take into account 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 time 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 rates of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- 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.

Capital and startup cost do not apply to Section 26a Permit Applications.

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

a) Number of respondents	4,000
b) Frequency of response	On occasion
c) Number of responses	4,000
d) Hours per response	1.5
e) Annual burden	6,000

TVA tracks actual costs of processing section 26a permit applications. This work includes administrative record keeping, field investigations, compliance with National Environmental Policy Act and other Federal Laws and Executive Orders. Individual staff time reports are entered bi-weekly into the TVA cost expenditure data base. Information is available for bi-weekly, monthly, or annual costs associated with administering TVA's section 26a permitting process. The most recent annualized cost to the Federal Government was \$780,000.

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

Persons who want to engage in certain activities on TVA land that do not involve an obstruction in the river system (vegetation management, for example) will also be required to submit a Section 26a Permit Application. We project there will be no more than a 5 percent increase in respondents because applicants typically include their proposals for vegetation management with their request for docks and piers. We also project that this small increase in respondents will be offset by a general annual decrease in the number of 26a permit applications received by TVA.

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.

Not applicable.

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.

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.

B. Information Collection does not employ statistical methods.