

Supporting Statement
for the

Electric Emergency Incident and Disturbance Report
OE-417
OMB NUMBER 1901-0288

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Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
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Supporting Statement for Form OE-417, Electric Emergency Incident and Disturbance Report OMB Number 1901-0288

The Department of Energy (DOE) is requesting a three-year approval for the Form OE-417, “Electric Emergency Incident and Disturbance Report.” The survey is designed to collect electric power emergency incidents and disturbances information.

Response to this survey is mandatory and the survey is sponsored by the Office of Electricity Delivery and Energy Reliability of DOE. The proposed form and instructions are included in this information collection request.

Since the previous approval in 2005, the form has been changed in the following ways:

- The contact information previously in Schedule 1, lines 4-9, has been moved into Schedule 2 and will have the same confidentiality provisions as the rest of Schedule 2.
- The line asking for “Estimated Date/Time of Restoration” previously in Schedule 1, line 12, has been taken off the form but an inquiry about the estimated restoration time has been added into Schedule 2 and will have the same confidentiality provisions as the rest of Schedule 2.
- The “Teleconference Number” previously in Schedule 1, line 9, Line has been deleted from the form.
- In the “Cause of Incident” in Schedule 1, column 12, the fourth box from the top has been renamed to Actual or Suspected Attack.
- In the “Estimate Amount of Demand Involved (Megawatts)” in Schedule 1, line 8, the word “peak” was placed in front of Megawatts to describe the type of demand requested.

The information collection proposed in this supporting statement has been reviewed in light of applicable information quality guidelines. It has been determined that the information will be collected, maintained, and used in a manner consistent with the Office of Management and Budget (OMB), DOE, and EIA information quality guidelines.

A.1 Legal Justification

The authority for the information collection is provided in the following provisions:

15 U.S.C. §772(b), of the Federal Energy Administration Act of 1974 (FEA Act), Public Law 93-275, outlines the types of individuals subject to the information collection authority delegated to the [Secretary] and the general parameters of the type of data which can be required. Section 772(b) states:

“All persons owning or operating facilities or business premises who are engaged in any phase of energy supply or major energy consumption shall make available to the [Secretary] such information and periodic reports, records, documents, and other data relating to the purposes of this Act, including full identification of all data and projections as to source, time, and methodology of development, as the [Secretary] may prescribe by regulation or order as necessary or appropriate for the proper exercise of functions under this Act.”

The functions of the FEA Act are set forth in 15 U.S.C. §764(b), of the FEA Act, which states that the Administrator shall, to the extent he is authorized by Section 764(a) of the FEA Act,

“(2) assess the adequacy of energy resources to meet demands in the immediate and longer range future for all sectors of the economy and for the general public;...

(9) collect, evaluate, assemble, and analyze energy information on reserves, production, demand, and related economic data;...

(12) perform such other functions as may be prescribed by law.”

As the authority for invoking Section 764(b) above, 15 U.S.C. §764(a), of the FEA Act in turn states:

“Subject to the provisions and procedures set forth in this Act, the [Secretary] shall be responsible for such actions as are taken to assure that adequate provision is made to meet the energy needs of the Nation. To that end, he shall make such plans and direct and conduct such programs related to the production, conservation, use, control, distribution, rationing, and allocation of all forms of energy as are appropriate in connection with only those authorities or functions:

(1) specifically transferred to or vested in him by or pursuant to this Act;...

(3) otherwise specifically vested in the Administrator by the Congress.”

Additional authority for this information collection is provided by 15 U.S.C. §790a of the FEA Act, which states that the Administrator:

“...[Shall] establish a National Energy Information System...[which] shall contain such information as is required to provide a description of and facilitate analysis of energy supply and consumption...

(b) ...the System shall contain such energy information as is necessary to carry out the Administration's statistical and forecasting activities..., and such energy information as is required to define and permit analysis of-

- (1) the institutional structure of the energy supply system, including patterns of ownership and control of mineral fuel and nonmineral energy resources and the production, distribution, and marketing of mineral fuels and electricity;
- (2) the consumption of mineral fuels, nonmineral energy resources, and electricity by such classes, sectors, and regions as may be appropriate for the purposes of this Act;
- (3) the sensitivity of energy resource reserves, exploration, development, production, transportation, and consumption to economic factors, environmental constraints, technological improvements, and substitutability of alternate energy sources; . . .
- (5) industrial, labor, and regional impacts of changes and patterns of energy supply and consumption...”

An additional authority for invoking Section 790(a) of the FEA Act above for this information collection is provided by the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601) which states:

The Congress finds that the protection of the public health, safety, and welfare, the preservation of national security, and the proper exercise of congressional authority under the Constitution to regulate interstate commerce require - . . .

“(2) a program to improve the wholesale distribution of electric energy, the reliability of electric service, the procedures concerning consideration of wholesale rate applications . . . the participation of the public in matters . . . and to provide other measures with respect to the regulation of the wholesale sale of electric energy, ”

A.2 Needs and Uses of Data on the Electric Power Industry

The electric power industry¹ in the United States currently consists of traditionally regulated entities (also known as electric utilities), as well as non-traditional participants that include unregulated entities² and electric power marketers. At the end of 2006, there

¹ Collectively, the industry owned and operated 986 gigawatts of generating capability, produced nearly 4.1 trillion kilowatthours of electricity, and earned revenues of \$326 billion during 2006. In addition, the industry consumed 1,035 million tons of coal, 115 million barrels of oil products and 6.8 trillion cubic feet of natural gas making the industry the single largest consumer of fossil fuels.

² An unregulated entity is defined as a corporation, person, agency, authority, or other legal entity or instrumentality that is not regulated by Federal, State, or local regulatory bodies and is involved in the electric power industry. Unregulated entities include qualifying cogenerators, qualifying small power producers, and other generators (including independent power producers). Included are entities without a designated franchised service area and do not file forms listed in the Code of Federal Regulations, Title 18, Part 141.

were 3,124 traditionally regulated entities,³ 2,742 unregulated entities, and 150 active wholesale and retail electric power marketers. However, the physical operations of the entire electrical system is handled by less than 131 balancing authorities that are overseen by 14 Reliability Coordinators located in the United States.⁴

The Form OE-417 reports will enable DOE to monitor electric emergency incidents and disturbances in the United States (including all 50 States, the District of Columbia, Puerto Rico, U.S. Virgin Islands, and the U.S. Trust Territories). The information will assist the Government by helping to prevent the physical or virtual disruption of the operation of the electrical energy critical infrastructure.

Currently, DOE's Office of Electricity Delivery and Energy Reliability (OE) uses Form OE-417, "Emergency Incident and Disturbance Report," to monitor major system incidents on electric power systems and to conduct after-action investigations on significant interruptions of electric power. The information is used to meet DOE national security responsibilities and requirements contained in the National Response Framework⁵. The information may also be used in developing legislative recommendations and reports to Congress; and coordinating Federal efforts regarding activities such as incidents/disturbances in critical infrastructure protection; continuity of electric industry operations; and the continuity of operations of the government. The information submitted may also be used by the Department's Office of Policy and International Affairs and the Energy Information Administration to analyze significant interruptions of electric power.

A.2.1 Overview of Data Uses

The Form OE-417 alerts DOE to electrical emergency incidents and disruptions. The ability of the Department to quickly respond to energy emergencies that may impact the nation's infrastructure and to help alleviate or prevent further disruptions is dependent on the prompt response to this data requirement. As such, the timely initial filing of Schedule 1 of this form is of paramount importance.

Emergency electric incidents and disturbances leading to interruptions of power, such as rotating blackouts, could lead to disruptions of critical infrastructures such as natural gas

³ A regulated entity is a corporation, person, agency, authority, or other legal entity or instrumentality that is regulated by Federal, State, or local regulatory bodies and owns and/or operates facilities for the generation, transmission, distribution, or sale of electric energy. Included are entities that provide electricity within a designated franchised service area and file forms listed in the Code of Federal Regulations, Title 18, Part 141. *Note:* Facilities that qualify as cogenerators or small power producers under the Public Utility Regulatory Policies Act (PURPA) are not considered regulated entities.

⁴ These Reliability Authorities operate under the oversight of the North American Electric Reliability Council (NERC) and cover all of the United States and Canada along with a small part of Mexico. The operational and planning standards for the control area operators are also established and overseen by NERC.

⁵ National Response Framework (NRF) is now administrated by the Department of Homeland Security and DOE is responsible for Emergency Support Function – 12 (ESF-12), Energy under the NRF.

or petroleum product pipelines, petroleum refineries, water supplies, and telecommunications systems. The national security, economic prosperity, and social well-being of the nation depends on the continuing reliability of our increasingly complex and interdependent infrastructures, the key one of which is electric power.

A unique characteristic of electric power is that it cannot be stored for future use. Electric energy suppliers, therefore, must build and maintain generating and transmission facilities capable of meeting the demand levels for electric power at all times. Tracking disturbances that impact the integrated generating and transmission facilities is an important Federal task along with examining issues associated with insufficient capacity reserves. (This form does not track or monitor planned generating powerplant units.)-

The rapid evolution of information technology in the electric power industry has national defense implications due to the interdependent networks of physical and information infrastructures. Information technology has changed the way the Nation's business is transacted, the way government operates, and the way government addresses national defense. The Form OE-417 is the critical alert mechanism for informing DOE of electrical emergency incidents or disturbances so the physical and virtual disruption of the operation of any critical infrastructure can be prevented.

Form OE-417 and Projected Impacts from Changing Industry

The Form OE-417 was revised in 2008 to address many changes that have occurred in the electric power industry. The industry is still undergoing changes and DOE will watch for any systemic alteration in electrical system control and oversight. The industry has established a training and certification process which has switched the industry from the historical control area concept of physical system oversight to one in which various authorities (operation, balancing, scheduling, etc.) handle the former responsibilities. The North American Electric Reliability Corporation (NERC) released version 4 of its Reliability Functional Model in March of 2008. The NERC Reliability Functional Model provides a framework for how the NERC Reliability Standards are developed, administered and enforced.

Currently, the Form OE-417 is designed to identify and track emergency incidents from:

- Entities that have Balancing Authorities (BA) and/or regional Reliability Coordinator (RC) functions. They are responsible for the physical operations and reliability coordination.
- All electric utilities' physical and electronic security, suspected, malicious, or intentional threats.

The Form OE-417 reports will enable DOE to monitor electric emergency incidents and disturbances so the Government may help prevent the physical or virtual disruption of the operation of any critical infrastructure.

A.2.2 Overview of Data Collection

The Form OE-417 cannot follow a scheduled reporting date, since the reporting requirement is driven by actual or projected disturbance incidents that do not happen on a regular recurring basis.

Reporting coverage for the Form OE-417 includes all 50 States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the U.S. Trust Territories. DOE is proposing to maintain the number of required reporting entities (3,124 electric utilities) and add to reporting for BA and RC functions. Incident events reporting, such as suspected or actual threats, vandalism, and/or cyber attacks or total loss of power, would be required for all respondents. However, it is the expectation that very few, if any, reports would be filed in any given year from most respondents. In addition, there are 148 entities - NERC established BA⁶ and RC⁷ that are responsible for the physical operations and reliability coordination of these business entities that will file the form. All of these functions are located within existing electric utilities or in those business entities that were established by the Federal Energy Regulatory Commission (FERC).

The entities that have BA responsibilities are considered the primary filer of this form. However, they do need information on individual load and counts of customers lost that come from the electric utilities found within their electrical system balancing oversight. (Many of these electric utilities are full requirement or partial requirement customers of other electric utilities - that is, they do not generate, but receive their power under one or more contracts; which are usually long-term agreements). DOE would welcome any joint filing activity where the BA and these electric utilities file a combined report or all information passed to the BA who then files a single report. An example of this activity would be cooperative power suppliers (generating and transmission) filing for their member distribution cooperatives. Another would be joint filings by BA and the controlling RC. DOE requests that it be notified of those that plan to file jointly and of those electric utilities that want to file separately. (Notification can be done at the time of the filing.)

DOE will continue to have the option to conduct special investigations of incidents affecting the electric power industry. Such investigations could involve one or more electric utilities or BA or other entities participating in the electric power industry. Any utility or business entity that participates in the electric power industry could be notified

⁶There are 131 Balancing Authorities (BA) in the contiguous United States and Canada and with the restructuring of the electric power industry the count is expected to drop. BA are one of the regional functions contributing to the reliable planning and operation of the bulk power system. The Balancing Authority integrates resource plans ahead of time, and maintains in real time the balance of electricity resources and electricity demand.

⁷Of the 17 Reliability Coordinators, there are 14 spread across the United States. The Reliability Coordinator is responsible for the real-time operating reliability of its Reliability Coordinator Area, and coordinates closely with neighboring areas. Many of the physical facility sites that operate or will run the operations of the electric power industry, will handle one or more of the NERC established operational activities; so the total count of respondents will be lower since only one response is required from these entities.

by DOE that they would need to provide technical information concerning a particular incident.⁸ These special investigations are infrequent and reports are released to the public.⁹

The following information to be collected on emergency events includes important variables covering each major part of an electric power disturbance incident:

- 1) Types of major emergency (i.e., physical attack, cyber attack, transmission system interruption, generation inadequacy, distribution system interruption, and other),
- 2) Cause(s) of incident (i.e., complete electrical system failure, electrical system separation – islanding, inadequate electric resources to serve load, actual or suspected attack : physical, cyber/computer/telecom, or vandalism, transmission equipment, loss of high voltage transmission substation/switchyard, weather or natural disaster, operator action, fuel supply deficiency, , unknown causes, and other), and
- 3) Actions taken (i.e., shed firm load, reduced voltage, made public appeals, implemented a warning, alert, or contingency plan, shed interruptible load, repaired/restored, other).

Uses of Data:

The information is used by the Department of Energy:

- (a) To track, on a timely basis, electrical emergency incidents and disturbances;
- (b) To answer queries from the Congress, other Federal and State agencies, the electric power industry, and the general public;
- (c) To monitor the electric power industry's health;
- (d) As input to the Energy Information Administration's [Federal Electrical Emergency Alert and Incident Information](#) on EIA's website; and
- (e) To identify incidents that may require a technical examination of the underlying problems that lead to the event.

Publication data users include electricity-related trade associations; independent system operators; electric utility companies; unregulated power companies; energy service providers; wholesale electricity traders; electrical equipment companies; numerous local, State, and Federal government agencies; environmental associations; consumer groups; financial analysts; and the news media.

⁸ The Federal Energy Administration Act of 1974 (Pub. L. No. 93-275) and the DOE Organization Act (Pub. L. No. 95-91) provide other authorities.

⁹The Department of Energy has initiated four special studies about incidents that happened in the 1990s. The three studies are: *The Cold Weather Snap of 1992*, *The Electric Power Outages in the Western United States*, July 2-3, 1996 (DOE/PO-0050), and the *Report of the U.S. Department of Energy's Power Outage Study Team* (DOE/PO - March 2000 Final Report); and the *Final Report on August 14, 2003 Blackout in the United States and Canada: Causes and Recommendations*, April 2004.

A.3 Use of Technology and Reduction of Burden

DOE has asked EIA to continue to make the survey form and instructions available for printing or downloading from EIA's web site. The survey form and instructions are also available on OE's web site. Respondents submitting information by e-mail or fax do not need to submit a paper copy.

DOE is considering an electronic reporting option that respondents may use to complete the survey. Some technical and security concerns still need to be resolved. However, encryption of all responses is planned under a DOE approved secure file transfer system.

A.4 Efforts to Reduce Duplication

Analysis of Similar Existing Information

DOE has determined that other sources cannot replace or approximate the information's timeliness or coverage. The one electric power sector organization dedicated to reliability operations of the electric power industry has cited the existing Form OE-417 as part of the emergency operational reporting in the NERC Standard EOP-004-1.¹⁰

Also, news media often provide some information on electric power problems. However, the lack of detailed information on causes and effects, the lack of assurance of coverage of all problems, and the necessity for the Federal government to be involved early in problem situations require timely reporting to the Federal government.

A.5 Provisions for Reducing Burden on Small Businesses

The DOE is mindful of the need to minimize burden on small business and, to that end, designs its information collections so that small operations are not unduly affected. The reporting entities for the OE-417 are expected to include no small businesses.

A.6 Consequences of Less-Frequent Reporting

DOE needs to be informed of all electric power disturbances and incidents meeting the threshold levels identified earlier so that it can take appropriate actions. Less frequent reporting will not provide the Federal government with the information it needs to fulfill its mandates.

The rapid evolution of information technology in the electric power industry has national defense implications due to the interdependent networks of physical and information infrastructures.¹¹ Information technology has changed the way the Nation's business is

¹⁰ This document can be acquired at: ftp://www.nerc.com/pub/sys/all_updl/standards/sar/EOP-004-1_Clean_for_ballot_17Apr06.pdf

¹¹ Emergency electric incidents and disturbances leading to interruptions of power, such as rotating blackouts, could lead to disruptions of critical infrastructures such as natural gas or petroleum product pipelines, water supplies, and telecommunications systems. The national security, economic prosperity and

transacted, the way government operates and the way government addresses national defense. The Form OE-417 is the critical alert mechanism for informing DOE about electrical emergency incidents or disturbances so the physical and virtual disruption of the operation of any critical infrastructure can be prevented. DOE officials address the information reported on a real-time basis. They inform policymakers and others about the significance, as appropriate.

The OE-417 provides important real-time alert information to DOE and trend information that is used in historical publications.

A.7 Compliance with 5 CFR 1320.5

The data are being collected consistent with the guidelines in 5 CFR 1320.5, except for requiring respondents to initially report information soon after an incident or disturbance. See items A.2 and A.6 for justification for timing of reporting. A final report is due up to 48-hours afterwards.

A.8 Summary of Consultations Outside the Agency

**List of Respondents and Comments to Federal Register Consultation Notice
Received in Response to
Federal Register Notice (73 FR 45752)
Published August 6, 2008**

Table B1. List of Commenters by Affiliation Responding to the August 6, 2008, Federal Register Notice

Number	Commenter	Affiliation
1	North American Electric Reliability Council	Reliability organization
2	Edison Electric Institute	Private trade group

Responses to September 5, 2008 Comments from NERC

Comment: NERC encourages DOE to consider a common sharing of collected industry information to avoid duplicative reporting and to minimize the reporting burden.

DOE Response: Several data elements on the NERC disturbance report are similar to what are collected on the OE-417 form. However, NERC does collect elements in addition to those on the OE-417 form. DOE has no requirement for the NERC-only data elements. Information collected on the DOE form is required to be submitted within one or six hours, depending on the specifics of the emergency and should also be submitted to NERC simultaneously. DOE is willing to work with NERC to devise a common set of data elements for both forms and find a way to better share the information required by DOE and NERC. DOE will work with NERC to keep the respondent burden to a minimum.

social well-being of the nation depends on the continuing reliability of our increasingly complex and interdependent infrastructures, a key one of which is electric power.

Comment: Correct NERC’s name to be – the North American Electric Reliability Corporation. In the latest version, the form OE-417 instructions incorrectly references NERC as “Council” rather than “Corporation.”

DOE Response: The change has been made. NERC’s old name was inadvertently left on the new version of the instructions and will be corrected to the North American Electric Reliability Corporation.

Comment: Reconsider and adopt NERC’s previously proposed revision that a time zone entry only of the affected area be included when reporting the start of an incident. In DOE’s response, DOE states the “instructions ask for respondents to fill in the time using their local time zone.” Actually, the instructions only ask that the “local time” be provided. Form OE-417 requests that the utilities’ corporate headquarters and affected area be reported. Clarification to the instructions is necessary because many utilities have scattered operations across several time zones and there may be multiple and different time zones if the affected area is not also the location of the corporate headquarters. NERC requests that DOE clarify the time zone reference.

DOE Response: Daylight savings time does not exist in all parts of the country and world. DOE believes it would be more confusing and burdensome for a respondent to report in GMT. What if the respondent does not know how many hours behind they are from GMT. They will need to look it up during an emergency or may get it wrong. We believe local time is the easiest for a respondent to use when reporting the disturbance. Converting the time places additional burden on the respondent. DOE is willing to convert the time on behalf of the respondent to reduce such burden.

Comment: Reconsider and adopt NERC’s suggestion that the Estimate of Amount of Demand Involved be revised to clearly identify what value is to be reported. The response provided by DOE to NERC’s suggestion establishes that DOE’s intent is to collect information on the maximum peak demand (Megawatts) during the reported incident. As described on the form OE-417, however it is unclear if DOE wants information on the “peak demand involved over the entire incident” (Megawatt-Hours). Based on the response provided by DOE, NERC asks that DOE revise the text for this item to clearly identify what is to be reported. NERC suggests DOE consider the following text change: Estimate of Amount of Demand Involved (Megawatts), enter the maximum amount of peak demand involved in the incident.

DOE Response: DOE will clarify the form which now says:
Estimate of Amount of Demand Involved (Megawatts) to Estimate of Amount of Demand Involved (Peak Megawatts)
The instructions will indicate that peak demand in megawatts is requested not megawatt-hours.

Response to September 5, 2008 EEI Comments

Comment: “We also asked DOE to reconsider the need for the form, in light of ongoing NERC and Federal Energy Regulatory Commission (FERC) reliability-related requirements...”

Response: As DOE stated in the OMB Clearance package, the form collects information for DOE’s energy emergency oversight function and is considered mission essential by DOE. DOE has requested that the collection be kept mandatory. The form provides information to the Secretary of Energy keeping him/her apprised of emergency incidents across the United States.

Comment: We asked DOE to defer to NERC to handle reporting of electric system disturbances, or at a minimum to coordinate closely with NERC, FERC, and the industry (which includes EEI) before renewing the form, in order to avoid collecting duplicative and inconsistent information, to minimize the reporting burden, and to conform reporting time frames to the NERC practice.

Response: As stated in the OMB Clearance package, “the responsibilities to collect, analyze, and review the impact of potential and/or actual events on the public and federal governmental polices are statutory based. This cannot be re-delegated.” In addition, the OE-417 form is used to notify DOE of an emergency incident or disturbance and is required to be filed within one hour or six hours after the criterion for an emergency has been met. The NERC disturbance report is collected for reliability and enforcement reasons, asks different questions than the OE-417, and is not due until 24 hours after a disturbance. The suggested time frame will not meet DOE’s emergency responsibilities. To reduce burden on the industry, DOE is willing to consult with NERC on the data elements collected on to the OE-417. Currently, DOE has no need for the “NERC-only” information requirements. In lieu of two forms, DOE is willing to forward information collected on the OE-417 to NERC.

Note: it is important to highlight that NERC did not call for the discontinuation of the OE-417 report during the public comment period. The comments provided by NERC focused on the need for improving clarity, accuracy, and usefulness of the form. DOE has incorporated most of those recommendations into the revised new OE-417 form.

List of Respondents and Comments to Federal Register Consultation Notice Received in Response to Federal Register Notice (73 FR 15498) Published March 24, 2008

List of Respondents That Filed Comments

Table B2. List of Commenters by Affiliation Responding to the March 24, 2008, Federal Register Notice

Number	Commenter	Affiliation
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1	North American Electric Reliability Council	Reliability organization
2	California ISO	Transmission organization
3	Edison Electric Institute	Private trade group
4	ISO/RTO Council	Industry Organization

Federal Register Consultation Notice

Categories of Comments

- I. Schedule Requirements and Timelines
- II. Changes to Reporting Criteria
- III. Optional Data Reporting
- IV. Confidentiality

Form OE-417

Specific Issues of Concern

I. Schedule Requirements and Timelines

MW Lost

Comment: To fill in line 8 of the form, respondents are instructed to submit a summarized value of all the MW lost during an incident. This value will change during an incident; thus to clarify the information being requested, the instructions should note that an integration value is to be reported. Additionally, DOE should clarify it is only looking for firm customer load.

Response: The instructions have been changed to ask respondents for the peak demand involved over the entire incident. On page 5 of the instructions under Shed Firm Load, DOE asks for “load shedding of 100 MW or greater of firm-load customers’ demand, or if firm load customers were disconnected from the bulk power system during emergency conditions.”

Generating Facilities

Comment: The definition of what a Generating Facility is needs to be clarified so that only Generating Facilities providing services to end user customers are to report.

Response: A definition of a Generating Entity (in place of a Generating Facility) has been added to the glossary. The explanation on pages 5 and 7 of the instructions of what Generating Entities should file has been changed to read “Entities who have 300 MW or more of generation dedicated to one or more end-use customers (e.g. retail or industrial customers) are required to file the form under criterion number 5.”

Vandalism

Comment: In line 12 Cause of an Incident, the explanation of vandalism on page 4 of the Instructions should be clarified by separating vandalism into “National Security Attack” and “Vandalism” and changing the instructions to: *“This is an actual or suspected attack on any part of the reporting system, whether physical or cyber, that did or may have sabotaged the system of disrupted operations and had the intent to harm the national security of the United States. If it is suspected that the motive of the attack was burglary or vandalism, please check Vandalism in line 12. If it is suspected that the motive of the attack was an intent to harm the security of the United States, please check National Security Attack in line 12.”*

Response: The three causes under Actual or Suspected Attack will remain the same. DOE does not want all vandalisms to be reported, only those which affect electric power system adequacy and reliability. The criteria for vandalism allows for DOE to issue a requirement to report vandalisms at a lower level than those just affecting electric power system adequacy and reliability. This would be done only if DOE feels that there are national security concerns which warrant the burden of additional reporting of other types of vandalisms.

Emergency Purpose

Comment: In the Instructions, the Purpose states that the criteria were selected to assure the gathering of information on “emergency” incidents at electric energy systems. The term “emergency” should be removed because criteria listed in the Form do not support this statement as emergency conditions can be associated with each criterion.

Response: The OE-417 Form is titled the **“ELECTRIC EMERGENCY INCIDENT AND DISTURBANCE REPORT”** and all criteria are set up so that DOE can monitor a wide ranging set of critical and potential electric emergency incidents and disturbances.

Added Definitions

Comment: Definitions for Transmission Operator, Regional Transmission Organization, Independent System Operator, and N-3 should be added to the glossary

Response: All definitions were added except for the N-3 criterion definition, since it has been deleted from the Form.

Matching NERC Functional Model

Comment: The references to Control Area Operator need to be changed to Balancing Authority to match the NERC Functional Model.

Response: The references to Control Area Operator have been changed to Balancing Authority.

RTOs and ISOs Added to Filing Entities

Comment: In the tabulation of entities expected to file a Form on page 5 and 7 of the instructions, a Regional Transmission Organization (RTO) and an Independent System Operator (ISO) should be added.

Response: The Instructions state how a Regional Transmission Organization and an Independent System Operator should file if a Balancing Authority is based at the RTO or ISO.

Milestones for Reporting

Comment: The Narrative instructions should request that at key milestones a reference to the number of customers affected by the incident. These milestones should be established by the reporting entity and based on the circumstances of each incident.

Response: The instructions specify that an Update Report should be filed if significant information (or changes) regarding a reported incident or disturbance becomes available after the initial Emergency Alert or Normal Alert Report was submitted.

Reporting Time Zone

Comment: On lines 5 and 6 of the form there should be an area for respondents to fill in the time zone.

Response: The instructions ask for respondents to fill in the time using their local time zone.

References to Outside Reports

Comment: The form referenced the NERC Disturbance Report and National Critical Infrastructure Protection System Form. The NERC Disturbance Report should be changed to the NERC Interconnection Reliability Operating Limit and Preliminary Disturbance Report and the National Critical Infrastructure Protection System Form is an outdated form and should be deleted

Response: The references to the NERC Disturbance Report have been changed to the NERC Interconnection Reliability Operating Limit and Preliminary Disturbance Report. The references to the National Critical Infrastructure Protection System Form have been deleted since that form no longer exists.

Ease of Completion

Comment: Standardize the fonts in the fields and lock the field size for ease of completion. An e-filing option would also help respondents better file the form

Response: DOE is continuing to investigate a way to e-file the Form and will work on making the pdf for the updated Form allow users to fill in the fields for ease of use.

Grammatical Changes

Comment: Changes to the Form and Instructions to ensure that it is grammatically correct, all lines numbers match, formats are consistent, line and page references are correct,

Response: Changes have been made based on grammatical changes suggested as well as through a review of the Form and Instructions.

II. Changes to Reporting Criteria

N-3 Criterion

Comment: A proposed change to add the criterion for an “N-3 contingency event” defined as “Three or more independent adverse system events taking place at one time” is unnecessary, poorly defined, and difficult for system operators to ascertain. Additionally, it will turn the form into a reliability planning tool

Response: This proposal for a “N-3 contingency event” which was in the Federal Register Notice 73 FR 15498 has been withdrawn and the proposed criterion will not be added.

Raise Thresholds

Comment: DOE should raise the reporting thresholds (from 50,000 customers being out of power to some significantly higher number, etc) to ensure that only large-scale events need to be reported at a federal level.

Response: DOE feels that the reporting thresholds are at the right level to balance meeting mission critical needs, supporting the various federal data users, and balancing the burden upon the respondents.

Conservation General Appeals

Comment: DOE should clarify criterion 9 so that respondents understand that reporting is only required if appeals are made to help maintain system reliability.

Response: The Instructions for Public Appeals in column 13 states that respondents should “check if public appeals to reduce the use of electricity for purposes of maintaining the continuity of the bulk electric power system were issued.”

III. Optional Data Reporting

DOE Needs to Re-evaluate the Need for the Form

Comment: DOE is encouraged to re-evaluate the need for the form.

Response: The form collects information for the energy emergency oversight function that is considered mission essential by DOE. The collection will be kept mandatory.

DOE Needs to Obtain Information Directly From NERC

Comment: DOE is encouraged to obtain information about electric system emergencies and disturbances directly from NERC, to whom system operators already report such information.

Response: The responsibilities to collect, analyze, and review the impact of potential and/or actual events on the public and federal governmental polices are statutory based. This cannot be re-delegated.

Coordinating Reporting Requirements Between NERC and DOE

Comment: DOE should review reporting practices of the Reliability Coordinators, Balancing Authorities and Transmission Operators and have DOE be included on the distribution of such reports to provide DOE additional situation awareness without DOE creating a new reporting format.

Response: DOE will work with Reliability Coordinators, Balancing Authorities and Transmission Operators to have DOE added to select emergency reports.

IV. Confidentiality

Protected

Comment: References to the reported data being held “confidential” have been replaced by “protected.” The term “protected” should be defined in accordance with federal statutes and regulations.

Response: The information and data collected are protected under both the Trade Secrets Act and the Freedom of Information Act. The terminology used to describe the protection under these Acts has been changed to “protected.” Data which are used for statistical purposes only are considered “confidential.” Data collected in the OE-417 form are used to obtain information on emergency events as well as for statistical purposes, and are therefore considered “protected.”

A.9 Payments or Gifts to Respondents

No payments or gifts are made to the respondents.

A.10 Provisions for Confidentiality of Information

All the information reported in Schedule 1 on the form will be considered “public information” and may be publicly released in company or individually identifiable form, and will not be protected from disclosure in identifiable form.

All information in Schedule 2 will be protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Department of Energy (DOE) regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905.

The Federal Energy Administration Act requires the EIA to provide company-specific data to other Federal agencies when requested for official use. The information reported on this form may also be made available, upon request, to another DOE component; to any Committee of Congress, the Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any nonstatistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

A.11 Justification for Sensitive Questions

There are no questions of a sensitive nature.

A.12 Estimate of Respondent Burden Hours and Cost

Training Assumptions:

- 3,269 Respondents – 14 U.S. reliability coordinators, 131 balancing authorities, and 3,124 regulated utilities.
- Year 1 to 3 – 1 hour refresher training (since there have been no significant changes to the form) per BA/RC and utility respondent; 3,269 hours over each year.
- Total training time per year – 3,269 hours

Reporting Assumptions:

- 300 Reports per year – Over the past three years the most number of different reports received in a year was 158 in 2006., The burden assumed in 2005 OMB submission was 400 reports annually. Based on the level of actual reporting seen but understanding that filing the OE-417 Form is a NERC requirement the burden has been calculated at 300 reports annually.
- Schedule 1 - 300 reports x 5 minutes = 1,500 minutes or 25 hrs
- Schedule 2 - 300 reports x 2 hours = 600 hours
- Schedule 2 Follow-up (additional follow-up for significant reports) – 25 respondents; 25 reports x 1 hour = 25 hours
- Annual total for actual responses = 650 hours per year

- Notifications to DOE about suspected or actual criminal actions (cyber attacks, threats, vandalism) are not considered accountable burden events. DOE has general and specific obligations for national security and law enforcement actions/support under various Presidential Directives, memorandum of agreements and inter-agency understandings.

Using the above estimates, the average estimated annual burden with training estimates, per year, is estimated to be 3,919 hours annually $((3,269 + 650) = 3,919)$.

The estimated annual cost to the respondents of the reporting burden is estimated to be \$242,978. An average cost per hour of \$62 is used because that is the average loaded (salary plus benefits) cost for a DOE employee. DOE assumes that the survey respondent workforce completing Form OE-417 is comparable with the DOE workforce.

A.13 Annual Reporting and Record Keeping - Cost

There are no capital and start-up cost components or operations and maintenance associated with this data collection. The information is maintained in the normal course of business. Therefore, other than the cost of burden hours, there are no additional costs for generating, maintaining, and providing the information.

A.14 Annual Cost to the Federal Government

The annual costs, including personnel, for development/maintenance, collection, processing, analysis, and publication are estimated to be approximately \$48,000 annually.

A.15 Changes in Burden

The total burden has decreased by 421 hours since the 2005 submission. There are fewer respondents and the time estimated for training has been reduced from 2 hours to 1 hour for the BA's, RC's and "other" since the form has not significantly changed. Therefore, The total training time dropped by 213 hours. Also, the estimated number of reports has been dropped from 400 to 300 annually and the number of responses for Schedule 1 and 2 dropped by 208 hours, giving a total of a 421 hour decrease.

A.16 Collection, Tabulation, and Publication Plans

Table 1. Proposed Electric Power Data Collection by Schedule

Form	Mailing Date	Form Due Date	Elements Collected
OE-417, Schedule 1	Per critical incident	1 hour after incident	Emergency alert check-off
OE-417 Schedule 1	Per other types of incidents	6 hour after incident	Normal alert check-off
OE-417 Schedule 1	As changes to critical	After initial submission of	Update check-off

Form	Mailing Date	Form Due Date	Elements Collected
	information become available	Schedule 1 as necessary	
OE-417, Schedule 1 and 2	Per incident	48 hours after incident	Final report check off and Narrative details - more detailed estimates of impact and any attachments

Table 2. Publication Plans

Form	Elements Published
OE-417, Schedule 1	The elements to be published in the <i>Electric Power Monthly</i> are: geographical location by State, company name, amount of demand (load) lost, count of customers affected, time and date of incident, length of incident until restoration (amount of time), and type of emergency.

A.17 OMB Number and Expiration Date

The OMB number and expiration date will be displayed on the form.

A.18 Certification Statement

OE-417 meets all certification requirements of the "Certification for Paperwork Reduction Act Submissions," of OMB Form 831.

COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

B.1 Respondent Universe

This survey covers the entire universe of entities responsible for electrical operations and security oversight. The respondent universe is all electric utilities with those that are certified (by NERC) as Balancing Authorities and Reliability Coordinators designated as the primary filer.

Respondents submit their information to the DOE Watch Office. There are 131 balancing authorities, plus 14 U.S. reliability coordinators centers in the contiguous United States. There are 3,124 utilities in the 50 States, and the U.S. Virgin Islands, Puerto Rico, American Samoa, and Guam that could report. Most will not have any need during the calendar year to file a report covering normal electrical outage events. Cyber attacks and other physical threat actions or attempts could happen at a rate higher than electrical operational problems. These events represent law enforcement and national security issues. Getting a notification represents an achievement of an important policy objective for the Federal Government.

For those electric utilities located in the United States, but for whom control area oversight responsibilities are handled by electrical systems located across an international border, those U.S.-based utilities will be required to file the Form OE-417. A foreign utility handling U.S. control area responsibilities, may wish to file this information voluntarily to the DOE. Any U.S. based utility in this international situation needs to inform DOE that these filings will come from a foreign-based electric system.

B.2 Statistical Methodology

There is no methodology applied. All incidents meeting the threshold requirements must be reported.

B.3 Methods to Maximize Response Rates

All potential reporting entities will be sent letters notifying them of their reporting responsibilities. In addition, DOE will make telephone calls to the entities if it learns of an incident or disturbance that an entity has not yet reported. If no response occurs, correspondence is sent from the DOE to high level management officials in the respondent entity requesting submission of the appropriate information.

B.4 Tests of Procedures

DOE has talked with NERC and other respondents about the redevelopment of the OE-417. Their comments have been considered in the design of the form submitted for approval.

B.5 Additional Information

For additional information concerning OE-417, please contact Alice Lippert at (202) 586-9600 or at alice.lippert@hq.doe.gov. For information concerning this request for OMB approval, please contact the Agency Clearance Officer, Grace Sutherland, at 202-586-6264 or at grace.sutherland@eia.doe.gov.