

**Supporting Statement:  
U.S. Department of Energy  
Annual Alternative Fuel Vehicle Acquisition Report  
for State Government and Alternative Fuel Provider Fleets  
OMB Control Number 1910-5101**

This supporting statement provides additional information regarding the U.S. Department of Energy's (DOE) request for processing of the proposed information collection, Annual Alternative Fuel Vehicle Acquisition Report for State Government and Alternative Fuel Provider Fleets. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

**A. Justification**

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

The U.S. Department of Energy (DOE)'s Office of Energy Efficiency and Renewable Energy operate a statutorily-mandated regulatory compliance program through its Office of Vehicle Technologies. The Program is referred to as the State and Alternative Fuel Provider Fleet Program. Under this Program, regulated fleets are required to comply with specific statutory mandates, as set forth in the Energy Policy Act of 1992 (EPAct), as amended by the Energy Policy Act of 2005, DOE is required to review, assess, and make compliance determinations based upon submitted information. Initial requirements for fleets and DOE began in vehicle Model Year 1997, as did associated information collection requirements. Thus the regulated fleets are familiar with the reporting requirements outlined below.

Regulated fleets are defined under EPAct to include certain State agency fleets and other alternative fuel provider (e.g., electric utility) fleets that meet specific fleet size and vehicle use threshold requirements.

Regulated fleets have two options for complying with the EPAct-mandated requirements. They must comply via:

1. Standard Compliance: Acquire a statutorily-mandated percentage of alternative fuel vehicles (AFVs) (e.g., E85 flex fuel vehicles, CNG-powered vehicles, fuel cell vehicles, etc.) in each year; OR
2. Alternative Compliance: They may apply to DOE for a waiver from this just mentioned vehicle acquisition requirement. Under this waiver, the fleet will develop a plan by which it will reduce a statutorily-mandated amount of petroleum fuel that the fleet uses in that year.

The ICR is critical to this Program. Fleets under this Program will submit the following under this ICR:

1. Annual Reports under Standard Compliance due by December 31, each year.
2. Intent to Apply for a Waiver for Alternative Compliance due by March 31, each year.
3. Alternative Compliance Waiver applications, due by July 31, each year.
4. Alternative Compliance Annual Reports due by December 31, each year.

Thus, this is a continuing reporting requirement, specifically authorized by statute. DOE does not have the authority to waive any of these reporting requirements. **The critical/emergency nature** of this request is directly related to the Alternative Compliance Waiver applications for vehicle Model Year 2010, which participating fleets must submit by July 31, 2009.

Recordkeeping and reporting requirements are critical to DOE because they allow DOE to determine: (1) whether alternative fuel providers and State governments are in compliance with the alternative fueled vehicle (AFV) acquisition mandates set forth in Sections 501 and 507(o) of the Energy Policy Act of 1992 (EPAAct), 42 U.S.C. §§ 13251, 13257(o); (2) whether alternative fuel provider and State government fleets should be allocated credits under Section 508 of EPAAct, 42 U.S.C. § 13258; and (3) whether alternative fuel provider and State government fleets that opted to waive into the alternative compliance program under Section 514 of EPAAct, 42 U.S.C. § 13263a, are in compliance with the applicable requirements. The implementing regulations for these statutory provisions appear at 10 C.F.R. Part 490. Because DOE has the authority under Section 512 of EPAAct, 42 U.S.C. § 13262, to impose civil penalties and fines on those who violate the aforementioned statutory and regulatory provisions, information collection is necessary to determine whether alternative fuel provider and State government fleets are in compliance with these provisions.

Moreover, extending this collection will allow the Program to accept the completed Alternative Compliance Waiver applications regulated entities are submitting, referenced above, and which are due by July 31, 2009. The collection is critical to allowing DOE and the regulated entities to fulfill their statutorily mandated obligations set forth in EPAAct as well as the implementing regulations set forth at 10 C.F.R. Part 490. The current ICR must be effective at the time of that waiver application deadline, particularly given that DOE is strongly encouraging fleets to pursue AC, and significantly, that fleets may submit applications by July 31, 2009, for DOE to review and assess.

**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 DOE Office of Energy Efficiency and Renewable Energy has used the information to determine compliance with the AFV-acquisition mandates, manage the allocation and recording of AFV credits, and verify compliance with the requirements of the alternative compliance program. The information collected is reviewed to ensure accuracy in terms of information reported, and the information reported is compared with the regulatory requirements to determine compliance. If this information is not collected, DOE will have no way of

determining whether alternative fuel provider and State fleets are complying with the regulations and whether credits should be allocated to these fleets.

**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.**

With the exception of the alternative compliance program, the information is reported to a relational database (Oracle), which is accessible via the Internet and modem. Data also can be submitted by computer disk or by faxing directly to the database. The database is password protected. Reporting via Internet and modem reduces the respondents' burden by allowing similar data to be entered with minimal changes on a computer form, instead of duplicating the majority of data on paper forms.

With regard to alternative compliance, the submittal and collection of information is by written or hard copy only and thus does not involve technological collection techniques.

**4. Describe efforts to identify duplication.**

There is no duplication and this collection of information is specific to DOE. The information in this collection enables DOE to verify compliance with the applicable regulations on a fleet-by-fleet basis.

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

No small businesses are expected to have to provide information as a result of this collection. Organizations and entities required to report information are alternative fuel providers and State entities that own at least 50 light duty motor vehicles nationwide, an attribute that small businesses are unlikely to have.

**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.**

The frequency of collection is dictated by EPAct, which mandates that AFVs be acquired or that alternative compliance be assessed over an annual time period. If the information collection is not conducted or is conducted less frequently, DOE would have no means to allow fleets the flexibility of complying with the Program under Standard Compliance or Alternative Compliance. More significantly, the ICR is critical to the Program because in the absence of the requested information collection, DOE would have no means carry out its statutorily-mandated responsibility to assess compliance with the Program and/or identify violations and appropriate sanctions/penalties.

Fleets under this Program will submit the following under this ICR:

1. Annual Reports under Standard Compliance due by December 31, each year.
2. Intent to Apply for a Waiver for Alternative Compliance due by March 31, each year.
3. Alternative Compliance Waiver applications, due by July 31, each year.
4. Alternative Compliance Annual Reports due by December 31, each year.

As statutorily-mandated reporting requirements, DOE does not have the authority to waive any of these reporting requirements. **The critical/emergency nature** of this request is directly related to the Alternative Compliance Waiver applications for vehicle Model Year 2010, which participating fleets must submit by July 31, 2009.

Recordkeeping and reporting requirements are critical to DOE because they allow DOE to determine: (1) whether alternative fuel providers and State governments are in compliance with the alternative fueled vehicle (AFV) acquisition mandates set forth in Sections 501 and 507(o) of the Energy Policy Act of 1992 (EPAAct), 42 U.S.C. §§ 13251, 13257(o); (2) whether alternative fuel provider and State government fleets should be allocated credits under Section 508 of EPAAct, 42 U.S.C. § 13258; and (3) whether alternative fuel provider and State government fleets that opted to waive into the alternative compliance program under Section 514 of EPAAct, 42 U.S.C. § 13263a, are in compliance with the applicable requirements. The implementing regulations for these statutory provisions appear at 10 C.F.R. Part 490. Because DOE has the authority under Section 512 of EPAAct, 42 U.S.C. § 13262, to impose civil penalties and fines on those who violate the aforementioned statutory and regulatory provisions, information collection is necessary to determine whether alternative fuel provider and State government fleets are in compliance with these provisions.

The collection is critical to allowing DOE and the regulated entities to fulfill their statutorily mandated obligations set forth in EPAAct as well as the implementing regulations set forth at 10 C.F.R. Part 490. The current ICR must be effective at the time of that waiver application deadline, particularly given that DOE is strongly encouraging fleets to pursue AC, and significantly, that fleets may submit applications by July 31, 2009, for DOE to review and assess.

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

**demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The information collection is consistent with OMB guidelines.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.**

The Department has requested an emergency waiver of the 60-day Federal Register Notice and Request for Comments concerning this collection.

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

There is no remuneration given for submission of any of the information other than the fact that the expense of responding is treated as an allowable cost.

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

DOE does not share fleet-specific compliance data with outside sources other than in response to a Freedom of Information Act request, and even then DOE takes precautions to respect the potential confidentiality of important data. DOE's attention to potential confidentiality concerns usually arises not with regard to information submitted but rather with regard to the compliance status of fleets, which is based on the information provided and DOE's analysis of that data. Most often, requests for data pertain to broader program figures for classes of entities regulated under the Alternative Fuel Transportation Program.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information., the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

There are no collections in this package that involve questions of a sensitive, personal, or private nature.

**12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.**

The estimate of burden hours for this information collection is as follows:

Total number of unduplicated respondents: 303

Reports filed per person: 1.052

Total annual responses: 319

Total annual burden hours: 1,651

Average Burden:

Per Collection: 5.175 hours

Per Applicant: 5.175 hours

The estimate of annual cost for the information collection WILL BE ZERO.

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

There are no additional costs to respondents other than the burden hours for reporting and recordkeeping.

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

There are no additional costs to the Federal government.

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

The program change reported in Item 13 of OMB Form 83-I reflects the information collection requirements associated with the March 20, 2007, final rule on alternative compliance, while the adjustment reflects a reduction in the total number of respondents (from 317 to 303 covered reporting entities).

We have determined that a burden hour adjustment of 1,651 hours should be made as follows:

OMB Inventory	1,585
Adjustments	66
Total	<u>1,651</u>

TOTAL 1910-5101 1,651 burden hours and 303 respondents.

The increased burden hours, 66 hours in total, is directly related to the collection, review, and assessment of materials submitted in application for a waiver from Standard Compliance, to operate under Alternative Compliance. These materials contain more information and are more detailed than those related to Standard Compliance, and thus require more detailed review.

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

For the past several years, the Office of Vehicle Technologies has published an annual report summarizing key highlights from the previous model year's data. This information is general in nature and does not identify particular reporting entities. Data collected from the reporting forms also appears in the EAct Section 501 Report, which was submitted to Congress. This information, too, is general in nature and does not identify any reporting entities by name. The EAct Section 501 Report was combined with a report required by Section 704 of the Energy Policy Act of 2005, which relates to the implementation of the EAct fleet programs.

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

DOE is not seeking approval to display the expiration date for OMB. Expiration date display is not inappropriate.

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

There are no exceptions to the certification statement on OMB Form 83-I.