

**Supporting Statement:
Department of Energy
Financial Assistance
OMB Control Number 1910-0400**

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the proposed information collection, Financial Assistance. 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.**

This package requests approval of the existing of collection, Financial Assistance under OMB Control Number 1910-0400 for an additional three year period. The authority and requirements for this collection is the Department of Energy Assistance Regulations 10 CFR 600 and the Department of Energy Organization Act, Public Law 95-91. The Act assigns the Secretary of Energy the executive direction and management functions, authority, and responsibilities for the Department. The 10 CFR 600 implements the Federal Grant and Cooperative Agreement Act, Public Law 95-224, as amended by Public Law 97-258 (31 U.S.C. 6301-6308), and establishes uniform policies and procedures for the award and administration of DOE grants and cooperative agreements.

The basic authority for these collections is the statute establishing the Department of Energy, i.e., the Department of Energy Organization Act (42 U.S.C. 7254) which vests the Secretary of Energy with the executive direction and management functions, authority and responsibilities for the Department, including financial assistance management. The provisions of 42 U.S.C. 7254 state that "the Secretary is authorized to prescribe such procedural and administrative rules as he may deem necessary or appropriate to administer and manage the functions now or hereinafter vested in him; and 42 U.S.C. 7256(a) says "the Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriate to carry out functions now or hereafter vested in the Secretary." It should be noted that the costs incurred by DOE financial assistance recipients in providing information are recovered in their reimbursement of expenses. In this sense, they differ from information collections imposed on the general public for which no cost reimbursement is provided.

The increased burden estimate of 586,230 is due to the American Recovery and Reinvestment Act funding (ARRA) of 2009 received by the DOE. Typically, DOE's annual budget is \$5 billion with DOE receiving approximately 7,000 applications a year and making

over 1,500 awards per year. However, as a result of the ARRA funding, DOE will be using approximately \$24 billion of the \$39 billion the Department received for financial assistance awards. As a result, the burdens have dramatically increased as there will be a dramatic increase in awards.

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 obtained from DOE financial assistance recipients including state, local and tribal governments, universities, non-profit and for-profit companies, is used by DOE Contracting Officers, Contract Specialists, and Program Managers to oversee and manage the grant and cooperative agreement awards. To adequately accomplish this function, certain basic management and program-type information must be collected from financial assistance recipients. Information is obtained electronically through approved systems, such as Grants.gov. The aforementioned individuals need this information to determine merit of the applications, negotiate awards, and ensure the recipient is performing properly and spending funds in accordance with the agreement.

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.

The Department allows the electronic submission of all its reports. Within existing budget and resource constraints, Department program managers and awardees continually work to apply the latest information technology (hardware and software) to reduce the information collection burden and improve the timeliness and usefulness of the management information being collected. This includes automation of previously manual processes where appropriate.

4. Describe efforts to identify duplication.

Since the collections contained in this package primarily apply to financial assistance management in DOE meaningful duplication of these collections in other agencies is unlikely.

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

The impact of the collection of information to small businesses are considered in the development of the financial assistance requirements and documents and is minimized to the extent permitted by applicable statutory requirements and other legal and management constraints.

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 collection doesn't occur, DOE will be in non compliance with the Department of Energy Organization Act, Public Law 95-91 and the provision of 42 USC 7254, which vest the Secretary of Energy with the executive direction and management functions, authority and responsibilities including financial assistance management. The Secretary is authorized to prescribe procedural and administrative rules appropriate to administer and manage said functions.

If the collection is conducted less frequently, the Department would be unable to determine merit of the applications, negotiate awards, and ensure the recipient is performing properly and spending funds in accordance with the agreement.

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.

There are none. The package 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 initially published a 60-day Federal Register Notice and Request for Comments concerning this collection in the Federal Register published on March 13, 2009 (Volume 14, Number 48), on Page 10902. A 30-day Federal Register Notice and Request for Comments was published on June 8, 2009 (Volume 74, Number 108, page 27128. No comments were received on either Federal Register Notice.

As part of this emergency request, a 14-day Federal Register Notice and Request for Comments was published on August 17, 2009 (Volume 74, Number 157), on Page 41411. This Federal Register Notice included the ARRA burden and no comments were received from the public.

These information collections differ from collections placed on the general public in that they are placed on DOE financial assistance recipients and are set forth in the financial assistance award documents.

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 in this collection.

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

Where confidential information is involved in an information collection the provisions for dealing with this confidential information are set forth in the award documents and the related Departmental regulations and are normal to the handling of management and program information by the Department. Generally, no confidential information is collected.

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.

No such sensitive questions are present, neither intended nor otherwise anticipated in this collection.

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 estimated burden, expressed in burden hours, is the sum of the burden reported by Departmental elements and Field organizations as compiled from their respective recipients or estimated by expert personnel familiar with these collections. Computations are based on the number of respondents multiplied by the annual reporting frequency times the hours per each response. Annual recordkeeping burden is determined by multiplying the number of recordkeepers by the estimated hours per recordkeeper used to maintain the records on an annual basis.

The burden estimate was based on actuals from previous years and estimates for ARRA activities. DOE receives approximately 7000 applications a year and makes over 1,500 awards per year. Most awards are for periods of 3 to 5 years. Approximately \$2.5 billion per year is obligated to financial assistance awards each year with \$1 billion of that going to new awards. Each award generally requires quarterly reporting.

For ARRA, DOE will be using approximately \$24 billion of the \$39 billion the Department received for financial assistance awards. To obligate these dollars, it has been estimated that DOE will receive 25,000 applications and 4,000 awards just for ARRA awards in FY 2009 and FY 2010 on 60 funding opportunities. It is anticipated that there will be no applications for ARRA activities in 2011, just regular quarterly reporting requirements.

The number of unduplicated respondents below is considered to be slightly lower than the estimated annual numbers above as numerous states, local governments, universities and others submit multiple applications and receive more than one award.

Please note that calculations have been rounded to the nearest whole number.

Using these calculations, the annual burden of this package is as follows:

Total number of unduplicated respondents: **14,804**

Reports filed per person: **4**

Total annual responses: **59,215**

Total annual burden hours: **926,022**

Average Burden Per Collection: **16**

Per Applicants: **63**

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 costs for the respondents in the collection of this data.

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

Not applicable. Zero cost 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.

This package contains an increased burden hour estimate from that reflected in the current Office of Management and Budget inventory. The increased burden estimate is due to the American Recovery and Reinvestment Act funding (ARRA) of 2009 received by the DOE. Typically, DOE's annual budget is \$5 billion with DOE receiving approximately 7,000 applications a year and making over 1,500 awards per year. However, as a result of the ARRA funding, DOE will be using approximately \$24 billion of the \$39 billion the Department received for financial assistance awards. As a result, the burden's have dramatically increased as there will be a dramatic increase in awards.

To obligate these dollars, it has been estimated that DOE will receive 25,000 applications and 4,000 awards just for ARRA awards in FY 2009 and FY 2010 on 60 funding opportunities. For example, on just 5 funding opportunities that have closed, over 7,000 applications have been received and will result in nearly 2,700 awards, the majority of which will receive ARRA dollars. It is anticipated that there will be no applications for ARRA activities in 2011, just regular quarterly reporting requirements. Please note that DOE will issue at least 55 more funding opportunity announcements.

Averaging these numbers out over the 3 year period for this collection equates to 15,333 applications and 2,833 awards per year for the annual burden estimate.

From these numbers, it is quite easy to see how the burden for this collection jumped so dramatically. Early estimates for ARRA were 10,000 awards for possibly 50,000 or more applications. As programs were approved the estimates have been refined.

Since 2006 various forms have been eliminated from the information forms burden resulting in a 31,118 burden decrease. The forms included, but were not limited to, Forms Real and Personal Property Use and Disposition, Federal or Other; Federal Assistance Budget Information Non-Construction State, Local, Tribal Government; and Status of Federal Funds Report.

Application information unique to ARRA includes job impact data. In estimating the number of jobs created and/or preserved, applicants must use the Council of Economic Advisors (CEA) Guidance to Agencies on Estimating Job-Years from Government Spending, in Estimates of Job Creation from the American Recovery and Reinvestment Act of 2009 (available at: http://www.whitehouse.gov/assets/documents/Estimate_of_Job_Creation.pdf). Please note that, distinct from this CEA estimate, grant recipients must report actual job creation and/or preservation impact according to the Office of Management and Budget (OMB) Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009 (available at: http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf).

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

Not applicable. This package contains no collections whose results will be published for statistical use.

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.

Not applicable. This collection is not seeking approval to not display the expiration date for OMB approval of this information.

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

The Department is not requesting any exceptions to the certification statement provided in Item 19 of OMB Form 83-I.