

United States Department of Energy
Supporting Statement
OMB Number xxx-xxx
Small Refinery Exemption Study

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the emergency proposed information collection for the Small Refinery Exemption Study. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

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

Section 211(o)(9)(A)(ii) of the Clean Air Act, as amended by the Energy Policy Act of 2005 (EPACT 2005), requires that the Department of Energy (DOE) conduct a study for the Administrator of the Environmental Protection Agency (EPA) assessing whether the renewable fuel standard (RFS) would impose a "disproportionate economic hardship" on small refineries, defined as those facilities with capacities under 75,000 BBLs/ calendar day. Based on the results of the study, EPA may be obligated to extend the RFS exemption to small refineries for at least two additional years beyond its current expiration date of 2010.

On February 24, 2009, the Department transmitted its study with recommendations to EPA. The Senate Report (Senate Report 111- 45) accompanying the FY2010 Energy and Water Development Appropriations Bill included language directing DOE to re-open the study and re-visit the issue in greater detail, completing the revised study by June 30, 2010. The FY2010 Energy and Water Development Appropriations Conference Report (House Report 111-278) included language supporting the Senate Appropriation report request. Specifically, the Committee requested:

" ... [the] Department is specifically directed to seek and invite comment from small refineries on the RFS exemption hardship question, assess RFS compliance impacts on small refinery utilization rates and profitability, evaluate the financial health and ability of small refineries to meet RFS requirements, study small refinery impacts and regional dynamics by PADD, and reassess the accuracy of small refinery compliance costs through the purchase of renewable fuel credits."

Such a study will require refinery-specific information in order to make a determination of “disproportionate economic hardship”.

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.

Information from this survey will be used to assess “disproportionate economic hardship” on a refinery-by-refinery basis by identifying the impacts of compliance on utilization, product slate, and profitability of small refineries. The information is stored in DOE files or in the agency’s computers.

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.

DOE has requested that surveys be submitted in an electronic format such as an Excel spreadsheet. A secure transmission option will be available should the participant request it.

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.

Refineries already report data to the Energy Information Administration (EIA) through various recurring forms, including EI-800, “Weekly Refinery and Fractionator Report”, EI-810 “Monthly Refinery Report” and the EI-820 “Annual Refinery Report”. This survey will not duplicate the EIA data are reported, but rather will include market and financial items not currently collected by EIA.

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

The purpose of this study is to evaluate the potential for regulatory relief for small refineries, many of whom are small businesses. The survey will be one time only. Questions will be limited to those necessary to evaluate “disproportionate economic hardship”. The survey form will contain embedded logic to highlight data entry errors and inconsistent responses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information is not collected, DOE will not be able to conduct the analysis of the impact of compliance with the RFS on small refineries with the detail requested by Congress in the FY2010 Committee Report.

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 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.

This is an emergency; therefore, a waiver from the requirement of publishing a 60-day and 30-day Federal Register notice is requested.

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

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

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

The data reported on this form 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 DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905. The information reported on this form may also be made available, upon request, to another component of the Department of Energy (DOE) or other Federal agencies authorized by law to receive such information. The information may be used for any nonstatistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

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

No questions of a personally sensitive nature, such as sexual behavior and attitudes, religious beliefs included in this information collection. The information collected is of a financial nature.

12. Provide estimates of the hour burden of the collection of information.

The estimate of hour burden of the information collection is as follows:

Total number of unduplicated respondents: 50

Reports filed per person: 1

Total annual responses: The responses are one-time only responses. The estimated total of one-time only responses is 50

Total annual burden hours: 750

Average Burden	Per Collection: 15
	Per Refinery: 15

The public reporting burden for the collection of information is estimated to average 15 hours per response. The respondents are small refineries seeking input into a study evaluating disproportionate economic harm if they complied with the renewable fuel mandates of the RFS2.

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

No costs are known to be associated with this collection.

14. Provide estimates of annualized costs 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 the OMB Form 83-I.

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

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

The purpose of this collection is to obtain supporting information for a study that will examine the economic impact of compliance with the RFS program on small refineries. This package contains no collection 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 that display would be inappropriate.

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

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

Not applicable. There are no exceptions to the certification statement.