

United States Department of Energy
Supporting Statement
OMB Number xxx-xxx

This supporting statement provides additional information regarding the Department of Energy (DOE) request for processing of the emergency proposed information collection, on behalf of the Office of Weatherization and Intergovernmental Programs (OWIP).

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.

Under the Recovery Act, OWIP is deploying billions of dollars and piloting numerous program structures and business models for delivering retrofits to existing buildings. These activities include:

- \$5 billion for the Weatherization Assistance Program (WAP) to retrofit low income homes distributed via 58 states and territories to 984 community action agencies;
- \$3.2 billion in Energy Efficiency and Conservation Block Grants (EECBG) distributed via over 2,350 state and local governments to implement energy efficiency and renewable energy projects including residential and commercial retrofit projects;
- \$3.1 billion distributed to 56 State Energy Program (SEP) recipients to implement energy efficiency and renewable energy projects including residential and commercial retrofit projects

It is DOE's responsibility to comply with Section 106 of the National Historic Preservation Act (NHPA). Prior to the expenditure of project funds to alter any historic structure or site, WAP, SEP, and EECBG recipients are required to follow Section 106 of the NHPA, consistent with DOE's 2009 letter of delegation of authority regarding the NHPA. Section 106 applies to historic properties that are listed in or eligible for listing in the National Register of Historic Places.

The recipient (or subrecipient) is required to retain sufficient documentation to demonstrate that the recipient (or subrecipient) has received required approval(s) from the SHPO or THPO for the Project. Recipients or subrecipients shall avoid taking any action that results in an adverse effect to historic properties pending compliance with Section 106.. The recipient or subrecipient shall make this documentation available to DOE on DOE's request (for example, during a post-award audit). Recipient will be required to report annually on the disposition of all historic preservation consultations by category. This reporting requirement on NHPA compliance is the basis for this information collection request. These data points are not collected by most SHPOs. Information collected by the SHPOs does not sufficiently correlate with the information sought by DOE. Furthermore, DOE does not have any authority to gather information from the SHPOs. They are independent political subdivisions of state governments. DOE needs the information requested

to meet its obligations under the National Historic Preservation Act and can only legally attain this information from its recipients.

The authority for the data collections are provided by the following provisions:

Title IV, Energy Conservation and Production Act, as amended, authorizes the Department of Energy (DOE) to administer the WAP. All grant awards made under this Program shall comply with applicable law including regulations contained in 10 C.F.R. Part 440 (issued February 1, 2002), the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, the American Recovery and Reinvestment Act of 2009 and other procedures as DOE may, from time-to-time, prescribe for the administration of financial assistance.

DOE is authorized to administer the SEP under the Energy Policy and Conservation Act of 1975, the State Energy Efficiency Programs Improvement Act of 1990, and American Recovery and Reinvestment Act of 2009 and other procedures as DOE may, from time-to-time, prescribe for the administration of financial assistance.

DOE is authorized to administer the EECBG under the Energy Independence and Securities Act of 2007, the American Recovery and Reinvestment Act of 2009 and other procedures as DOE may, from time-to-time, prescribe for the administration of financial assistance.

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.

This information will be used by DOE to verify that WAP, SEP, and EECBG recipients are following Section 106 of the National Historic Preservation Act to ensure that DOE is compliant with Section 106.

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.

The collection of the information has been standardized to provide database collection and retrieval of program information through Performance and Accountability for Grants in Energy (PAGE). PAGE is an EECBG program specific system that interfaces with DOE financial systems, the EERE Project Management Center, DOE Headquarters and state and local grantees. Electronic submission of reports will result in greater efficiency, timely reporting and a reduced paperwork burden for grantees and DOE program staff.

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.

This request does not duplicate other efforts. DOE currently does not require any recipient reporting on NHPA compliance.

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.

Small businesses are not impacted by these requirements. Small local governments and tribal entities are subject to the reporting requirements. While the web-based system should not pose a problem for the local governments, certain tribal entities may have technical difficulties. DOE will provide technical assistance to these tribal entities and has worked closely with their tribal councils and the Bureau of Indian Affairs to ensure that they can comply and will not be penalized for delays due to any technical difficulties they experience.

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.

Compliance with Section 106 of the NHPA is a prerequisite of the retrofit of historic structures or sites. Inability to collect information verifying DOE's compliance on at least an annual basis will slow and likely stop retrofit of relevant structures and potentially all structures retrofit under WAP, SEP, and EECBG.

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

Requiring respondents to report information more frequently than quarterly.

None.

Requiring written response in less than 30 days.

None.

Requiring more than an original and two copies.

None.

Requiring respondents to retain records for more than 3 years.

None.

Utilizing statistical sampling.

None.

Requiring the use of statistical sampling which has not been reviewed and approved by OMB.

None.

Requiring a pledge of confidentiality.

There are no such requirements.

Requiring submission of proprietary trade secrets.

None

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.

On September 23, 2010, the Proposed Agency Information Collection on Historic Preservation was published in the Federal Register at 75 Fed.Reg. 57910.

The Department received four (4) public comments, which are summarized as follows:

- The Department estimated the amount of time required to complete the proposed reporting requirements and could interfere with recipient's abilities to efficiently function as it would be an additional level of work and reporting;
- The proposed collection and the report it would generate is not necessary to Federal agency performance and is unlikely to have any practical utility;
- The Department did not consider the unreasonable burdens this additional request will place on state and local governments and local community action agencies associated with other massive ARRA-related filing requirements; and
- The Department should reconsider its extra reporting requirements and rely on the information obtained in recipient quarterly reports and compliance reviews completed the Department in addition to the monitoring duties of the state or local entity.

The Department has reviewed these comments. When preparing the request, the Department took into consideration the additional burden the request would place on recipients; however, because this is a mandatory reporting requirement there is no way to eliminate this encumbrance. The Department and ACHP heavily negotiated a prototype programmatic agreement (PA) for states to use that significantly reduced the SHPOs and recipients work load for complying with Section 106 of the National Historic Preservation Act by allowing certain activities to be exempt from a full Section 106 Review. In order for ACHP to consent to the use of the prototype PA, ACHP required DOE to report on how DOE was compliant with Section 106. DOE needs to collect certain information from recipients to ensure its compliance with the National Historic Preservation Act and assure ACHP that the PA is being properly implemented. Therefore, since the recipients are allowed to use the time saving PAs, they will have to provide information to DOE. For the states without a PA, a simple yes/no question is asked on whether they have a PA and whether they are otherwise compliant with Section 106. The additional information is only asked from states with the PA.

Originally, the list of questions for historic preservation reporting was more extensive. DOE has tried to cut this down and limit the information to what is necessary. DOE and ACHP are willing to remove question 2c and 3b from the reporting form. DOE believes that this deletion will further reduce any duplication that may occur. The PA specifically states "DOE will submit annual reports to ACHP and NCSHPO commencing October 15, 2010 summarizing the Programs' undertakings, to include data on number of undertakings, the number of exempt undertakings, and reviews conducted under this PA." The four questions asked are the minimum to fulfill DOE's agreement with ACHP.

Additionally, the Department has taken the following action:

- The Department has revised the amount hour burden to reflect a more accurate hour burden estimate.

WAP recipients:	2 hrs
SEP recipients:	4 hrs
EECBG recipients:	2 hrs

A further breakdown of this revision is outlined in Question 12.

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

None.

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

No identifiable confidential information is being requested.

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 sensitive, personal or private nature are being asked.

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

Recipient burden

Recipients will be required to report annually on NHPA compliance. The report will consist of a one-page checklist completed in PAGE. It is estimated that WAP, SEP, and EECBG recipients will spend an hour preparing and completing each report.

WAP recipients:	58
SEP recipients:	56
<u>EECBG recipients:</u>	<u>2359</u>
Total respondents:	2473

WAP recipients:	58 recipients x 2 hour/report x 1 report/year = 116 hours annually
SEP recipients:	56 recipients x 4 hour/report x 1 report/year = 224 hours annually
EECBG recipients:	2359 recipients x 2 hour/report x 1 report/year = 4718 hours annually

Total Burden: 2473 recipients x 1 report/year = 5058 hours annually

Federal burden

The estimated time required for DOE Project Management Center (FMC) staff to review each annual report is five minutes.

Burden: 2473 x 0.083 hour/report x 12 months = 206 hours annually

Reporting burden summary:

(1) recipient burden =	5,058 hours
(2) federal burden =	206 hours
TOTAL	5264 hours annually

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).

There is no additional cost burden associated with this collection.

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

There is no additional cost burden associated with this collection.

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

Not applicable

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information collected is not intended to be published at this time. No complex analytical techniques will be employed.

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.