

INFORMATION COLLECTION SUPPORTING STATEMENT

Informal DoD Review of Energy Projects

OMB Control Number-XXXX

**1. Explain the circumstances that make the collection of information necessary.
Identify any legal or administrative requirements that necessitate the collection.**

Subsection 358(c)(3) of Public Law 111-383 requires the Department of Defense (DoD) to establish procedures “for the coordinated consideration of and response to a request for a review received from State and local officials or the developer of a renewable energy development or other energy project.”

The DoD implements the foregoing requirement by providing in 32 CFR Part 211 (§ 211.7) provisions for the informal review of a proposed project. In order to initiate such a review, the requester is required to identify the geographic location of the project, including its latitude and longitude, and describe the nature of the project. Requesters are also encouraged to provide as much additional information as is available. Although the submission of such information is required in order to allow the DoD to conduct a review, State and local officials, and energy project developers are under no obligation to request informal reviews of proposed projects.

2. Indicate how, by whom, and for what purpose the information is to be used.

The DoD uses the information collected to determine the effect the proposed project would have on military operations and readiness, air navigation by analyzing the physical and/or electromagnetic effect that the structure would have on air navigation procedures and air navigation and /or communication facilities. The following factors are considered:

- The impact on long-range radars and homeland defense.
- The impact on military test and evaluation operations.
- The impact on military training activities.

Without collection of this information, DoD will be unable to adequately assess the impact of proposed projects. Therefore, the DoD will not be in a position to provide reliable advice to the requester concerning whether the project has the potential to pose an unacceptable risk to national security or to advise the requester of measures that could be taken to mitigate any foreseeable risk to national security.

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, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.*

The interim rule (§ 211.11) provides energy project developers, State government officials, and local government officials who desire an informal DoD review of proposed projects two alternative means of submitting the required information to the DoD Siting Clearinghouse. They can submit information by mail or over the Internet.

DoD anticipates that State and local officials, as well as energy project developers, who request an informal DoD review of proposed projects via the Internet can expect to receive a more timely response to their requests than those who make their submissions through the mail.

The interim rule (§ 211.12) also provides that the DoD Siting Clearinghouse will maintain a publicly accessible website that indicates the request for informal review has been received and is in process.

The DoD considered requiring energy project developers and State and local officials who desire an informal review of proposed projects to complete the FAA Form 7460-1, which is the prescribed form for initiation of a formal review. While the use of the FAA form may facilitate automated screening of some projects, DoD elected to establish a minimal set of information requirements in conjunction with requests for informal review in order to reduce the burden on requesting activities.

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose(s) described in Item 2 above.*

The FAA is the only other Federal agency that requests the same data, and that data is only required at the time the developer of a proposed project requests a formal review. The informal review would take place before the formal review, involves submission of only two significant items of information, and may lead to modification of the project as a result of the negotiation of mitigation actions. When the developer submits a request for formal review to the FAA on an FAA Form 7460-1, pursuant to 49 USC § 44718, the developer can use the information that was submitted to DoD (in its original or modified form) to complete some parts of the FAA Form 7460-1.

5. *If the collection of information has a significant impact on a substantial number of small businesses or other small entities (item 15 of the Paperwork Reduction Act submission form), describe the methods used to minimize burden.*

A significant number of small entities may be required to submit this information if they desire an informal review of the potential impact that their proposed projects may have on military operations and readiness. The information collected has been designed to minimize the burden on all respondents (large or small) by limiting the amount of information required, providing clear and concise instructions, and providing a process for e-filing over the Internet.

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.*

Notification is required when a State or local official, or an energy project developer desires an informal review of a proposed project by the DoD. Thus, the frequency is determined by the requesters and not by the DoD.

If the collection of information is not conducted, the DoDs ability to reliably respond to requests for informal reviews of the potential impact of proposed energy projects on military operations and readiness would be severely limited. Additionally, if a request for informal review of a proposed project were submitted without the essential information required in the rule, the DoD would need to follow up with the requestor in order to obtain the missing information.

7. *Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5(d)(2).*

This information is collected in a manner consistent with the above stated guidelines.

8. *Describe efforts to consult 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.*

This information collection is consistent with the guidelines in 5 CFR 1320.5(d). Public comments will be solicited in the Federal Register as required by 5 CFR 1320.8(d). A revised supporting statement will be provided to OMB to address any comments received on the DoD information collection portion of the interim final rule.

DoD consulted with the Federal Aviation Administration and the American Wind Energy Association.

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

No payments or gifts will be provided.

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

While DoD offers no assurance of confidentiality in the interim rule itself, internal DoD procedures are expected to provide for the appropriate protection of any proprietary data submitted by developers in conjunction with requests for either informal or formal review of their proposed projects. It is DoD policy to safeguard proprietary technical and financial data in accordance with agency regulations.

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.

There are no sensitive questions.

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

It should be noted that the additional collection of information that is expected to result from the adoption of this rule is limited to the information that an energy project developer, a concerned State official, or a concerned local official must submit to the DoD if that developer or public official desires to obtain an informal DoD review of a proposed energy project. The information that must be submitted to DoD for an informal review is a subset of the data that a developer will later have to submit to the FAA as part of an application for an obstruction evaluation –airport airspace analysis. The primary burden of the DoD rule is that the data must be submitted sooner. Thus, some part of the estimate below is not a new burden created by the DoD rule. It is simply a transfer of that burden to an earlier point in the planning process. Therefore, this estimate probably overstates the burden on developers in particular since the work they do in preparing a request for an informal DoD review will frequently be transferrable to the completion of the FAA Forms 7460-1 that they must later submit to the FAA in conjunction with a formal application for an obstruction evaluation – airport airspace analysis.

The DoD has no prior experience with the preparation and processing of requests for informal reviews of the potential impact of proposed energy projects on military operations and readiness. Consequently, this estimate is based largely on time and cost factors that were provided by the FAA when title 14, part 77 of the Code of Federal Regulations was amended in July 2010. Those factors reflect the costs to complete an FAA Form 7460-1, which is the complete notice of proposed construction of alteration that becomes the basis for formal review of a proposed

structure more than 200 feet above ground level in order to determine the effect of that proposed structure on air navigation.

The FAA advises that about 86,000 FAA Forms 7460-1 were filed in the year 2010. About 77,500 Aeronautical Study Numbers were referred to DoD in 2010, of which about 33,500 (or about 43 percent) were for wind turbine projects. Since wind turbines were the only types of structures to which DoD registered a substantial number of objections, this estimate assumes that only the developers of wind turbines, or State and local officials that might be responsible for the review and approval of wind turbine projects in the vicinity of a military installation, will seek informal DoD reviews of proposed energy projects.

In order to initiate an informal DoD review, the interim rule indicates that the developer of an energy project, or the interested State or local official, must submit (1) the location (latitude and longitude) of the project, (2) a description of the type of project, and (3) any other information about the project that is available. Therefore, the size of any submission is likely to vary with the amount of information that is available to the requestor. Some may have only the first two elements, while others may have all the same information that is normally submitted to the FAA on an FAA Form 7460-1, plus supplemental data or materials.

The FAA estimates that, on average, it takes 19 minutes or .32 hours to fill out a Form 7460-1. However, a comment received from an organization with multiple members indicated that it takes 1.6 hours to complete a Form 7460-1. For purposes of this estimate, the assumption is that it should take 1 hour for an energy project developer, a State government official, or a local government official to prepare and submit a request for an informal DoD review. In 2010, DoD reviewed 33,400 applications for wind turbine projects that were submitted to the FAA on FAA Forms 7460-1, via the OE-AAA process. DoD registered concerns with 17 percent of those applications relative to their potential adverse impacts on military operations and readiness. Therefore, it is estimated that 17 percent of the proposed wind turbine applications in any given year would be submitted to DoD with a request for an informal review. Assuming 2010 was a typical year, $5,678 (33,400 \times 17\%)$ requests for DoD informal reviews of proposed wind turbines could be expected annually. Hence, the estimated hour burden is:

$$1.0 \text{ hours} \times 5,678 = 5,678 \text{ hours}$$

The FAA estimates that the average cost for a firm to prepare an FAA Form 7460-1 in-house is approximately \$40 per form. The FAA also estimates that 20% of the forms that are filed are prepared in-house, and we assume that the same percentage of requests for a DoD informal review would be prepared using in-house resources. Thus, we estimate that $1,136 (5,678 \times 20\%)$ requests for informal reviews would be submitted using in-house resources each year. We also assume that the FAA's estimate of \$40 as the cost to prepare an FAA Form 7460-1 in-house is applicable to the cost of preparing a request for a DoD informal review of the potential adverse

effects of a proposed wind turbine on military operations and readiness. Since FAA estimated that it would take 19 minutes to complete an FAA Form 7460-1, and we estimate that it would take an average of one hour to prepare a request for an informal review, we project that, on average, it would cost energy project developers or State and local government officials \$120 ($\40×3) to develop a request for an informal review using in-house resources. Thus, the estimated average annual reporting burden for requestors to prepare requests for informal reviews in-house would be:

$$\$120 \times 1,136 = \$136,320$$

The FAA estimates that the average cost for a company to outsource the preparation of an FAA Form 7460-1 to a contractor is approximately \$480 per form. The FAA also estimates that 80% of the forms filed would be filed this way, and we assume that the same percentage of requests for an informal review would be prepared by outsourcing the work to contractors. Thus, we estimate that 4,542 ($5,678 \times 80\%$) requests for informal reviews would be submitted using contractor resources each year. We also assume that the FAA's estimate of \$480 as the cost to prepare an FAA Form 7460-1 using a contractor is applicable to the cost of preparing a request for a informal DoD review of the potential adverse effects of a proposed wind turbine project on military operations and readiness. Therefore, we project that, on average, it would cost energy project developers or State and local government officials \$480 to develop each request for an informal DoD review using contractor resources. Thus, the estimated average annual reporting burden for requestors to prepare requests for informal reviews by contract would be:

$$\$480 \times 4,542 = \$2,180,160$$

The FAA estimated that roughly 30 percent of firms filing FAA Forms 7460-1 will need to perform a site survey in order to complete the form, and the cost of a site survey is \$790. Similarly, we assume that 30 percent of the energy project developers and State and local government officials who request an informal DoD review will need a site survey to provide the DoD with the latitude and longitude of the proposed energy project and \$790 is still a realistic estimate of the cost of a site survey. Hence, it is anticipated that 1,730 ($5,678 \times 30\%$) of the requests for informal review would require a site survey. Thus, the estimated annual additional burden for requestors who require a site survey would be:

$$\$790 \times 1,730 = \$1,366,700$$

Hence, the total annual cost to energy project developers, State government officials, and local government officials to submit requests for informal DoD reviews is \$3,683,180.

Cost Burden of Information Collection				
Cost Component	Requests	Hours	Unit Cost	Extended Cost
Requestor Preparation in House	1,136	1,136	\$120/hr	\$136,320

Requestor Preparation by Contract	4,452	N/A	\$480/request	\$2,180,160
Site Survey	1,730	N/A	\$790/survey	\$1,366,700
TOTAL COST				\$3,683,180

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

There are no additional costs not already included in question 12.

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

It should be noted that the additional Government review of information that is expected to result from the adoption of this rule is limited to the review of information that an energy project developer, a concerned State official, or a concerned local official must submit to the DoD if that developer or public official desires to obtain an informal DoD review of a proposed energy project. The information that must be submitted to DoD for an informal review is a subset of the data that a developer will later have to submit to the FAA as part of an application for an obstruction evaluation – airport airspace analysis. The primary burden of the DoD rule is that the data must be reviewed sooner. Thus, some part of the estimate below is not a new burden created by the DoD rule. It is simply a transfer of that burden to an earlier point in the planning process. Therefore, this estimate may actually overstate the cost to the Federal Government since the work they do in analyzing a request for an informal DoD review would normally be done anyhow when the developer completes the FAA Form 7460-1 that must be submitted to the FAA later on in conjunction with a formal application for an obstruction evaluation – airport airspace analysis.

Since wind turbines were the only types of structures to which DoD registered a substantial number of objections, this estimate, like the response to question 12, assumes that only the developers of wind turbines, or State and local officials that might be responsible for the review and approval of wind turbine projects in the vicinity of a military installation, will seek informal DoD reviews of proposed energy projects. Using the same assumption that applied in the response to question 12, we estimate that about 17 percent of the proposed wind turbine projects would have a potential significant adverse effect on military operations and readiness. Therefore, about 17 percent of the proposed wind turbine projects in any given year would be referred to the Department of Defense for an informal review. Assuming 2010 was a typical year, 5,678 (33,400 x 17%) requests for DoD informal reviews of proposed wind turbine cases could be expected annually.

For field-level processing of requests for informal reviews of proposed energy projects, 2010 processing statistics indicate that, of the 5,678 cases submitted for

informal DoD review, 76 percent or 4,315 of the cases would be found to have no adverse impact on military operations or readiness, or would have adverse impacts that could be resolved through mitigation. In each of the projects involving those types of cases, the determination could be made by a sustainability officer (GS-14) in an average of 16 hours, with an additional 16 hours of time from administrative/managerial (GS-9) personnel for purposes of coordination and tracking. Therefore, the costs to the DoD to process the informal reviews for the projects in which the proposed structure would have no adverse impact on military operations and readiness or in which the project could have adverse impacts that could be resolved through mitigation would be:

GS-14 hourly salary + locality pay + benefits ($\$45.99^1 + 21.03\%^2 + 39.9\%^3$) or $\$77.87 \times 16 \text{ hours} = \$1,245.92$.

GS-9 hourly salary + locality pay + benefits ($\$22.57^4 + 21.03\% + 39.9\%$) or $\$38.22 \times 16 \text{ hours} = \611.52

Cost per case = $\$1,857.44$ ($\$1,245.92 + \611.52)

Based on 2010 statistics, DoD can expect an average of 16.3 cases per project. Hence DoD can expect to process informal reviews for 265 ($4,315 \div 16.3$) projects annually in which the DoD finds that the proposed project would not have an adverse impact on military operations or readiness or that the proposed impact was capable of being mitigated.

The total field-level processing costs for the informal review of projects with no adverse impact or those with adverse impacts that can be mitigated would be $\$492,222$ ($\$1,857.44 \times 265$).

For field-level processing of requests for informal reviews of proposed energy projects, 2010 processing statistics indicate that, of the 5,678 cases submitted for informal DoD review, 24 percent or 1,363 of the cases would be found to have such an adverse impact on military operations or readiness that the impact could not be mitigated and that, in the event of a formal review, DoD would be expected to object to the project. In each of the projects involving those types of cases, the field-level determination could be made by a sustainability officer (GS-14) in an average of 24 hours, with an additional 24 hours of time from administrative/managerial (GS-9) personnel for purposes of coordination and tracking. Therefore, the costs to the DoD

¹ GS-14, step 5 hourly rate from 2011 GS salary table.

² Average locality pay in the United States, excluding Washington, DC, Alaska, and Hawaii.

³ Average fringe benefit pay for civilian employees of the four Military Services from the attachment to the Office of the Under Secretary of Defense (Comptroller) Deputy Comptroller (Program/Budget) memorandum, dated September 14, 2010, Subject: "Fiscal Year (FY) 2011 Department of Defense (DoD) Civilian Personnel Fringe Benefits Rates."

⁴ GS-9, step 5 hourly rate from 2011 GS salary table.

to process the informal reviews for the projects in which the proposed structure would adverse impact on military operations and readiness that could not be resolved through mitigation would be:

GS-14 hourly salary + locality pay + benefits ($\$45.99^5 + 21.03\%^6 + 39.9\%^7$) or
 $\$77.87 \times 24 \text{ hours} = \$1,868.88$

GS-9 hourly salary + locality pay + benefits ($\$22.57^8 + 21.03\% + 39.9\%$) or $\$38.22 \times 24 \text{ hours} = \917.28

Cost per case = $\$2,786.16$ ($\$1,868.88 + \917.28)

Based on 2010 statistics, DoD can expect an average of 16.3 cases per project. Hence DoD can expect to process informal reviews for 84 ($1,363 \div 16.3$) projects annually in which the DoD finds that the proposed project would have an adverse impact on military operations or readiness that was not capable of being mitigated.

The total field-level processing costs for the informal review of projects with adverse impacts that cannot be mitigated would be \$234,037.

For informal reviews of projects with adverse impacts that cannot be mitigated, a headquarters level review would also be required. On the assumption that most field-level reviews would be accomplished fairly well, we estimate that the average headquarters-level review would be accomplished by a GS-15 in the Washington DC area in 15 hours, with one hours for subsequent review and approval by an SES-III, and an hour of administrative/tracking support at the GS-9 level.

GS-15 hourly salary + locality pay + benefits ($\$54.10^9 + 24.22\%^{10} + 39.9\%^{11}$) or
 $\$94.02 \times 15 \text{ hours} = \$1,410.30$

⁵ GS-14, step 5 hourly rate from 2011 GS salary table.

⁶ Average locality pay in the United States, excluding Washington, DC, Alaska, and Hawaii.

⁷ Average fringe benefit pay for civilian employees of the four Military Services from the attachment to the Office of the Under Secretary of Defense (Comptroller) Deputy Comptroller (Program/Budget) memorandum, dated September 14. 2010, Subject: "Fiscal Year (FY) 2011 Department of Defense (DoD) Civilian Personnel Fringe Benefits Rates."

⁸ GS-9, step 5 hourly rate from 2011 GS salary table.

⁹ GS-15, step 5 hourly rate from 2011 GS salary table.

¹⁰ Locality pay for Washington, DC.

¹¹ Average fringe benefit pay for civilian employees of the four Military Services from the attachment to the Office of the Under Secretary of Defense (Comptroller) Deputy Comptroller (Program/Budget) memorandum, dated September 14. 2010, Subject: "Fiscal Year (FY) 2011 Department of Defense (DoD) Civilian Personnel Fringe Benefits Rates."

GS-9 hourly salary + locality pay + benefits ($\$22.57^{12} + 24.22\%^{13} + 39.9\%^{14}$) or
 $\$39.22 \times 1 \text{ hour} = \39.22

SES III hourly salary + locality pay + benefits ($\$79.20^{15} + 24.22\%^{16} + 39.9\%^{17}$) or
 $\$137.64 \times 1 \text{ hour} = \137.64

Hence, the total cost for a headquarters-level review of a project that would have an adverse impact on military operations or readiness that was not capable of being mitigated would be \$1,587.16 ($\$1,410.30 + \$39.22 + \137.64).

Based on 2010 statistics, DoD can expect an average of 16.3 cases per project. Hence DoD can expect to process informal reviews for 84 ($1,363 \div 16.3$) projects annually in which the DoD finds that the proposed project would have an adverse impact on military operations or readiness that was not capable of being mitigated.

The total headquarters-level processing costs for the informal review of projects that would have an adverse impact on military operations and readiness that cannot be mitigated would be \$133,321.44 ($\$1,587.16 \times 84$).

Since all requests for informal DoD review, as well as the requests for formal review that are received from the FAA, will be routed to the Energy Siting Clearinghouse, the costs of processing informal reviews at the clearinghouse are included. Assuming that 17 percent of proposed wind turbine cases in any given year will be routed through the Clearinghouse for informal review, we estimate the costs of the associated Clearinghouse operations as follows:

The total annual number of wind turbine cases referred to the Clearinghouse is 33,400. $33,400 \times 17\% = 5,678$. The total number of Obstruction Evaluation/Airport Airspace Analysis applications referred to the DoD by the FAA each year is 77,563. The workload associated with the number of wind turbine cases for which an informal review is requested would be about seven percent of the total Clearinghouse workload. The annual cost to operate the Clearinghouse is \$2,700,000. Hence, the estimated annual cost to the DoD Energy Siting Clearinghouse to review the anticipated requests for proposed wind turbine projects that have the potential to adversely affect military operations and readiness is \$189,000.

¹² GS-9, step 5 hourly rate from 2011 GS salary table.

¹³ Locality pay for Washington, DC.

¹⁴ Average fringe benefit pay for civilian employees of the four Military Services from the attachment to the Office of the Under Secretary of Defense (Comptroller) Deputy Comptroller (Program/Budget) memorandum, dated September 14, 2010, Subject: "Fiscal Year (FY) 2011 Department of Defense (DoD) Civilian Personnel Fringe Benefits Rates."

¹⁵ SES III annual salary for 2011 from Salary Table No 2011-EX, divided by 2,087 hours.

¹⁶ Locality Pay for Washington DC

¹⁷ Average fringe benefit pay for civilian employees of the four Military Services from the attachment to the Office of the Under Secretary of Defense (Comptroller) Deputy Comptroller (Program/Budget) memorandum, dated September 14, 2010, Subject: "Fiscal Year (FY) 2011 Department of Defense (DoD) Civilian Personnel Fringe Benefits Rates."

The total annual cost to the Federal Government is estimated to be \$1,048,580.

Annualized Cost to the Federal Government	
Field-Level Review – No impact or possible mitigation	492,222
Field-Level Review – Adverse impact, no mitigation	234,037
Headquarters-Level Review – Adverse impact, no mitigation	133,321
Clearinghouse Review and Oversight	189,000
TOTAL COST	\$1,048,580

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

This is a new collection, therefore it is a program change.

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

The DoD does not anticipate publishing information regarding requests for informal DoD reviews of the impact of proposed energy projects on military operations and readiness.

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.

We are not seeking such approval.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork reduction Act Submissions,” of OMB Form 83-1.

There are no exceptions.