

Department of the Treasury, Departmental Offices
Supporting Statement and Request for Clearance
Qualifying Advanced Energy Project Credit

1. Circumstances necessitating the collection of information

Notice 2013-12 supercedes Notice 2009-72 and establishes the qualifying advanced energy project program (“advanced energy program”) under § 48C(d) of the Internal Revenue Code and announces an initial allocation round of the qualifying advanced energy project credit (“advanced energy credit”) to qualifying advanced energy projects under the advanced energy program. A qualifying advanced energy project re-equips, expands, or establishes a manufacturing facility for the production of certain energy related property. A taxpayer must submit, for each qualifying advanced energy project: (1) an application for recommendation by the DOE (“application for DOE recommendation”), and (2) an application for certification under § 48C(d)(2) by the Service (“application for § 48C certification”).

2. Use of the data

The information will be used to determine whether or not a project should be included in the advanced energy program. If the Department of Energy (DOE) provides a recommendation that the project is feasible and meets the criteria under § 48C(d)(3)(B) (“DOE recommendation”) and ranking for the project, the project will be considered under the advanced energy program.

3. Use of information technology

Applications are submitted according to requirements prescribed in Notice 2013-12. Documents are to be provided in electronic format but electronic submission is not available.

4. Efforts to identify duplication

We have attempted to eliminate duplication within the agency wherever possible.

5. Impact on small entities

Not applicable.

6. Consequences of less frequent collection and obstacles to burden reduction

Not applicable.

7. Circumstances requiring special information collection

Not applicable.

8. Solicitation of comments on information collection

Notice 2009-72 was published in the Internal Revenue Bulletin on September 14, 2009 (37 IRB 325). Notice 2013-12, which supercedes Notice 2009-72, was published in Internal Revenue Bulletin on March 4, 2013

We received no comments during the comment period in response to the Federal Register Notice dated October 23, 2012 (77 FR 64850).

9. Provision of payments to recordkeepers

Not Applicable.

10. Assurance of confidentiality

Generally, tax returns and tax return information are confidential as required by 26 USC 6103.

11. Justification of sensitive questions

Not applicable.

12. Estimated burden of information collection

It is estimated that there will be approximately 500 applicants for this program, at an estimated 110 hours per submission. The estimated annual reporting burden is therefore 55,000 hours (500 respondents x 110 hours per response).

13. Estimated total annual cost burden to respondents

As suggested by OMB, our Federal Register notice dated October 23, 2012, requested public comments on estimates of cost burden that are not captured in the estimates of burden hours, i.e., estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. However, we did not receive any response from taxpayers on this subject. As a result, estimates of the cost burdens are not available at this time.

14. Estimated cost to the federal government.

There will be no annualized capital/start-up costs for the government to receive this information.

15. Reasons for change in burden

.Section 48C, as originally enacted, by the 2009 Tax Act authorized the Service, in consultation with the DOE, to establish a Qualifying Advance Energy Project Program (Program) and to allocate \$2.3 billion dollars in tax credit to those participants who had successfully met certain criteria with respect to the expansion, re-equipping or establishment of certain manufacturing facilities. After such credits were allocated, it became apparent that certain participants who had been allocated the credit were not going to be able to complete their projects. Consequently, approximately \$150 million of credit, that had been allocated, reverted to the Service for future allocation as required by the statute. As a result, the Service established Phase II of the Program (pursuant to Notice 2013-12) to allocate the residual \$150 million. Due to this much smaller credit amount available for allocation, IRS anticipates receiving far fewer respondents.. This results in a net decrease of 55,000 burden hours. We are making the submission to renew the OMB approval.

16. Plans for tabulation, statistical analysis and publication

Not applicable.

17. Reasons why displaying the OMB expiration date is inappropriate

We believe that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the regulations sunset as of the expiration date. Taxpayers are not likely to be aware that the Service intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. Exceptions to certification requirement of OMB Form 83-I

Not applicable.

Note: The following paragraph applies to all of the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.