

FERC-606 & FERC-607

(Current: OMB Control No. 1902-0241 & 1902-0240; Proposed consolidation in: OMB Control No. 1902-0241 only)

Supporting Statement

FERC-606, Notification of Request for Federal Authorization and Requests for Further Information

FERC-607, Report on Decision or Action on Request for Federal Authorization

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve **FERC-606 (Notification of Request for Federal Authorization and Requests for Further Information) and FERC-607 (Report on Decision or Action on Request for Federal Authorization)** for a three year period under OMB Control Number 1902-0241 and 1902-0240, respectively.

NOTE: The Commission requests that OMB approve the renewal and consolidation of FERC-607 requirements under FERC-606 OMB control number (1902-0241). The Commission will maintain all references to and about the FERC-607 information collection despite its respective requirements being included under a single control number. In conjunction with requesting OMB approval of the consolidation in this package, FERC will request to discontinue the FERC-607 OMB control number with no effect upon its respective information collection requirements.

Both the FERC-606 and FERC-607 are existing Commission data collections as stated by 18 Code of Federal Regulations (CFR) Part 385.

Commission staff intend to combine both the FERC-606 (1902-0241) and FERC-607 (1902-0240) information collections under one OMB control number (1902-0241) as submitted in this consolidated ICR No. 201303-1902-002 on 4/19/2013. The FERC-607 stand-alone information collection expired on 4/30/2013. Commission staff submitted a “reinstatement without change” information collection request (ICR No. 201305-1902-006) to temporarily revive the FERC-607 information collection while the consolidated ICR with FERC-606 (as mentioned earlier) is pending OMB review. Commission staff will submit a request for discontinuance for the stand-alone FERC-607 Control No. 1902-0240 following the clearance of the ICR No. 201302-1902-002(renewing both FERC-606 and FERC-607 under the consolidated OMB Control No.),.

Commission staff has issued public notices regarding both the FERC-606 and FERC-607. There has been no change to either collection’s reporting requirements. More specifically, there has been no change to the burden estimates presented to the public in either the 60-day Notices (77 FR 76016 (FERC-606); 77 F 76015 (FERC-607)) or the 30-day Notices (78 FR 16486 (FERC-606); 78 FR 16485 (FERC-607)).

The combined supporting statement for both the FERC-606 and FERC-607 (as submitted under OMB Control No. 1902-0241, ICR No. 201303-1902-002) follows.

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

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The Commission authorizes the construction and operation of proposed natural gas projects under NGA Sections 3 and 7.¹ However, the Commission does not have jurisdiction over every aspect of each natural gas project. In addition to receiving Commission approval, different agencies must typically reach favorable findings regarding other aspects of the project.

To coordinate the activities of the separate agencies with varying responsibilities over proposed natural gas projects, the Energy Policy Act of 2005 (EPAAct 2005) modified FERC's role. Section 313 of EPAAct 2005 directs FERC to:

- Establish a schedule for agencies² to review requests for federal authorizations required for a project, and
- Compile a record of each agency's² decision, together with the record of the Commission's decision, to serve as a consolidated record for the purpose of appeal or review, including judicial review.

FERC assumes that upon initial receipt of a request for federal authorizations, agencies will make an initial assessment to verify whether the request is ready for processing. 18 CFR 385.2013 directs the agency or official to forward that initial assessment to the Commission. If in the course of processing a request, an agency or official finds additional information from the applicant is needed, 18 CFR 385.2013 directs the agency or official to forward to the Commission a copy of any data request sent to the applicant. With respect to 18 CFR 385.2014, the Commission assumes that in considering a request for a federal authorization, agencies compile and title the documents and materials they rely upon in reaching a decision. The Commission does not require a specific format for the index that is to be submitted to FERC. An agency's in-house recordkeeping may be presented as an index, as long as it functions as a table of contents to the documents and materials.

2. HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED AND THE CONSEQUENCES OF NOT COLLECTING THE INFORMATION

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FERC-606 requires agencies and officials responsible for issuing, conditioning, or denying requests for federal authorizations necessary for a proposed natural gas project to report to the Commission regarding the status of an authorization request. This reporting requirement is intended to allow agencies to assist the Commission to make better informed decisions in establishing due dates for agencies' decisions.

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¹ Under NGA Section 7, the Commission has jurisdiction over the transportation or sale of natural gas in interstate commerce and the construction, acquisition, operation, and abandonment of facilities to transport natural gas in interstate commerce. Pursuant to Department of Energy (DOE) Delegation Order No. 00-004.00 (67 FR 8946, February 27, 2002), the Secretary of Energy delegated to the Commission the authority under NGA Section 3 to approve or disapprove applications for the construction and operation of facilities to import or export natural gas, including liquefied natural gas.

² "Agency" means a Federal agency or officer, or State agency or officer acting pursuant to delegated Federal authority, responsible for a Federal authorization.

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FERC-607 requires agencies or officials to submit to the Commission a copy of a decision or action on a request for federal authorization and an accompanying index to the documents and materials relied on in reaching a conclusion.

The information collections cannot be discontinued nor collected less frequently because of statutory requirements. The consequences of not collecting this information are that the Commission would be unable to fulfill its statutory mandate under the Energy Policy Act of 2005 to:

- Establish a schedule for agencies to review requests for federal authorizations required for a project, and
- Compile a record of each agency's decision, together with the record of the Commission's decision, to serve as a consolidated record for the purpose of appeal or review, including judicial review.

3. DESCRIBE ANY CONSIDERATION OF THE USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE THE BURDEN AND TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN

There is an ongoing effort to determine the potential and value of improved information technology to reduce the burden. As the Commission increases its use of electronic media for filing, storage, retrieval, and tracking of information and documents, greater uniformity in filing procedures, where practical, will greatly expedite and simplify conversion to electronic media. FERC's eFiling program is described at <http://www.ferc.gov/docs-filing/efiling.asp>. The FERC-606 and FER-607 filings can be submitted electronically, on CD or on paper.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION AND SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN INSTRUCTION NO. 2

Filing requirements are periodically reviewed as OMB review dates arise or as the Commission deems necessary in performing its regulatory responsibilities in an effort to alleviate duplication. All Commission information collections are subject to analysis by Commission staff and are examined for redundancy. There is no other source of this information.

5. METHODS USED TO MINIMIZE THE BURDEN IN COLLECTION OF INFORMATION INVOLVING SMALL ENTITIES

The Commission does not implement measures to reduce the burden upon small entities for the FERC-606. However, FERC-607 allows agencies to submit the information in the format in which they readily have it rather than requiring a specific format that may not naturally be part of their business practices.

FERC-606 and FERC-607 are regulatory filing requirements implementing a statutory provision as stated above in Questions 1 and 2. The information requirement is imposed on federal

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agencies, or state agencies or officers acting pursuant to delegated federal authority, responsible for a federal authorization (e.g. issuing, conditioning, or denying requests) necessary for a proposed natural gas project. The information is already readily available to the federal and state respondents.

6. CONSEQUENCE TO FEDERAL PROGRAM IF COLLECTION WERE CONDUCTED LESS FREQUENTLY

The information collection cannot be discontinued or collected less frequently because of statutory requirements. The consequences of not collecting this information are that the Commission would be unable to fulfill its statutory mandate under the EAct 2005 to:

- Establish a schedule for agencies to review requests for federal authorizations required for a project, and
- Compile a record of each agency's decision, together with the record of the Commission's decision, to serve as a consolidated record for the purpose of appeal or review, including judicial review.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

The number of copies to be filed may be (but usually is not) more than prescribed by OMB in their guidelines at 5 CFR 1320.5(d) (2).

8. DESCRIBE EFFORTS TO CONSULT OUTSIDE THE AGENCY: SUMMARIZE PUBLIC COMMENTS AND THE AGENCY'S RESPONSE

In accordance with OMB requirements, the Commission published a 60-day notice³ and a 30-day notice⁴ to the public regarding these information collections on 12/26/2012 and 3/15/2013 respectively. Within the public notices, the Commission noted that it would be requesting a three-year extension of the public reporting burden with no change to the existing requirements concerning the collection of data. The Commission received no comments.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to FERC-606 and FERC-607 respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected in FERC-606 or the FERC-607 filings to be confidential. However, the filer may request privileged treatment of a filing that

3 77 FR 76016 (FERC-606); 77 F 76015 (FERC-607)
4 78 FR 16486 (FERC-606); 78 FR 16485 (FERC-607)

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may contain information harmful to the competitive posture of the applicant if released to the general public.⁵

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE

The Commission considers the questions within the FERC-606 and the FERC-607 neither sensitive in nature nor private.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the Public Reporting Burden for this information collection as:

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	Number of Respondents (A)	Number of Responses Per Respondent (B)	Total Number of Responses (A)x(B)=(C)	Average Burden Hours per Response (D)	Estimated Total Annual Burden (C)x(D)
FERC-606	1	1	1	4	4
FERC-607	1	1	1	6	6
TOTAL	2		2		10

Commission staff estimates average burden hours per response for the FERC-606 and FERC-607 at 4 and 6 hours per response respectively. Both of these numbers are based on Commission staff's experience collecting the form through the staff's interaction with respondents during the filing process.

The following table shows the labor cost associated with the burden hours. The \$69 per hour cost is derived from the 2012 FERC average annual salary of \$143,540 converted into an hourly estimate of costs for respondents. Per expertise of the program office in charge of this collection, respondents that are typically employed to provide filings are assumed to be similar in salary to FERC employees similarly tasked. Thus, we used the FERC average salary figure to aid in our calculation of respondent cost at the request of the program office subject matter experts.

Annual Burden Hours (1)	Estimated Hourly Cost (\$ (2))	Estimated Total Annual Cost to Respondents (\$) (1) X (2)
10	\$69	\$690

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

⁵ 18 CFR 388.112

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Commission staff conducted analyses of past filings and has concluded that there are no capital costs associated with neither the FERC-606 nor the FERC-607. Additionally, there is no operation, maintenance, or purchase of services cost associated with either collection.

Total Capital and Start-up Cost	\$0
Total Operation, Maintenance, and Purchase of Services	\$0

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

	Number of Employees (FTE)	Estimated Annual Federal Cost
Analysis and Processing of filings ⁶	0	\$0
PRA ⁷ Administrative Cost ⁸		\$1,588
FERC Total		\$1,588

The Commission bases its estimate of the “Analysis and Processing of filings” cost to the Federal Government on salaries and benefits for professional and clerical support. This estimated cost represents staff analysis, decision-making, and review of any actual filings submitted in response to the information collection.

Please note that estimated annualized cost to the federal government is presented at \$1,588. However, in the ROCIS metadata for ICR No. 201305-1902-006 it is presented at \$794. This is due to that administrative cost being associated with both collections in the supporting statement and only one collection (ICR No. 201305-1902-006) in the ROCIS metadata ($\$1,588 \div 2 = \794).

15. REASONS FOR CHANGES IN BURDEN INCLUDING THE NEED FOR ANY INCREASE

The change in burden is not due to any change in recordkeeping or reporting requirements. These decreases are due to the following: 1) a reduction in the number of estimated respondents and 2) reduction in the estimated time needed to respond to this collection.

FERC has reduced the estimated burden related to FERC-606 and FERC-607 based on recent trends. As a result of the requirements in EPOA 2005 (that FERC coordinates), the issuance of all federal authorizations needed for natural gas facilities, and to maintain a consolidated record for the purpose of legal appeals, FERC issued regulations requiring agencies that issue federal authorizations to provide information related to their permits. However, neither EPOA 2005 nor FERC’s regulations give FERC the ability to compel those state and federal agencies to report to us on the status of authorization requests or decisions. We cannot speculate on why the agencies are not providing the required information. FERC does require applicants to provide

⁶ Based upon 2013 FTE average salary plus benefits (\$143,540)

⁷ Paperwork Reduction Act of 1995 (PRA)

⁸ Based upon 24 hours of Commission staff time/effort

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documentation that they have received all necessary federal authorizations before permitting construction.

For FERC-607, the consolidated records and index provisions were established to facilitate appeals of agency decisions by project sponsors (applicants). However, applicants are not availing themselves of this provision of EPOA 2005. As a result of these factors, the anticipated number of responses and burden hours per response going forward has been decreased.

Commission staff based previous burden estimates on the fact that these filings are required and expected of agencies involved in authorizing federal requests or decisions. However, Commission staff is now reducing the burden estimates due the repeated lack of filings. As shown within the tables in Question #12, the number of respondents predicted for previous clearance packages was a significantly higher amount and (due to the explanation given in the preceding paragraphs) is reduced here. The tables also show that the values representing average burden hours per response were relatively static.⁹

With the clearance package, the cost to industry is displayed using the unit of burden hours. In accordance with the “ROCIS HOW TO Guide for Agency Users of the Information Collection Request (ICR) Module”, users should not report as a dollar cost any burden reported in hours¹⁰. Commission staff corrected the annual cost burden within the ROCIS metadata to show that the Commission associates no cost to capital investment or other non-labor costs. The Commission estimates the monetary cost related to the burden hours in #12 (above). This was done erroneously in previous FERC-606 and FERC-607 supporting statements. Commission staff corrected the error within the current proposed clearance package.

FERC-606 & FERC-607	Total Request	Previously Approved	Change due to Adjustment in Estimate	Change Due to Agency Discretion
Annual Number of Responses	2	1,702	-1,700	0
Annual Time Burden (Hr)	10	7,489	-7,479	0
Annual Cost Burden (\$)	\$0	\$496,399	-\$496,399	\$0

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There are no tabulating, statistical or tabulating analysis or publication plans for the collection of information. The Commission uses the data for regulatory purposes only.

17. DISPLAY OF EXPIRATION DATE

⁹ The average burden hours per response for the FERC-606 decreased from 4.4 hours to 4 hours. Similarly, the average burden hours per response for FERC-607 decreased from 6.3 hours to 6 hours.

¹⁰ https://www.rocis.gov/rocis/jsp/common/ROCIS_HOW_TO_Guide_for_AGENCY_Users_of_ICR_Module-03192012_v2.pdf, p.37

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It is not appropriate to display the expiration date because the Commission does not collect the information upon a standard, preprinted form that would avail itself to this display.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

The Commission does not use the data collected for this reporting requirement for statistical purposes. Therefore, the Commission does not use as stated in item (i) of the certification to OMB "effective and efficient statistical survey methodology." The information collected is case-specific to each information collection.