

## FINAL RULE FOR REAP

2014 Supporting Statement  
Rural Energy for America Program  
Under Title IX, Section 9007  
OMB No. 0570-0067

The burden estimated in this supporting statement will replace the burden approved by the Office of Management and Budget for the current Renewable Energy System (RES) and Energy Efficiency Improvement (EEI) grant and guaranteed loan program and the energy audit (EA) grants and renewable energy development assistance (REDA) grants. The OMB approval numbers for the current RES/EEI loan and grant program, feasibility studies, and EA/REDA are: 0570-0050 (current RES/EEI program), 0570-0061 (feasibility studies) and 0570-0059 (EA/REDA grants). All three packages will be discontinued upon approval of this package.

### A. Justification

#### 1. Explain the circumstances that make the collection of information necessary.

The collection of this information is required pursuant to the passing of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), which established the Rural Energy for America Program (REAP) under Title IX, Section 9007. The Agricultural Act of 2014 (2014 Farm Bill) continued this authority except that the ability to make grants for feasibility studies has been removed from REAP. An interim rule was published in the Federal Register on April 14, 2011, combining RES/EEI grants and guaranteed loans, RES feasibility study grants, and EA/REDA grants into a single subpart, 7 CFR 4280, subpart B, to comprise the Rural Energy for America Program. However, the collection of information was approved as three separate packages. With this final rule ICR package, the agency will consolidate the collection of necessary information for REAP into one burden package and will eliminate REAP RES feasibility study collection of information.

The Rural Energy for America Program, which supersedes the Renewable Energy Systems and Energy Efficiency Improvements Program under Title IX, Section 9006 of the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) is designed to help agricultural producers and rural small business reduce energy cost and consumption, develop new income streams, and help meet the nation's critical energy needs by requiring the Secretary of Agriculture to provide grants and/or loan guarantees for several types of projects as follows:

- Grants, loan guarantees, and grants and loan guarantees (combined funding) to agricultural producers and rural small businesses to purchase renewable energy systems and make energy efficiency improvements.
- Grants to eligible entities to provide energy audits and renewable energy development assistance to enable agricultural producers and rural small businesses to become more energy efficient and to use renewable energy technologies and resources. Entities eligible to receive grants under this program are State, tribal and local governments; land-grant colleges and universities or other institutions of higher learning; rural electric

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cooperatives; public power entities; Resource Conservation and Development Councils and instrumentalities of local, state, and federal governments. These grant funds may be used to conduct and promote energy audits; provide recommendations and information on how to improve the energy efficiency of the operations of the agricultural producers and rural small businesses; and provide recommendations and information on how to use renewable energy technologies and resources in the operations. No more than five (5) percent of the grant can be used for administrative purposes. Agricultural producers and rural small businesses for which a grantee is conducting an energy audit must pay at least 25 percent of the cost of the energy audit.

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

Agricultural producers and rural small businesses that wish to apply for a RES/EEI grant or guaranteed loan will have to submit applications with specified forms, certifications, and agreements to the Agency. Applicants seeking an EA/REDA grant will have to submit applications that include a project proposal with specified information, certifications, and agreements to the Agency.

For RES/EEI applications, this information will be used to determine applicant eligibility, to determine project eligibility and technical merit, and to ensure that grantees/borrowers operate on a sound basis and use funds for authorized purposes. For EA/REDA applications, this information will be used to determine applicant and project eligibility and to ensure that funds are used for authorized purposes.

## **GRANTS – RES and EEI REPORTING REQUIREMENTS – NO FORMS**

Reviews and appeals - The applicant, borrower, lender, or holder may seek a review or appeal any adverse Agency decision. Appeals are handled in accordance with Departmental appeal regulations.

Discrimination Complaints - Persons or a specific class of persons whom believe they have been discriminated against may file a complaint with USDA, Office of Adjudication.

Application Withdrawal - The applicant, borrower, or lender during the period between the submission of the application and the execution of award documents, may request to withdraw their application in writing.

Notification - The Agency will notify an applicant, borrower, and/or lender if the application submitted is complete and eligible or an ineligible application. If the decision is not to fund an application, the applicant will also be notified in writing with any applicable appeal or review rights.

Technical Report Modifications - If a technical report is modified the applicant is required to

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submit that modification to the Agency for review and concurrence.

Time Extensions - The grantee has two years to expend grant funds from the date the Grant Agreement is signed by the Agency. The grantee can submit a no-cost extension request no later than 30 days prior to the grant period expiration date that explains any extenuating circumstances for the delay and why an approval is in the government's best interest.

Grantee statement for accepting contractor's work - Upon completion of a project with total project costs of less than \$200,000, the grantee must submit a copy of the contractor's certification of final completion and a statement that the grantee accepts the work completed. For grant projects \$200,000 or greater, the grantee is required to utilize different contracting requirements per §4280.124

System for Awards Management (SAM) and Dun and Bradstreet Data Universal Numbering System (DUNS) - Unless exempt under 2 CFR § 25.110, the grantee must be registered in the SAM prior to submitting an application or plan, maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by the Agency, and provide its DUNS number in each application it submits to the Agency. In addition, the grantee must report to the Agency the number and expiration date of the applicant's SAM Commercial and Government Entity (CAGE) number. Once the applicant has received the SAMs/DUNS number, the applicant is requested to provide the information as part of the application. .

Association or Relationship with Rural Development Employees - The applicant must identify whether or not they have a known relationship or association with an Agency employee. If there is a known relationship, the applicant must identify each Agency employee with whom the applicant has a known relationship.

### GRANTS – RES and EEI APPLICATIONS

The Agency has defined three application categories based upon total project cost and has developed separate applications forms for each category. Applications are separated by the cost of the proposed project. Each form incorporates the applicable requirements identified below which are required by the regulations. Form RD 4280-3C, includes requirements for projects with total project cost of \$200,000 and greater; Form RD 4280-3B, includes requirements for projects with total project cost of less than \$200,000, but more than \$80,000; and Form RD 4280-3A, includes requirements for projects with total project cost of \$80,000 or less.

**For projects with a total project cost of \$200,000 and greater, (Form RD 4280-3C) and projects with a total project cost of less than \$200,000, but more than \$80,000, (Form RD 4280-3B) the following is required unless otherwise noted.**

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1. Applicant type – Applicants must demonstrate that they meets the definition of agricultural producer or rural small business as defined in § 4280.103, including appropriate information necessary to demonstrate that the applicant meets the agricultural producer’s percent of gross income derived from agricultural operations or the rural small business’ size, as applicable, requirements identified in these definitions. Also, a description of the applicant’s farm/ranch/business operation should be included.
2. Applicant description – Applicants must describe how they meet the ownership requirements and include any information on affiliated companies. This information is requested in Block IV of both Form RD 4280-3B and Form RD 4280-3C. Furthermore, applicants must certify regarding ownership and site control.
3. Financial information (only on projects with a total project cost of \$200,000 and greater) Form RD 4280-3C – Financial information is required on the total operation of the agricultural producer/rural small business and its parent, subsidiary, or affiliates at other locations. The applicant must provide historical financial statements prepared in accordance with Generally Accepted Accounting Practices (GAAP) for the past 3 years, including income statements and balance sheets. If agricultural producers are unable to present this information in accordance with GAAP, they may instead present financial information for the past years in the format that is generally required by commercial agriculture lenders. Applicant must provide a current balance sheet and income statement prepared in accordance with generally accepted accounting principles (GAAP) and dated within 90 days of the application. Agricultural producers should present financial information in the format that is generally required by commercial agriculture lenders. In addition, applicants must provide pro forma balance sheet at startup of the agricultural producer’s/rural small business’ business that reflects the use of the loan proceeds or grant award; and 3 additional years, indicating the necessary start-up capital, operating capital, and short-term credit; and projected cash flow and income statements for 3 years supported by a list of assumptions showing the basis for the projections.
4. Previous grants and loans – Applicants must discuss whether they have received any grants and/or loans under this subpart. If the applicant has, identify each such grant and/or loan and describe the progress the applicant has made on each project for which the grant and/or loan was received, including projected schedules and actual completion dates.
5. Project information – Applicants must provide information concerning the proposed project as a whole and its relationship to the applicant’s operations, including the whether the project is for a renewable energy system or an energy efficiency improvement project, a description of the process that will be used to conduct all procurement transactions to demonstrate compliance with § 4280.124(a)(1), a description of how the proposed project will have a positive effect on resource conservation, public health, and the environment and also they must identify the amount of matching funds and the source(s) they are proposing to use for the project.

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6. Feasibility study - A feasibility study prepared by a qualified consultant will be required for all renewable energy system projects that are \$200,000 and greater. The business-level feasibility study must include an evaluation of the market, financial, economic, technical, and management feasibility of the proposed project. This study must also include an opinion and a recommendation by the qualified consultant. Energy efficiency improvement projects do not require a feasibility study to be completed. The Feasibility Study is required to be attached to Form RD 4280-3C.
7. Technical report - Applicants must submit a technical report that conforms to Appendix A in the rule for energy efficiency improvement projects and Appendix B for renewable energy system projects with total eligible project costs of less than \$200,000, but more than \$80,000, or Appendix C for renewable energy projects with total eligible project costs of \$200,000 and greater.
8. Self-score - Applicants have the option to submit a self-score of the project using the evaluation criteria in § 4280.120, including appropriate calculations and attached documentation, or specific cross-references to information elsewhere in the application. Since this information is optional, it is not part of either Form RD 4280-3B or Form RD 4280-3C.
9. Applicant certification - Each applicant must certify that: (1) the applicant is a legal entity in good standing (as applicable), and operating in accordance with the laws of the state(s) where the applicant has a place of business, (2) the equipment required (if applicable) for the project is available, can be procured and delivered within the proposed project development schedule, and must be installed in conformance with manufacturer's specifications and design requirements, and (3) the project will be constructed in accordance with applicable laws, regulations, agreements, permits, codes, and standards. An applicant that submits an application for a project with a total project cost of less than \$200,000, but more than \$80,000 must also certify that the applicant meets all of the requirements for submitting in accordance with § 4280.118 (a)

**For projects with a total project cost of \$80,000 or less, the following is required unless otherwise noted.**

1. Self-score - Applicants have the option to submit a self-score of the project using the evaluation criteria in § 4280.120, including appropriate calculations and attached documentation, or specific cross-references to information elsewhere in the application. Since this information is optional, it is not part of Form RD 4280-3A.
2. Applicant certification – Each applicant must certify that: (1) the applicant is a legal entity in good standing (as applicable), and operating in accordance with the laws of the state(s) where the applicant has a place of business, (2) the equipment required (if applicable) for the project is available, can be procured and delivered within the proposed

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project development schedule, and must be installed in conformance with manufacturer's specifications and design requirements, and (3) the project will be constructed in accordance with applicable laws, regulations, agreements, permits, codes, and standards. An applicant that submits an application for a project with a total project cost of less than \$80,000 must also certify that the applicant meets all of the requirements for submitting in accordance with 4280.117(a).

3. Previous grants and loans – Applicants must discuss whether they have received any grants and/or loans under this subpart. If the applicant has, identify each such grant and/or loan and describe the progress the applicant has made on each project for which the grant and/or loan was received, including projected schedules and actual completion dates.
4. Project information – Applicants must provide information on whether the project is for a renewable energy system or an energy efficiency improvement project, the primary NAICS code applicable to the applicant's operation if known or a description of the operation in enough detail for the Agency to determine the primary NAICS code; a description of how the proposed project will have a positive effect on resource conservation, public health, and the environment and the amount of matching funds and the source(s) they are proposing to use for the project.
5. Technical reports – Energy efficiency improvement technical reports must be completed in accordance with 4280.119 (b)(3) and renewable energy system technical reports must be completed in accordance with 4280.119(b)(4).

### **GRANTEE REQUIREMENTS – RES and EEI APPLICATIONS**

The requirements discussed in this section apply to all RES and EEI grantees, regardless of project size or type of project.

Inspection - The applicant is required to allow the Agency to schedule and conduct periodic inspections of the project that grant/loan guarantee funds were utilized during the project's life.

Insurance - Property, liability and national flood insurance in accordance with 7 CFR part 1806, subpart B, and, except for projects with total eligible project costs of \$200,000 or less, business interruption insurance appropriate to the grantee's particular business and circumstances are required.

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Construction Planning and Performing Development - All applicant's awarded funds will utilize construction planning and performing development requirements outlined in § 4280.124, as applicable. For projects with project costs over \$200,000, all construction documents, including design documents, engineering agreements, construction contracts, and pay requests need to be reviewed and concurred with by Agency personnel. Agency doesn't approve Construction Contract. Owner of the project approves and monitors construction until project completion. Owners are allowed to perform project development work provided they have experience with the construction activity being performed..

Evidence of Matching Funds - Either with the application or before the grant agreement is executed, the applicant must provide written commitment of matching funds from each source.

### Power Purchase Agreement

Where applicable and unless otherwise approved by the Agency, grantees are required to provide the Agency with a copy of the executed power purchase agreement within 12 months from the date the grant agreement is executed. This information is requested in the Letter of Conditions as applicable, sent to awarded applicants prior to obligation of funds.

### Programmatic Changes

The grantee must obtain prior Agency approval for any change to the costs, scope, or contractor or vendor of the approved project. Failure to obtain prior approval of any such change could result in suspension, termination, and recovery of grant funds. Requests for changes must be submitted in writing to the Agency. This information is noted in the Letter of Conditions sent to awarded applicants prior to obligation of funds.

### Transfer of Obligation

Prior to the construction of the project, the grantee may request in writing a transfer of obligation to a different (substitute) grantee. Subject to Agency approval provided in writing, an obligation of funds established for a grantee may be transferred to a substitute grantee under certain circumstances.

### Transfer of Ownership

After the construction of the project, the grantee may request in writing a transfer of the grant agreement to another entity. Subject to Agency approval provided in writing, the grant agreement may be transferred to another entity under certain circumstances.

### Disposition Instructions for Acquired Property

Grantees must abide by the disposition requirements outlined in Departmental regulations.

### Project Performance Reports

Grantees will be required to submit a project performance report on a semiannual basis. The report will compare actual accomplishments to objectives, provide explanations if objectives are not obtained, and outline ways to correct problem situations. It will also outline objectives and timetables for the next reporting period.

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### Final Project Performance

The final project development report must be submitted 90 days after project completion and include a detailed project funding and expense summary and a summary of the project's installation/construction process, including recommendations for development of similar projects by future applicants to the program.

### Outcome Project Performance Reports

Once the project has been constructed, the grantee must provide the Agency periodic reports. For renewable energy system projects, commencing the first full calendar year following the year in which project construction was completed and continuing for 3 full years, the grantee must provide the type of technology; actual annual amount of energy generated in BTUs, kilowatt-hours, or similar energy equivalents; annual income for systems that are selling energy, if applicable, and/or energy savings of the renewable energy system; a summary of the cost of operations and maintaining; a description of any associated major maintenance or operational problems; recommendations for development of future similar projects; and the actual number of jobs created or saved as a result of the REAP funding.

For energy efficiency improvement projects, commencing the first full calendar year following the year in which project construction was completed and continuing for 2 full years, the grantee must provide a report detailing (including calculations and any assumptions) the actual amount of energy saved annually as determined by the difference between the annual amount of energy used by the project with the project in place and the annual average amount of energy used for the most recent 12 months, or an average of 2, 3, 4, or 5 years prior to application submittal as reported in the application; and the actual number of jobs created or saved as a result of the REAP funding.

## **REPORTING REQUIREMENTS – FORMS APPROVED WITH THIS DOCKET**

Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I - For Grantees Other Than Individuals" This form identifies the items that the grantee must certify to in order to carry out a drug-free workplace.

Form RD 4280-2, "Rural Business - Cooperative Service Grant Agreement". RBS and the grantee at grant closing execute the grant agreement. This document outlines the responsibilities of the grantee. This document is necessary to ensure grant funds are used only for the purposes and activities specifically approved.

Form RD 4280-3A, "Application for Renewable Energy Systems and Energy Efficiency Improvement Projects, Total Project Cost of \$80,000 or Less." This form collects all required information needed for a complete application for projects with total project costs of \$80,000 or less. Detailed information requested in this form is outline above.

Form RD 4280-3B, "Application for Renewable Energy Systems and Energy Efficiency



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Improvement Projects, Total Project Cost of Less Than \$200,000, but More Than \$80,000.”

This form collects all required information needed for a complete application for projects with total project costs of less than \$200,000, but more than \$80,000. Detailed information requested in this form is outline above.

Form RD 4280-3C, “Application for Renewable Energy Systems and Energy Efficiency Improvement Projects, Total Project Cost of \$200,000 and Greater.” This form collects all required information needed for a complete application for projects with total project costs of \$200,000 and greater. Detailed information requested in this form is outline above.

### **REPORTING REQUIREMENTS - FORMS APPROVED UNDER OTHER OMB NUMBERS**

The responses and hours associated with each response on the following forms have not been included in the spread sheet that details the burden numbers because the burden for these are contained in other packages.

SF-424, "Application for Federal Assistance" (OMB No. 4040-0004). This is the standard application required to be executed for all Federal grant programs. It is the required fact sheet for applications for Federal grant funding.

SF-424C, “Budget Information – Construction Programs” (OMB No. 4040-0008). This is the standard form used by applicants to break down the line item budget costs in detail.

SF-424D, “Assurances – Construction Programs” (OMB No. 4040-0009). This is the standard form signed by applicants to provide assurances that they will meet certain requirements of OMB Circular A-102.

SF-425, “Federal Financial Report” (OMB No. 0348-0061). This is the standard form used by the grantee to confirm that funds are being spent in conformity with the budget and work plan.

SF-LLL, “Disclosure of Lobbying Activities” (OMB No. 0348-0046). Grantees who are awarded grants over \$100,000 and/or lobby are required to complete this form.

SF-271, “Outlay and Request for Reimbursement for Construction Programs” (OMB No. 0348-0002). This is the standard form used by the grantee to request advances or reimbursement of cash outlays.

Form AD-1047, “Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions” or other written documentation” (OMB No. 0570-0022). This form certifies that the grantee is not presently debarred, suspended, or voluntarily excluded from covered transactions by any Federal department or agency.

Form AD-1048, “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary

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Exclusion - Lower Tier Covered Transactions” or other written documentation” (OMB No. 0570-0022). This form, submitted by the grantee, certifies that lower tier participants are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any Federal department or agency.

Form RD 1940-20, “Request for Environmental Information” (OMB No. 0575-0094). This form requests, from the applicant, environmental information regarding the elements of its application. This information is, in turn, used by Rural Development to complete an environmental assessment of the application.

RD 1942-46, "Letter of Intent to Meet Conditions” (OMB No. 0575-0015). This form indicates a grantee’s acceptance of conditions found in the letter of conditions. The form also allows the grantee to propose alternative conditions.

Form 1940-1, “Request for Obligation of Funds” (OMB No. 0570-0062). This form is completed by the grantee for each note or commitment requiring an obligation of funds.

Form RD 400-1, “Equal Opportunity Agreement” (OMB No. 0575-0018). Each grantee is required to complete this form to comply with Equal Opportunity requirements.

Form RD 400-4, “Assurance Agreement” (OMB No. 0575-0018). Each grantee is required to complete this form to comply with Civil Rights Acts and laws.

RD 400-6, “Compliance Statement” (OMB No. 0575-0018). This form, submitted by the grantee, is used to reveal whether the bidder or prospective Contractor is in default with respect to Compliance reports required under any previously covered contract or subject to the “Affirmative Action Program” and to provide for certification regarding the maintenance or use of non- segregated facilities.

RD 1924-9, “Certificate of Contractor's Release” (OMB No. 0575-0042). This form, submitted by the grantee, is used by contractors to certify that payment has been made in full for all material and labor used in the performance of this contract and to release the borrower from any claims which might arise by virtue of the contract.

RD 1924-10, “Release by Claimants” (OMB No. 0575-0042). This form is prepared by the grantee/borrower in connection with work performed under the contract method when a surety bond is not used.

### **GUARANTEED LOANS – RES and EEI**

The reporting requirements in this section identify those reporting requirements specific to the guaranteed loans, including the loan portion of a combined funding request for RES and EEI projects. Requirements common to both the grant portion and the guaranteed loan portion (e.g., application narrative, technical reports) for combo requests are covered under the RES/EEI grant

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discussion above.

### **REPORTING REQUIREMENTS - NO FORMS**

Reviews and appeals - The applicant, borrower, lender, or holder may seek a review or appeal any adverse Agency decision. Appeals are handled in accordance with Departmental appeal regulations.

Discrimination Complaints - Persons or a specific class of persons whom believe they have been discriminated against may file a complaint with USDA, Office of Adjudication.

Application Withdrawal - The applicant, borrower, or lender during the period between the submission of the application and the execution of award documents, may request to withdraw their application in writing.

Notifications - The Agency will notify an applicant, borrower, and/or lender if the application submitted is complete and eligible or an ineligible application. If the decision is not to fund an application, the applicant will also be notified in writing with any applicable appeal or review rights.

System for Awards Management (SAM) and Dun and Bradstreet Data Universal Numbering System (DUNS) - Unless exempt under 2 CFR § 25.110, the grantee must be registered in the SAM prior to submitting an application or plan, maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by the Agency, and provide its DUNS number in each application or plan it submits to the Agency. In addition, before the Grant Agreement can be executed, the grantee must report to the Agency the number and expiration date of the applicant's SAM number.

Application Requirements - The application requirements presented below are those associated with the guaranteed loans, including requirements for combined funding request.

The applicant provides the same information in a guaranteed loan application shown earlier for Grants under "Application." In addition, the following would be included:

1. Personal credit reports – Collected on individuals with a 20% or more interest in the business. Used to evaluate the credit history of the owners as an aid in the credit evaluation completed by the Agency and lender. These are typically required by lenders for non-guaranteed loans.
2. Appraisal reports (loan requests over \$600,000) - The applicant pays for certified appraisers to complete appraisals in accordance with industry standards. Lenders typically require appraisals completed in accordance with industry standard on non-guaranteed loans and they typically require the applicant to pay for them. There may be

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situations where the Agency requires an appraisal when the lender would not. Appraisals are used to determine the value of borrower assets being offered as collateral to ensure the loan is adequately secured.

3. Commercial credit report - The lender provides a credit report on the business and related firms. They provide aids in making a determination concerning the credit worthiness of the applicant. These reports are typically required by lenders for non-guaranteed loans.
4. Current personal and corporate financial statements of any guarantors - Used to evaluate the financial strength of the owners to determine if they will be able to inject additional resources into the business if needed, thus providing a measure of comfort. These are typically required by lenders for non-guaranteed loans.
5. Lender's analysis - The lender prepares a complete comprehensive credit analysis that is the lender's justification for making the loan. The Agency relies on this analysis as a basis for approving the request. In most cases, the lender would prepare a loan analysis for its internal loan committee, but possibly not as comprehensive as required by the Agency.
6. Lender certification - A certification by the lender that indicates the borrower is eligible, the loan is for authorized purposes, and there is reasonable assurance of repayment ability based on the borrower's history, projections and equity, and the collateral to be obtained. The lender would not prepare this if it were not required by the Agency.
7. Proposed Loan Agreement - An agreement between the lender and the borrower establishing conditions for the loan such as collateral, repayment schedule, loan purpose, and other conditions. They are a general lender practice for all commercial loans. The Agency reviews the proposed document to aid in its loan analysis. Always required by lenders for non-guaranteed loans, but the Agency may require more covenants than the lender would typically require.

Funds Reservation - Certified Lender Program (CLP) lenders may request, in writing, that funds be reserved for a loan application it intends to submit. This assures the CLP lender that funds will be available to fund its loan.

Repurchase from the holder - When a loan defaults, the holder makes demand for repurchase. A lender has the option to repurchase the unpaid guaranteed portion of the loan from a holder. If the lender does not repurchase the loan, the Agency will. The holder's demand will include documentation and the amount due. If the lender does not repurchase the loan, the lender will provide the Agency with information necessary for the Agency to determine the amount due.

Replacement of Document - When a Loan Note Guarantee is lost, stolen, destroyed, mutilated, or defaced by the lender or holder, the Agency will replace it when the lender provides the Agency with documentation and an indemnity bond.

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Interest Rate Change - A change in the interest rate between the date of issuance of the Conditional Commitment and before the issuance of the Loan Note Guarantee must be requested by the lender and approved by the Agency in writing. The potential effect on project feasibility must be reviewed by the Agency.

Planning and Performing Development for Lender - The lender is required to monitor all construction activities including design, construction, and startup, conducting inspections to ensure that construction meets applicable codes. The lender will also ensure that the project will be completed with available funds.

Transfer of lender - When the applicant or lender desires to change lenders prior to issuance of the guarantee, the Agency needs information to determine if the applicant is still eligible and the new proposed lender is eligible and capable of making and servicing the proposed loan.

Changes in borrower - When there is a change in the applicant's ownership or organization prior to the issuance of the guarantee, information is needed to determine if the applicant is still eligible for program assistance.

### Conditions precedent to issuance of Loan Note Guarantee

This is the final check prior to issuance of the guarantee. It is a comprehensive certification from the lender that the borrower meets all requirements of the Conditional Commitment and other program requirements.

Issuance of Loan Note Guarantee - The lender advises the Agency when it is ready for closing and provides the Agency with the comprehensive certification required by the paragraph just above.

Refusal to execute Loan Note Guarantee - If the very unusual case where the Agency determines it cannot issue the guarantee, it will provide the lender with the reasons. The lender may provide documentation to satisfy the Agency objections.

Loan Classification - Within 90 days of receipt of the Loan Note Guarantee, the lender must notify the Agency of the loan's classification or rating under its regulatory standards. Should the classification be changed at a future time, the lender must notify the Agency immediately.

Agency and Lender Conference - The lender will meet with the Agency at the Agency's request to ascertain how the guaranteed loan is being serviced and ensure that conditions and covenants of the Loan Agreement and Conditional Commitment are being enforced. The Agency will meet with each lender at least annually. Because lenders typically have more than one guaranteed borrower, multiple borrowers are discussed at a single visit.

Quarterly Financial Reports - The lender must obtain the financial statements required by the Loan Agreement, and these statements must be forwarded to the Agency. It is common practice

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within the banking industry for the lender to require a borrower; regardless of whether there is a Loan Note Guarantee, to provide periodic financial statements. Normally, lenders require a newer borrower to provide financial statements quarterly, as well as an annual financial statement. Established borrowers submit only annual statements. The burden computation has been adjusted to reflect instances over and above the usual customary practice by the lender in which additional financial statements will be required by the Agency. Basically, it is the time spent completing the abbreviated financial analysis to Agency requirements, and submitting it to the Agency.

Annual Financial Reports - The lender is expected to fully analyze the annual financial statements for each borrower and provide the Agency with a written analysis and conclusions, including spreadsheets and ratio trend analyses that compare year-to-year historical financial information and also compare the borrower to industry standards for similar businesses. The lender's written analysis should include the borrower's strengths, weaknesses, extraordinary transactions, term loan agreement violations, and other indications of the financial condition of the borrower. Most lenders would complete the financial analysis, even if it were not guaranteed.

The lender must submit the annual financial statements to the Agency along with its spreadsheets and written analysis within 120 days of the end of the borrower fiscal year. This requirement is necessary for the lender and the Agency to service the loan and monitor the borrower's financial condition.

Borrower Visits - The Agency will meet with each borrower during the first year after the Loan Note Guarantee is issued, and every three years thereafter, and more often if the account is delinquent or a problem. The lender is encouraged to participate in the visit. During the visit, a review of the collateral and the borrower's operation is made.

Interest Rate Adjustments - The lender is responsible for the legal documentation of interest rate changes by an endorsement or any other legally effective amendment to the promissory note. The Agency must be notified in writing of all interest rate changes. The Government's financial interest must not be adversely affected by any reduction in the interest rate.

When the change is simply a change in rate in a variable rate note, the Agency is typically advised by simple notation on Form RD 1980-41 or RD 1980-44. The burden associated with the forms is addressed separately in this package.

Release of Collateral - All releases must be based on a complete analysis of the proposal. The lender must submit written documentation to the Agency to justify releases of collateral that exceed 20 percent of the loan amount, prior to the release being made. This is to ensure that the loan will remain adequately secured.

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Subordination of Lien Position - A subordination of the lender's lien position must be requested in writing by the lender and concurred by the Agency in writing in advance of the subordination. The subordination must enhance the borrower's business, and the Agency's interest in and lien position on the collateral, after subordination, must be adequate to secure the loan.

Alterations of Loan Instruments - Alterations to any loan instrument must be approved in writing by the Agency. A request by the lender for approval to loan instrument changes must be supported by and explanation of the reason for the proposed changes, completed by the lender.

Loan transfer and Assumption - All transfers and assumptions must be approved in writing by the Agency and generally must be made to eligible borrowers. In all cases, the lender must make a complete credit analysis, subject to Agency review and approval. In addition, the lender will provide to the Agency a written certification that the transfer and assumption is valid, enforceable, and complies with all Agency regulations. A request by the lender for approval of new loan terms must be supported by an explanation of the reasons for the proposed change in loan terms.

Credit Reports - An individual credit report must be provided for transferee proprietors, partners, officers, directors, and stockholders with 20 percent or more interest in the business. This information gives the loan officer a history of past credit payments on the transferee and aids the loan officer in making a determination as to the credit worthiness of the transferee.

Appraisal Reports - In a transfer and assumption, the transferor, including any guarantor, may be released from liability on the loan only with prior Agency approval and only when the value of the collateral being transferred is at least equal to the amount of the loan being assumed. A current appraisal is needed to make such a determination.

Substitution of Lender - After the issuance of the Loan Note Guarantee, the lender shall neither sell nor transfer the entire loan to a new lender without the prior written approval of the Agency. The substitution of lender is requested in writing by the borrower and the proposed substitute lender if the original lender is still in existence. The new lender must agree in writing to acquire title to the non-guaranteed portion of the loan held by the original lender and assume all original loan requirements.

Default by Borrower - If a monetary default exceeds 60 days, the lender will arrange a meeting with the Agency and the borrower to resolve the problem.

Curative Actions - The primary curative actions include: payment deferment, reamortization, rescheduling, reorganization, and moratoriums.

Protective Advances - Protective advances are advances made by the lender to preserve and protect the collateral. They must constitute an indebtedness of the borrower to the lender and be secured by the security instruments. The lender needs the Agency's written authorization when cumulative protective advances exceed \$5,000.

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Liquidation Plan - If the lender concludes that liquidation is necessary, it must request the Agency's concurrence. Within 30 days after a decision to liquidate, the lender will submit to the Agency its proposed written detailed method of liquidation. Upon approval by the Agency of the liquidation plan, the lender will conduct the liquidation (as it would for any non-guaranteed loan). If significant changes to the plan become necessary, the lender must request Agency concurrence to alter the plan.

Acceleration - The lender (or the Agency, at its option, decides to take over servicing and liquidating of the account) will proceed to accelerate the indebtedness as expeditiously as possible when acceleration is necessary, including giving any notices and taking any other legal actions required. A copy of the acceleration notice or other acceleration documents will be sent to the Agency. The guaranteed loan will be considered in liquidation once the loan has been accelerated and a demand for payment has been made upon the borrower.

Accounting and Reports - When the lender conducts liquidation, it will account for all funds during the period of liquidation, and will provide the Agency with reports at least quarterly on the progress of liquidation including disposition of collateral, resulting costs, and additional procedures necessary for successful completion of the liquidation.

Termination of Guarantee - A guarantee will be terminated automatically upon the written notice from the lender to the Agency that the guarantee will terminate in 30 days after the date of notice, provided that the lender holds the entire guaranteed portion of the loan.

### **REPORTING REQUIREMENTS - FORMS APPROVED UNDER THIS DOCKET**

In addition to the forms required for the grant portion of a combined funding request, the following forms are required for the guaranteed loan portion of the combined funding request.

Form RD 4279-1, "Application for Loan Guarantee (Business and Industry)" and Form RD 4279-1A, "Application for Loan Guarantee (Business and Industry Short Form-One Doc)." The information collected on these forms is used by the Agency to determine applicant eligibility for program assistance and to provide financial and other data about the applicant and lender. Form RD 4279-1 contains three parts. The borrower completes part A, the lender completes Part B, and Part C is used by the Agency to evaluate parts A and B and the credit in general. Form RD 4279-1A contains two parts – the borrower completes Part I and the lender completes Part II.

Under REAP, if the guaranteed loan amount is greater than \$600,000, Form RD 4279-1 is used. If the guaranteed loan amount is \$600,000 or less, then Form RD 4279-1A can be used.

Form RD 4279-3, "Conditional Commitment." This form is used by the Agency to provide notice to the lender that the guarantee request is approved subject to the conditions established by the Agency and listed on the form. The lender accepts the Agency's conditions by signing.



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Form RD 4279-4, “Lender’s Agreement.” This form is the signed agreement between the Agency and the lender setting forth the lender’s responsibilities for the guarantee. Each lender will execute the form once.

Form RD 4279-6, “Assignment Guarantee Agreement.” The form is the signed agreement between the Agency, lender, and holder, setting forth the terms and conditions of an assignment of all or a portion of the guaranteed portion of a loan.

Form 4279-14, “Unconditional Guarantee.” This form is used to obtain an unconditional guarantee from an individual or corporate entity that owns more than 20 percent interest. This form will replace guarantee forms used by lenders. The Agency is establishing uniformity in obtaining and collecting against guarantees and will treat all guarantors consistently and rectify any ambiguities regarding its ability to refer delinquent debts to the Treasury for collection under DCIA.

### **REPORTING REQUIREMENTS - FORMS APPROVED UNDER OTHER OMB NUMBERS**

Form RD 1940-20, “Request for Environmental Information (loan only requests)” (OMB No. 0575-0094). This form requests, from the applicant, environmental information regarding the elements of its application. This information is, in turn, used by Rural Development to complete an environmental assessment of the application.

Form RD 1980-19, “Guaranteed Loan Closing Report” (OMB No. 0575-0137). The information is used by the Agency to establish the account in its accounting system. The Agency prepares the form. The lender verifies it for accuracy.

Form RD 449-30, “Loan Note Guaranteed Report of Loss” (OMB No. 0575-0137). The Agency requires the lender to use this form to process estimated and final reports of loss on guaranteed loans.

Form RD 1980-41, “Guaranteed Loan Status Report” (OMB No. 0570-0016). The Agency requires the lender to complete this form twice per year, June and December. The lender has the primary records on a guaranteed loan. The Agency uses the information collected from the lenders to determine the status of the guaranteed loan and forecast losses. The information is also used in the completing the Agency financial statements.

Form RD 1980-43, “Lender’s Guaranteed Loan Payment to USDA” (OMB No, 0575-0137). The Agency requires the lender to use of this form to send guaranteed loan payments to the Agency Finance Office on loans repurchased from the secondary market.

Form RD 1980-44, “Guaranteed Loan Borrower Default Status” (OMB NO. 0570-0016). The Agency requires the lender to complete this form on all delinquent loans every two months. The Agency uses this information to determine the lender’s compliance with the Lender’s Agreement

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in properly servicing delinquent accounts.

### GRANTS – EA and REDA

#### **REPORTING REQUIREMENTS – NO FORM NUMBERS**

Reviews and appeals - The grantee may appeal any adverse Agency decision. Appeals are handled in accordance with 7 CFR Part 11.

Discrimination Complaints - Persons or a specific class of persons whom believe they have been discriminated against may file a complaint with USDA, Office of Adjudication.

Application Withdrawal - The applicant, borrower, or lender during the period between the submission of the application and the execution of award documents, may request to withdraw their application in writing.

Notification - The Agency will notify an applicant, borrower, and/or lender if the application submitted is complete and eligible or an ineligible application. If the decision is not to fund an application, the applicant will also be notified in writing with any applicable appeal or review rights.

System for Awards Management (SAM) and Dun and Bradstreet Data Universal Numbering System (DUNS) - Unless exempt under 2 CFR § 25.110, the grantee must be registered in the SAM prior to submitting an application or plan, maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by the Agency, and provide its DUNS number in each application or plan it submits to the Agency. This is required in Block III of the 4280-3A, 3B, and 3C.

Applicant Requirements - Applicants must submit an application narrative that contains the following elements:

1. Certification that the applicant is a legal entity in good standing (as applicable), and operating in accordance with the laws of the state(s) where the applicant has a place of business.
2. A proposed scope of work to include the following items:
  - a. A brief summary including a project title describing the proposed project;
  - b. Goals of the proposed project;
  - c. Geographic scope or service area of the proposed project and the method and rationale used to select the service area;
  - d. Identification of the specific needs for the service area and the target audience to be served. The number of agriculture producers and/or rural small businesses to be

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- served should be identified including name and contact information if available as well as the method and rationale used to select the agriculture producers and/or rural small businesses;
- e. Timeline describing the proposed tasks to be accomplished and the schedule for implementation of each task. Include whether organizational staff, consultants, or contractors will be used to perform each task. If a project is located in multiple states, resources must be sufficient to complete all projects;
  - f. Marketing strategies to include a discussion on how the applicant will be marketing and providing outreach activities to the proposed service area ensuring that agriculture producers and/or rural small businesses are served;
  - g. Applicant's experience as follows:
    - i. If applying for a renewable energy development assistance grant, the applicant's experience in completing similar renewable energy development assistance activities, including the number of similar projects the applicant has performed and the number of years the applicant has been performing a similar service.
    - ii. If applying for an energy audit grant, the number of energy audits and assessments the applicant has completed and the number of years the applicant has been performing those services;
    - iii. For all applicants, the amount of experience in administering energy audit, renewable energy development assistance, or similar activities as applicable to the purpose of the proposed project. Provide discussion if the applicant has any existing programs that can demonstrate the achievement of energy savings or energy generation with the agricultural producers and/or rural small businesses the applicant has served. If the applicant has received one or more awards within the last 5 years in recognition of its renewable energy, energy savings, or energy-based technical assistance, please describe the achievement; and
  - h. Identify the amount of matching funds and the source(s) the applicant is proposing to use for the project. Provide written commitments for matching funds at the time the application is submitted.
3. The applicant must identify whether or not the applicant has a known relationship or association with an Agency employee. If there is a known relationship, the applicant must identify each Agency employee with whom the applicant has a known relationship.

### **Grantee Requirements**

#### Insurance

The grantee must provide satisfactory evidence to the Agency that all officers of grantee organization authorized to receive and/or disburse Federal funds are covered by such bonding and/or insurance requirements as are normally required by the grantee.

#### Evidence of Matching Funds

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Either with the application or before obligation of funds, the applicant must provide written commitment of matching funds from each source.

### Programmatic Changes

The grantee must obtain prior Agency approval for any change to the costs, scope, or contractor or vendor of the approved project. Failure to obtain prior approval of any such change could result in suspension, termination, and recovery of grant funds. Requests for changes must be submitted in writing to the Agency.

### Transfer of Obligation

Prior to the construction of the project, the grantee may request in writing a transfer of obligation to a different (substitute) grantee. Subject to Agency approval provided in writing, an obligation of funds established for a grantee may be transferred to a substitute grantee under certain circumstances.

### Transfer of Ownership

After the construction of the project, the grantee may request in writing a transfer of the grant agreement to another entity. Subject to Agency approval provided in writing, the grant agreement may be transferred to another entity under certain circumstances.

### Audit Requirement

For the years in which grant funds are received, the grantee may be required to submit an audit in accordance with 7 CFR part 3052.

### Semiannual Project Performance Reports

Project performance reports shall include, but not be limited to, the following:

- a. A comparison of actual accomplishments to the objectives established for that period (e.g., the number of audits performed, number of recipients of renewable energy development assistance);
- b. A list of recipients, each recipient's location, and each recipient's North American Industry Classification System code;
- c. Problems, delays, or adverse conditions, if any that have in the past or will in the future affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation;
- d. Objectives and timetable established for the next reporting period.

### Final Project Performance

A final performance report will be required within 90 days after project completion and must include:

1. For energy audit projects, the final performance report must provide complete information regarding:
  - a. The number of audits conducted,

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- b. A list of recipients (agricultural producers and rural small businesses) with each recipient's North American Industry Classification System code,
  - c. The location of each recipient,
  - d. The cost of each audit, and
  - e. The expected energy saved for each audit conducted if the audit is implemented.
2. For renewable energy development assistance projects, the final performance report must provide complete information regarding:
    - a. A list of recipients with each recipient's North American Industry Classification System code,
    - b. The location of each recipient, and
    - c. The expected renewable energy that would be generated if the projects were implemented.

### Outcome Project Performance Reports

One year after submittal of the final performance report, the grantee will provide the Agency a final status report on the number of projects that are proceeding with the grantee's recommendations, including the amount of energy saved and the amount of renewable energy generated, as applicable.

### **Reporting Requirements – Forms Approved with this Docket**

When applying for an energy audit or renewable energy development assistance grant, the applicant is required to submit the following form, which is discussed under the RES/EEI grant program:

Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I

RD-4280-2, Rural Business Cooperative Service Grant Agreement.

Form RD 4280-3A, "Application for Renewable Energy Systems and Energy Efficiency Improvement Projects, Total Project Cost of \$80,000 or Less."

Form RD 4280-3B, "Application for Renewable Energy Systems and Energy Efficiency Improvement Projects, Total Project Cost of Less Than \$200,000, but More Than \$80,000."

Form RD 4280-3C, "Application for Renewable Energy Systems and Energy Efficiency Improvement Projects, Total Project Cost of \$200,000 and Greater."

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### **Reporting Requirements - Forms Approved Under Other OMB Numbers**

When applying for an energy audit or renewable energy development assistance grant, the applicant is required, except as noted, to submit the following forms, which are discussed under

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either the RES/EEI grant program:

- SF-424, Application for Federal Assistance (OMB No. 4040-0004)
- SF-424A, Budget Information - Non-Construction Programs (OMB No. 4040-0006)
- SF-424B, Assurances - Non-Construction Programs (OMB No. 4040-0007)

When awarded an energy audit or renewable energy development assistance grant, the grantee is required to submit the following forms, which are discussed under either the RES/EEI grant program:

- AD-1047, Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions. (OMB No. 0570-0022).
- AD-1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions. (OMB No. 0570-0022).
- SF-270, Request for Advance or Reimbursement (OMB No. 0348-0004)
- SF-LLL, Disclosure of Lobbying Activities (OMB No. 0348-0046).
- SF-425, Federal Financial Report (OMB No. 0348-0061).
- RD 1942-46, Letter of Intent to Meet Conditions (OMB No. 0575-0015).
- RD 1940-1, Request for Obligation of Funds (OMB No. 0570-0062).
- RD 400-4, Assurance Agreement (OMB No. 0575-0018).

### **RECORDKEEPING REQUIREMENTS**

Applicable to all REAP grant programs, grantees are required to keep records in accordance with Department regulations. This includes, but is not limited to, records that identify adequately the source and application of funds for grant-supporting activities, together with documentation to support the records. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income. In addition, the grantee will retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least 3 years after grant closing, except that the records shall be retained beyond the 3-year period if audit findings have not been resolved or if directed by the United States. Microfilm copies may be substituted in lieu of original records. The Agency and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the grantee which are pertinent to the specific grant program for the purpose of making audit, examination, excerpts, and transcripts.

3. Describe any consideration of the use of improved information technology to reduce burden any technical or legal obstacles to reducing burden.

The Agency strongly encourages applicants to submit applications using [www.Grants.gov](http://www.Grants.gov). The

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use of Grants.gov allows the Agency to receive the applications electronically. Applicants who receive funding will be encouraged, but not required, to submit, as applicable, performance reports, and the annual status reports electronically. The Agency will not totally require submission by electronic methods because some applicants may not have the technological expertise for electronic submission or may not have the equipment necessary for high technological information gathering.

#### 4. Describe efforts to identify duplication.

The Agency is utilizing existing forms used in the current Rural Development grant and guaranteed loan programs, which includes the Rural Energy for America Program. If similar information is found to be available from another Federal agency, every effort is made to utilize that information as is or in an appropriately modified form for this program. In addition, only one application and set of forms and certifications is being requested. There will be no similar or existing information that could be submitted; therefore, there will be no duplication.

#### 5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize the burden.

The information collection required for this initiative places little or nominal burden on small entities beyond that performed in normal business practice. The Agency is using industry-standardized data elements and documents, supplementing them with Government-wide forms that are familiar to many applicants.

#### 6. Describe the consequences to Federal program or policy activities if the collection were conducted less frequently.

The information collected under this program is the minimum necessary to conform to the requirements of the program regulations established by law. Information is collected when needed and cannot be collected less frequently and still meets the requirements of the programs. Failure to collect proper information could result in improper determinations of eligibility or improper use of funds.

#### 7. Explain any special circumstances that require the collection of information to be conducted in a manner:

- a. Requiring respondents to report information more than quarterly. There are no information requirements that require specific reporting on more than a quarterly basis.
- b. Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it. There are no information requirements that require specific reporting in less than 30 days.
- c. Requiring respondents to submit more than an original and two copies of any document.

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There are no information requirements that require more than an original and two copies.

- d. Requiring respondents to retain records for more than 3 years. Retention of financial records, supporting documents, statistical records pertinent to the grant is required for 3 years after final grant disbursement, except when an audit finds the grantee in violation of the grant terms and conditions.
  - e. Not using statistical sampling. There are no such requirements.
  - f. Requiring use of statistical data classification that has not been reviewed and approved by Office of Management and Budget (OMB). There are no such requirements.
  - g. Requiring a pledge of confidentiality that is not supported by authority in statute or 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. There are no such requirements.
  - 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 permissible by law. There are no such requirements.
8. Comments on Agency's notice in the Federal Register and efforts to consult with persons outside the Agency to obtain their views on the availability of data, frequency of collection, the clarity of the instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

In accordance with the Paperwork Reduction Act of 1995, the Agency published a notice of proposed rulemaking in the Federal Register on April 12, 2013 (78 FR 22044) on 7 CFR 4280, subpart B, the Rural Energy for America Program. Comments were received on the notice and have been addressed in the final rule. A summary of these comments are below and have been addressed in the preamble of the final rule published in the Federal Register on December 29, 2014 (79 FR 78220). The 2014 Farm Bill removed the authority to make grants for feasibility studies from REAP.

One commenter stated that the current documentation requirements require a professional grant writer to win REAP awards. If the REAP documentation cannot be reduced to allow ranchers to write their own grants, then the REAP process, as it has been established, will continue with large agricultural producers being the beneficiaries of the program.

Another commenter believes that, although OMB has approved the information collection requirements and Rural Development states that the information being collected is necessary to ensure compliance with the regulation and proper use of funds, the information required of applicants is excessive, duplicative, and burdensome. Simplification will benefit agricultural producers of all means, especially smaller operators. REAP rules should require a greatly simplified application process for the smallest projects. Because so many smaller



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systems used off-the shelf technology, much of the application can be drastically simplified. A number of requirements, such as for design warranties not commonly offered, should be removed from application requirements for small projects.

A third commenter echoed these same concerns. The commenter stated that the grant application is lengthy and overly burdensome for small, independent operators whose main focus is running their business. Faced with these burdensome requirements, many small business operators are contemplating hiring outside grant writers at considerable expense. Any action to lessen the burden for these operators would be a welcome change. Alternatively, the Department could allow application preparation as an eligible expense under professional service fees.

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 to respondents, including no remuneration of contractors or grantees.

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

No assurance of confidentiality is provided to respondents for the information required. When necessary, the Agency will process any and all requests for release of records and information in accordance with the Privacy Act of 1974. However, in some instances, the information collected under the provisions of this program is not considered to be of a confidential nature. For example, organizations, such as not-for-profit entities and public bodies from which information is collected, are ordinarily required to make their activities available for public scrutiny.

11. Provide additional justification for any question of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private.

The information collected does not contain any questions of a sensitive nature such as sexual behavior, religious beliefs, or other matters commonly considered private.

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

The following table summarizes the 3-year average estimated number of applicants, recipients, and costs for the final rule, broken down by the type of financial assistance. The attached spreadsheets provide the specific estimates for each of the financial assistance types.

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Parameter	Financial Assistance Type			Loan Grant Combinations	3-Yr Ave Totals
	RES/EEI Grants	RES/EEI GL	EA/REDA Grants		
Number of respondents	1,860	50	105	10	2,025
Total annual responses	39,516	1,777	1,034	582	42,909
Number of hours per respondent	54.05	153.15	24.90	159.98	55.51
Number of hours per response	2.54	4.31	2.53	2.75	2.62
Total hours	100,529	7,658	2,614	1,600	112,401
Cost per hour*	\$35.72	\$35.72	\$35.72	\$35.72	\$35.72
Total annual cost	\$3,590,900	\$273,504	\$93,387	\$57,038	\$4,014,829

\*Based on the different hourly wage rates, an average median hourly wage rate of \$35.72 was used to calculate annual cost.

<b>Respondent</b>	<b>Hourly Wage Rate (A)</b>	<b>Benefit Factor <sup>1</sup> (B)</b>	<b>Hourly Wage Rate with Benefits (A x B)</b>
Agricultural producers	\$33.66 <sup>2</sup>	1.16	\$39.05
Rural small businesses	\$25.77 <sup>3</sup>	1.16	\$29.89
Grant writers	\$32.96 <sup>4</sup>	1.16	\$38.23
Average hourly wage rate	\$30.80	1.16	\$35.72

<sup>1</sup> Supporting Statement, Environmental Protection Agency. Notice of Arrival of Pesticides and Devices (FIFRA). Question 6(b)(i) Estimating Labor Costs. OMB Control Number 2070-0020.

<sup>2</sup> Bureau of Labor Statistics, May 2011 National Occupational Employment and Wage Estimates United States. 11-0000 Management Occupations, Occupation Code 11-9013, Farmers, Ranchers, and Other Agricultural Managers. (see

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[http://www.bls.gov/oes/2011/may/oes\\_nat.htm#b11-0000.](http://www.bls.gov/oes/2011/may/oes_nat.htm#b11-0000.))

<sup>3</sup> Supporting Statement for Paperwork Reduction Act, SBA Form 355, Information for Small Business Size Determination. Question 12 Estimate the hourly burden of the collection of information. OMB Control Number 3245-0101. Updated GS-9, step 5 labor rate shown in the SBA supporting statement from 2009 and to 2012. Based on the US Office of Personnel Management web site’s 2012 Salary and Tables and Related Information, the mid-rate for GS-9 (i.e., step 5) for the “Rest of United States” for a GS-9, step 5 (see [http://www.opm.gov/oca/12tables/pdf/rus\\_h.pdf](http://www.opm.gov/oca/12tables/pdf/rus_h.pdf)).

<sup>4</sup> Bureau of Labor Statistics. Table B-3b. Average hourly and weekly earnings of all employees on private nonfarm payrolls by industry sector, not seasonally adjusted. Using the May 2012 average hourly earnings (see [http://www.bls.gov/opub/ee/2012/ces/table3b\\_201207.pdf](http://www.bls.gov/opub/ee/2012/ces/table3b_201207.pdf)). Average of NAICS 54169: Other technical consulting services (\$31.55 per hour) and NACIS 54162 Environmental consulting services (\$34.37 per hour).

13. Provide estimates of annualized cost to the respondents.

There are no capital and start-up costs or operations and maintenance costs associated with this collection.

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

The estimated wage of federal employees compiling the information is \$42 per hour. The estimated cost to the Government is estimated to be \$3,681,300.

The breakdown of cost to the Government is as follows:

<b>RES &amp; EEI Guaranteed Loans</b>	<b>Applicants or Borrowers</b>	<b>Hours</b>	<b>Rate</b>	<b>3- Year Average</b>
Review application and lender's analysis and complete negotiations, site visit and environmental review	60	20	42	\$50,400
Review Technical Reports	60	4	42	\$10,080
Approve loan and obligate funds	60	8	42	\$20,160
Review documents and issue guarantee	60	6	42	\$15,120
Replacement of documents	1	3	42	\$126
Appeals	1	16	42	\$672
Financial statement review	60	3	42	\$7,560
Servicing actions	10	4	42	\$1,680
Borrower/lender visits	20	3	42	\$2,520
Outcome project performance	60	1	42	\$2,520
Total				\$110,838

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Grants	Applicants or Grantees	Hours	Rate	3- Year Average
RES/EEI Application review – greater than \$200,000	188	20	42	\$157,920
RES/EEI Application review – \$200,000 to greater than \$80,000	707	15	42	\$445,410
RES/EEI Application review – \$80,000 and less	965	10	42	\$405,300
EA/REDA Application review	105	10	42	\$44,100
RES/EEI Technical merit review greater than \$200,000	188	8	42	\$63,168
RES/EEI Technical merit review – \$200,000 to greater than \$80,000	707	4	42	\$118,776
RES/EEI Technical merit review – \$80,000 and less	965	2	42	\$81,060
Approve and obligate funds	1,333	8	42	\$447,888
Servicing actions other than monitoring	87	4	42	\$14,616
Planning and Performance	1333	16	42	\$895,776
Reporting and Grant Disbursement	1,333	16	42	\$895,776
Appeals	1	16	42	\$672
Total				\$3,570,462

15. Explain reasons for changes in burden, including the need for any increase.

This is a new information collection. However, the final rule addresses provisions currently covered in two approved burden packages – (1) 0570-0050 for 7 CFR part 4280, subpart B; and 0570-0059 for EA and REDA grants. The approved burden package 0570-0061 for renewable energy feasibility study grants will not be included in the combined burden totals. While reviewing the final rule the agency discovered that it had underestimated the burden figures.

Compared to the respondents in the two currently approved burden packages, the total number of respondents under the Final Rule is estimated to decrease from 3,667 to 2,025. This decrease is due to the reduction in funding for the program provided in the 2014 Farm Bill compared to the funding provided in the 2008 Farm Bill.

The total hours to respond are estimated to decrease from 379,906 hours to 112,401 hours. The total responses decreased by from 110,580 to 42,909. The total number of hours per respondent also decreased 48.09 hours from 103.6 to 55.51.

16. For collection of information whose results are planned to be published for statistical use, outline plans for tabulation, statistical analysis, and publication.

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The information collected will not be published for statistical use.

17. Approval not to display the expiration date for OMB approval.

These forms are used in other Rural Development information collections; therefore, it is not practical to include an OMB expiration date because of the different expiration dates for each collection. RBS is seeking approval to not display the OMB expiration date on these forms.

18. Exceptions to certification statement.

There are no exceptions to the certification.

19. How is this information collection related of the Service Center Initiative (SCI)? Will the information collection be part of the one stop-shopping concept?

The SCI calls for changes to improve services to the United States Department of Agriculture (USDA) customers. One aspect is providing one stop service for greater customer convenience in accessing USDA programs. The applicant will be able to access the forms required, which are also on the Grants.gov Web site.