

**Supporting Statement:
U.S. Department of Energy
Alternative Fuel Transportation Program
OMB Control Number 1910-5101**

This supporting statement provides additional information regarding the U.S. Department of Energy's (DOE) request to amend the information collection, Annual Alternative Fuel Vehicle Acquisition Report for State Government and Alternative Fuel Provider Fleets. The amendments are associated with and match the final rulemaking being promulgated, as Congress mandated, pursuant to Section 133 of the Energy Independence and Security Act of 2007. The numbered questions correspond to the order shown on the Office of Management and Budget (OMB) Form 83-I, "Instructions for Completing OMB Form 83-I."

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the information collection.**

The U.S. Department of Energy (DOE)'s Office of Energy Efficiency and Renewable Energy operate a statutorily-mandated regulatory compliance program through its Office of Vehicle Technologies. The Program is referred to as the State and Alternative Fuel Provider Fleet Program. Under this Program, regulated fleets are required to comply with specific statutory mandates, as set forth in the Energy Policy Act of 1992 (EPAct), as amended by the Energy Policy Act of 2005, and the Energy Independence and Security Act of 2007. DOE is required to review, assess, and make compliance determinations based upon submitted information. Initial requirements for fleets and DOE began in vehicle Model Year 1997, as did associated information collection requirements. Thus the regulated fleets are familiar with the reporting requirements outlined below.

Regulated fleets are defined under EPAct to include certain State agency fleets and other alternative fuel provider (e.g., utility) fleets that meet specific fleet size and vehicle use threshold requirements. Specifically, state and alternative fuel provider fleets are considered covered fleets if they own, operate, lease, or otherwise control 50 or more non-excluded light-duty vehicles (less than or equal to 8,500 lbs) and if at least 20 of those vehicles are used primarily within a single Metropolitan Statistical Area/Consolidated Metropolitan Statistical Area and are capable of being centrally fueled.

Regulated fleets have two options for complying with the EPAct-mandated requirements. They must comply via:

1. Standard Compliance: Acquire a statutorily-mandated percentage of alternative fuel vehicles (AFVs) (e.g., E85 flex fuel vehicles, CNG-powered vehicles, fuel cell vehicles, etc.) in each year; OR

2. Alternative Compliance: They may apply to DOE for a waiver from this just mentioned vehicle acquisition requirement. Under this waiver, the fleet will develop a plan by which it will reduce a statutorily-mandated amount of petroleum fuel that the fleet uses in that year.

The ICR is critical to this Program. Fleets under this Program will submit the following under this ICR:

1. Annual Reports under Standard Compliance due by December 31, each year.
2. Intent to Apply for a Waiver for Alternative Compliance due by March 31, each year.
3. Alternative Compliance Waiver applications, due by July 31, each year.
4. Alternative Compliance Annual Reports due by December 31, each year.

This is a continuing reporting requirement necessary for the agency to determine compliance with the alternative fuel vehicle mandates established by statute (42 U.S.C. 13251 and 13257(o)), and specifically required by statute in the context of the alternative compliance option. (See, 42 U.S.C. 13263a(c))

Recordkeeping and reporting requirements are critical to DOE because they allow DOE to determine: (1) whether alternative fuel providers and State governments are in compliance with the alternative fueled vehicle (AFV) acquisition mandates set forth in Sections 501 and 507(o) of the Energy Policy Act of 1992 (EPAAct), 42 U.S.C. §§ 13251, 13257(o); (2) whether alternative fuel provider and State government fleets should be allocated credits under Section 508 of EPAAct, 42 U.S.C. § 13258; and (3) whether alternative fuel provider and State government fleets that opted to waive into the alternative compliance program under Section 514 of EPAAct, 42 U.S.C. § 13263a, are in compliance with the applicable requirements. The implementing regulations for these statutory provisions appear at 10 C.F.R. Part 490. Because DOE has the authority under Section 512 of EPAAct, 42 U.S.C. § 13262, to impose civil penalties and fines on those who violate the aforementioned statutory and regulatory provisions, information collection is necessary to determine whether alternative fuel provider and State government fleets are in compliance with these provisions.

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

The DOE Office of Energy Efficiency and Renewable Energy has used the information to determine compliance with the AFV-acquisition mandates, manage the allocation and recording of AFV credits, and verify compliance with the requirements of the alternative compliance program. The information collected is reviewed to ensure accuracy in terms of information reported, and the information reported is compared with the regulatory requirements to determine compliance. If this information is not collected, DOE will have no way of determining whether alternative fuel provider and State fleets are complying with the regulations and whether credits should be allocated to these fleets. There is no requirement that DOE provide develop or draft annual report regarding the AFTP. The AFTP, however, has developed an annual compliance results summary that is an annual compilation of the information obtained

from annual reports covered fleets have filed. Recent year summaries for the AFTP are available at http://www1.eere.energy.gov/vehiclesandfuels/epact/program_annual_reports.html.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

With the exception of the alternative compliance program, the information is reported to a relational database (Oracle), which is accessible via the Internet and modem. Data also can be submitted by email, computer disk, U.S. mail, or by faxing directly to the database manager. The information that can be submitted via the Internet is identical to the information that can be submitted by email, computer disk, U.S. mail, or by fax. The information submitted via email, computer disk, U.S. mail, or by fax is collected using the Standard Compliance Reporting Spreadsheet. The information collected via the Internet approach does not include any information beyond that which is collected using the Spreadsheet. The database is password protected. Reporting via Internet and modem reduces the respondents' burden by allowing similar data to be entered with minimal changes on a computer form, instead of duplicating the majority of data on paper forms.

With regard to alternative compliance, the submittal and collection of information is by written or hard copy only and thus does not involve technological collection techniques.

4. Describe efforts to identify duplication.

This collection of information is specific to DOE. While there are other Federal agencies that collect information related to alternative fuels or alternative fuel vehicle acquisitions, that information is similar to what DOE collects under the AFTP only in that it relates to alternative fuels or AFVs. Hence there is no duplication. For examples:

- The Energy Information Administration collects information for an annual survey regarding the number and type of alternative fueled vehicles and other advanced technology vehicles that vehicle suppliers 'made available' in the reporting year and plan to make available in the current calendar year. The survey also collects information regarding:
 - The number, type, miles traveled, and geographic distribution of AFVs in use in the reporting year;
 - The amount and distribution of each type of alternative fuel consumed in the reporting year (i.e., previous calendar year); and
 - The number, type, and disposition of vehicle retirements in the reporting year.
- ✓ The entities surveyed, however, do not include the entities that comprise the covered fleets under the AFTP.
- The Federal Trade Commission collects information under its Alternative Fuels Rule (16 CFR Part 309).

- The Rule requires disclosure of specific information on labels posted on fuel dispensers for non-liquid alternative fuels and on labels on AFVs.
 - ✓ This information is distinctly different from any and all information that is collected under the AFTP.
- The Treasury Department/Internal Revenue Service collects information regarding certification procedures related to the qualified alternative fuel motor vehicle (QAFMV) credit under § 30B(a)(4) and (e) of the Internal Revenue Code (including the reduced credit under § 30B(e)(5) for mixed-fuel vehicles).
 - The information collected is intended to ensure that vehicles meet the requirements for the QAFMV credit under § 30B(a)(4) and (e).
 - This information is used to determine whether the vehicle for which the credit is claimed by a taxpayer is property that qualifies for the credit.
 - The likely respondents are the vehicle manufacturers, which are not covered fleets under the AFTP.
 - ✓ The entities from who the information is collected are beyond the scope of the entities that comprise the covered fleets under the AFTP.
 - ✓ The information collected is different in subject, form, and function from that collected under the AFTP.
- The Treasury Department/Internal Revenue Service also collects information that allows property owners to claim tax credit for AFV refueling property, under IRC section 30C.
 - The information collected pertains to the amount of money spent, and associated information.
 - The likely respondents are corporations and partnerships.
 - ✓ The entities from whom information is collected are beyond the scope of the entities that comprise the covered fleets under the AFTP.
 - ✓ The information collected is different in subject, form, and function from that collected under the AFTP.
- Finally, the U.S. Treasury Department/Internal Revenue Service collects information that allows property owners to claim tax credit for credits and payments from the sale for use of alcohol mixtures, biodiesel mixtures, renewable diesel mixtures, alternative fuel mixtures, and alternative fuel.
 - The information collected pertains to the amount of these fuels sold and the revenue generated from these sales.
 - The likely respondents are corporations and partnerships.
 - ✓ The entities from who information is collected are beyond the scope of the entities that comprise the covered fleets under the AFTP.

- ✓ The information collected is different in subject, form, and function from that collected under the AFTP.

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

No small businesses are expected to have to provide information as a result of this collection. (See http://www.sba.gov/sites/default/files/files/size_table_07222013.pdf). Organizations and entities required to report information are primarily in two sectors, the state government sector and the utility sector, and include entities that own at least 50 light duty motor vehicles nationwide.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

The frequency of collection is dictated by EPAAct, which mandates that AFVs be acquired or that alternative compliance be assessed over an annual time period. If the information collection is not conducted or is conducted less frequently, DOE would have no means to allow fleets the flexibility of complying with the Program under Standard Compliance or Alternative Compliance. More significantly, the ICR is critical to the Program because in the absence of the requested information collection, DOE would have no means of carrying out its statutorily-mandated responsibility to assess compliance with the Program and/or identify violations and appropriate sanctions/penalties.

All fleets under this Program will submit the following under this ICR:

1. Annual Reports under Standard Compliance due by December 31, each year.

Fleets that elect to participate in the Alternative Compliance option under this Program will submit the following under this ICR:

1. Intent to Apply for a Waiver for Alternative Compliance due by March 31, each year.
2. Alternative Compliance Waiver applications, due by July 31, each year.
3. Alternative Compliance Annual Reports due by December 31, each year.

Recordkeeping and reporting requirements are critical to DOE because they allow DOE to determine: (1) whether alternative fuel providers and State governments are in compliance with the alternative fueled vehicle (AFV) acquisition mandates set forth in Sections 501 and 507(o) of the Energy Policy Act of 1992 (EPAAct), 42 U.S.C. §§ 13251, 13257(o); (2) whether alternative fuel provider and State government fleets should be allocated credits under Section 508 of EPAAct, 42 U.S.C. § 13258; and (3) whether alternative fuel provider and State government fleets that opted to waive into the alternative compliance program under Section 514 of EPAAct, 42 U.S.C. § 13263a, are in compliance with the applicable requirements. The implementing regulations for these statutory provisions appear at 10 C.F.R. Part 490. Because DOE has the authority under Section 512 of EPAAct, 42 U.S.C. § 13262, to impose civil penalties and fines on

those who violate the aforementioned statutory and regulatory provisions, information collection is necessary to determine whether alternative fuel provider and State government fleets are in compliance with these provisions.

The collection is critical to allowing DOE and the regulated entities to fulfill their statutorily mandated obligations set forth in EPCA as well as the implementing regulations set forth at 10 C.F.R. Part 490.

7. **Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines: (a) requiring respondents to report information to the agency more often than quarterly; (b) requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; (c) requiring respondents to submit more than an original and two copies of any document; (d) requiring respondents to retain records, other than health, medical government contract, grant-in-aid, or tax records, for more than three years; (e) in connection with a statistical survey, that is not designed to product valid and reliable results that can be generalized to the universe of study; (f) requiring the use of statistical data classification that has not been reviewed and approved by OMB; (g) that includes a pledge of confidentiality that is not supported by authority established in stature of 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; (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 permitted by law.**

The information collection is consistent with OMB guidelines.

8. **If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken in response to the comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside DOE to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or report.**

Most recently, the Department published the following items related to this Program, here listed in reverse chronological order:

1. The Department published a 60-day Federal Register Notice and Request for Comments concerning modification of this collection in the Federal Register on October 31, 2011, volume 76, number 210, and page number 67288. The modifications were related to revisions associated with the Notice of Proposed Rulemaking published to promulgate the changes Congress mandated, pursuant to

EISA Section 133 (76 FR 67288 (Oct. 31, 2011)). The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No comments on the information collection were received.

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

There is no remuneration given for submission of any of the information other than the fact that the expense of responding is treated as an allowable cost.

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

DOE does not share fleet-specific compliance data with outside sources other than in response to a Freedom of Information Act request, and even then DOE takes precautions to respect the potential confidentiality of important data. DOE's attention to potential confidentiality concerns usually arises not with regard to information submitted but rather with regard to the compliance status of fleets, which is based on the information provided and DOE's analysis of that data. Most often, requests for data pertain to broader program figures for classes of entities regulated under the Alternative Fuel Transportation Program. In responding to requests under the Freedom of Information Act, DOE relies on its regulations at 10 CFR Part 1004.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why DOE considers the questions necessary, the specific uses to be made of the information., the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no collections in this package that involve questions of a sensitive, personal, or private nature.

12. Provide estimates of the hour burden of the collection of information. The statement should indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, DOE should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample fewer than 10 potential respondents is desirable.

The estimate of hour burden of the amendments to the information collection is as follows:

Total number of unduplicated respondents: 303
Reports filed per person: 1.1056
Total annual responses: 335
Total annual burden hours: 303

The amendments to the information collection, due to the EISA Section 133 rulemaking, will add approximately 1 hour to the burden for each respondent.

The estimate of hour burden of the information collection including the amendments, is as follows:

Total number of unduplicated respondents: 303
Reports filed per person: 1.1056
Total annual responses: 335
Total annual burden hours: 2,273

The values for number of unduplicated respondents and total annual responses, set forth above, are based on the following:

- a.** The total number of unduplicated responses (303) represents the number of annual reports submitted to DOE under this Program. This total number of annual reports represents the sum of Standard Compliance annual reports and Alternative Compliance annual reports submitted to DOE.
- b.** The Reports filed per person (1.1056) exceeds one (1) because in a few instances, due to business structure of alternative fuel provider fleets, the same person files a report for more than one fleet, based on the business.
- c.** The number of total annual responses (335) represents the sum of the number of annual reports submitted (303) and the typical number of Intent to Apply for a Waiver (16) and the Alternative Compliance Waiver applications (16) fleets submit to DOE annually under the Program. For clarification, fleets that opt into Alternative Compliance have additional submittals to make -- the simple Intent to Apply for a Waiver for Alternative Compliance due by March 31, each year (a check box), and the Alternative Compliance Waiver application, due by July 31, each year. Fleets are not required to opt into Alternative Compliance, but those that do incur the additional burden of completing the Intent check box (negligible time commitment, 0.1 hours) and the Waiver application waiver application (5 hours), but a fleet submitting such a request will incur this additional burden.
- d.** The total annual burden hours (2,273) is the product of the number of total responses by the number of hours for each reporting component. $(303 \text{ (annual reports)} * 7.175) + (16 \text{ (alternative compliance waiver applications)} * 5) + (16 \text{ (notice of intent)} * 0.1) = 2,273$. Each annual report, whether it be for complying under Standard Compliance or Alternative Compliance, is estimated to take no more than 7.175 hours to complete. Each Alternative Compliance Waiver application is estimated to take no more than 5 hours to complete. Each Notice of intent to Apply for a Waiver for Alternative Compliance takes no more than 0.1 hours to complete.
- e.** Total burden hours for state fleets submitting annual reports is the product of the total annual burden hours (2,273) multiplied by the percentage of fleets submitting an annual report that are state fleets. $(2,273 \text{ (total annual burden hours)} * 0.51 = 1,159.23$. The number of state fleet responses was also determined using the same method and is estimated to be $335 * 0.51 = 171$ annual responses.

- f. Total burden hours for alternative fuel provider fleets submitting annual reports is the product of the total annual burden hours (2,273) multiplied by the percentage of fleets submitting an annual report that are alternative fuel provider fleets. $(2,273 \text{ (total annual burden hours)} * 0.49 = 1,113.77$. The number of private sector fleet responses was also determined using the same method and is estimated to be $335 * 0.49 = 164$ annual responses.

Average Burden:

Per Collection: 6.88 hours¹

Per Applicant: 287 fleets spend 7.175 hours each for Standard Compliance annual report; 16 fleets spend 10.175 hours each for Alternative Compliance annual report, the Waiver Application, and the Notice of Intent)

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

Beyond costs associated with undertaking the work, there are no additional costs to respondents of either information collection other than the burden hours for reporting and recordkeeping. Costs to undertake the work for the collection are approximated at \$48.51/hr of effort (<http://www.bls.gov/oes/current/oes119199.htm>), for a total of \$333.75 in labor to research, collect, and respond to the collection. The hourly wage used to calculate this value is based on a conservative estimate that each respondent works at the manager level. The total estimated annual cost for all respondents is \$101,126 ($303 \text{ (# of respondents)} * \$48.51 \text{ (median wage/hr)}$).

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

The cost of ongoing effort on the part of DOE to undertake this collection is approximately \$120,000, which are costs associated with gathering information and managing the compliance database. This cost is based on the cost of the annual subcontract with the contractor responsible for collecting, sorting, and maintaining the information that is contained within the compliance database.

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

Adjustments are based on the final rulemaking to implement EISA Section 133, which requires that DOE offer additional opportunities for covered fleets to earn credits for the acquisition of certain electric drive vehicles, and investments in qualified alternative fuel infrastructure,

¹ DOE's calculation of the amount of time a respondent will take to complete each annual report is based on experience with the annual reporting process since the Program's inception, in 1998. The modification to the calculated amount of time needed that is due to the EISA section 133 rule is based on both practical testing by DOE of the revised reporting form and estimates of the amount of time needed to pull information from files the respondents are expected to have available to them. DOE's understanding regarding the availability to respondents of the files/information is based on anecdotal information obtained through conversations with respondents over the past 16 years.

qualified alternative fuel non-road equipment, and relevant emerging technologies. The inclusion of the additional options to earn AFV acquisition credits for other these other actions will lead to covered fleets recording and submitting information related to those actions, some of which will simply replace actions the fleets might otherwise have taken, and some of which may be in addition to actions they would take. There is additional burden calculated for those fleets that choose to include those additional actions on their annual compliance report. The additional hours associated with this burden are set forth in #12, above.

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

For the past several years, the Office of Vehicle Technologies has published an annual report summarizing key highlights from the previous model year's data. This information is general in nature and does not identify particular reporting entities. Data collected from the reporting forms also appears in the EAct Section 501 Report, which was submitted to Congress. This information, too, is general in nature and does not identify any reporting entities by name. The EAct Section 501 Report was combined with a report required by Section 704 of the Energy Policy Act of 2005, which relates to the implementation of the EAct fleet programs.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

DOE is not seeking approval to not display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in Item 19 of OMB Form 83-I.

There are no exceptions to the certification statement on OMB Form 83-I.