

Supporting Statement for Requests for Approval under the Paperwork Reduction Act and 5 CFR 1320

Application for Section 26a Permit, OMB # 3316-0060

SECTION A. JUSTIFICATION:

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

Applicants provide certain information as a requirement to obtain a permit from TVA. Section 26a of the Tennessee Valley Authority Act of 1933, as amended, requires that TVA review and approve plans for the construction, operation, and maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries. Also, review of plans for construction is necessary to determine if plans are in compliance with Part 1304 of Title 18, Code of Federal Regulations, and with the Shoreline Management Policy implemented by TVA on November 1, 1999.

The information collected is used to assess the impact of proposed projects on the statutory TVA programs and to determine if the project can be approved. TVA's land management activities require that TVA approval be obtained before actions affecting land owned by the United States and in the custody and control of TVA are initiated. Additionally, TVA's ethics protocol, "Obtaining Things of Value from TVA" established a procedure for identifying inherent conflicts of interest by those applying for a TVA benefit.

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 information collected on the Joint Application Form (TVA 17423) is reviewed by TVA staff to determine compatibility of the proposal with TVA statutory requirements for operation of the Tennessee River System and for compliance with all applicable Federal laws and Executive Orders.

TVA also uses the information to contact applicants and authorized agents regarding the review of their request. To further facilitate identifying the project location, the Joint Application Form (TVA 17423) has been revised to request the reservoir of the project location information. Applicants are only required to provide the information they know.

In 2009 TVA published protocol to ensure that all people obtaining things of value from TVA are treated in a consistent manner. The information collected on the Applicant Disclosure Form (ADF) (TVA 17423A) is used to identify any potential conflicts of interests by those applying for a Section 26a permit and to ensure TVA's permitting process is fair, impartial, and transparent. One section of the ADF was removed from the form in 2016. The elimination does not reduce the overall completion time, but simplifies the form and reduces the burden on the public.

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.

TVA has the ability, through a web portal, for respondents to apply to TVA for a Section 26a Permit via TVA's Internet web site. The application can be submitted "on line" for ease of access and ease of completion. The URL for the online application is <https://www.tva.gov/Environment/Shoreline-Construction/Get-Started-Now>

TVA's web portal improves efficiencies, reduces response burden and reduce processing costs. For example, the system allows applicants to use Google Maps to pinpoint the location of their property instead of having to upload copies of scanned maps or submit paper copies. The system also auto-populates the Department of Army/TVA Joint Application Form (TVA 17423), the Applicant Disclosure Form (TVA 17423A) and the Section 26a database based on input from the applicant.

Online applications for 2013 was estimated at 16%. For FY2015 and FY2016 year-to-date 21% of applications were received online. For the first eight months of FY2016, 27% of the applications were received online.

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

Each respondent's application for a new Section 26a permit is unique to geographic location and construction plans. In cases where an applicant wishes to revise construction plans or add to a structure, TVA only requires information on the new addition. Also, the U.S. Army Corps of Engineers and TVA have a Memorandum of Understanding that established a joint permitting program for structures constructed on the Tennessee River System. This reduces paperwork by 50 percent.

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

There is no significant impact on a substantial number of small businesses; however, TVA provides technical assistance to any small businesses that request it in completing a Section 26a Permit Application Form.

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.

Section 26a of the TVA Act requires review and approval by TVA before any structure can be constructed on the Tennessee River or its tributaries. If TVA did not collect the applicants' information, it could not conduct the required review. If TVA could not conduct the required review, no construction approvals would be issued and all development on the Tennessee River System would stop.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- *requiring respondents to report information to the agency more often than quarterly;*
- *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
- *requiring respondents to submit more than an original and two copies of any document;*
- *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;*
- *in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;*
- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established 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; or*
- *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.*

None of these apply.

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 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

Included in this submission are copies of the 60-day and 30-day Federal Register notices soliciting comments from the public on this Information Collection. No public comments were received from the 60-day Federal Register notice.

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

No payments or gifts are provided.

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

The majority of information provided in a Section 26a Permit Application is not confidential. Most information collected describes construction plans and is not of a sensitive or personal nature. However, since these records are maintained by a personal identifier (name of applicant), they are identified as a Privacy Act System of Records, TVA-36 (copy attached). A Privacy Act Statement is included on the Section 26a Permit Application form.

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 information collection does not ask questions of a sensitive 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, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices. *** If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.***

Number of respondents (permits): 1,800 annually. This number reflects a downward trend in recent years of 26a applications received by TVA as less land is available for development and use on the TVA reservoirs. TVA records and tracks in a computer data base the number of respondents who apply for permit approvals under section 26a of the TVA Act. From this computerized data base, TVA is able to review applicant numbers for any year, and is able to use the data to project anticipated respondent numbers for future years.

Frequency of Response: On occasion. One permit application is required for each request. There is no predetermined frequency or renewal cycle. Permit applicants are required to provide the information in the form of a permit application.

Annual Hour Burden: 2 hours per application. Therefore, the Total Annual Hour Burden is 3,600 hours (2 hours x 1,800 applications = 3,600 hours). Burden is estimated by asking some applicants how long it took to complete the permit application, completion of test applications by TVA staff, and by assisting applicants in completing the Permit Application.

- *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under item 13.*

Annualized cost per applicant: The average hourly wage for the states in the TVA service area is \$19, and was obtained from the Bureau of Labor Statistics National Compensation Survey on Wages (see: <http://www.bls.gov/ncs/ocs/sp/nctb1698.pdf>. For this area the hourly mean earning for all workers is \$18.93.).

Based on the estimated 2 hour burden, the total annualized time cost for all applicants is \$76,000 ($\$19 \times 3,600 = \$68,400$). The typical application fee is \$500 so the total estimate permit cost is \$900,000 ($\$500 \times 1800 \text{ applications} = \$900,000$). The total annual time and application fee cost for applicants is \$968,400.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. Do NOT include the labor cost (wage equivalent) of the burden hours described in Question 12 (above). The information required here corresponds to that in #14 on the 83-I (cost to the public).

The cost estimate should be split into two components:

- a. a total capital and start-up cost component (annualized over its expected useful life) and
- b. a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Capital and startup cost do not apply to Section 26a Permit Applications.

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

Include here a description of the method used to estimate costs to the Federal government, which should show the quantification of hours, operational expenses (such as equipment, overhead, printing, and staff support), and any other expense which would not have been incurred without this collection of information. If there will be no costs beyond the normal labor costs for staff, state so.

The TVA cost of processing Section 26a permit applications for fiscal year 2013 was approximately \$1,000,000.

15. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

Annual responses in the 2013 submission was estimated at 2,000; the number of annual responses in this submission is estimated to be 1,800. This reflects a downward trend in recent years of 26a applications received by TVA as less land is available for development and use on the TVA reservoirs. Additionally, this reduction in applications received by TVA may also be associated with the economic downturn.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable.

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

Not applicable.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions,"

Not applicable.

Section B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.

Applicants provide the information whenever they wish to construct or modify a structure or other obstruction that may affect navigation, flood control, or public lands or reservations along or in the Tennessee River or any of its tributaries.