

Supporting Statement for  
**FERC-606, Notification of Request for Federal Authorization and Requests for  
Further Information, and  
FERC-607, Report on Decision or Action on Request for Federal Authorization**

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

Both the FERC-606 and FERC-607 are existing Commission data collections as stated by 18 Code of Federal Regulations (CFR) Part 385. There have been no changes to the reporting requirements.

**1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF  
INFORMATION NECESSARY**

The Commission authorizes the construction and operation of proposed natural gas projects under Natural Gas Act (NGA) Sections 3 and 7.<sup>1</sup> However, the Commission does not have jurisdiction over every aspect of each natural gas project. In addition to receiving Commission approval, different agencies must typically reach favorable findings regarding other aspects of the project.

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

- Establish a schedule for agencies<sup>2</sup> to review requests for federal authorizations required for a project, and

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

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

- Compile a record of each agency's decision, together with the record of the Commission's decision, to serve as a consolidated record for the purpose of appeal or review, including judicial review.

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

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

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

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

**FERC-606 and FERC-607.** The information collections cannot be discontinued nor collected less frequently because of statutory requirements. The consequences of not collecting this information are that the Commission would be unable to fulfill its statutory mandate under the Energy Policy Act of 2005 to:

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

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

The Commission implemented the capability and requirement for filing FERC-606 and FERC-607 in various formats including the capability of electronic filing via [eFiling](#) on FERC's webpage.

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

Filing requirements are periodically reviewed as OMB review dates arise or as the Commission deems necessary in performing its regulatory responsibilities in an effort to alleviate duplication.

All Commission information collections are subject to analysis by Commission staff and are examined for redundancy. There is no other source of this information.

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

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

FERC-606 and FERC-607 are regulatory filing requirements implementing a statutory provision as stated above in Questions 1 and 2. The information requirement is imposed on federal agencies, or state agencies or officers acting pursuant to delegated federal authority, responsible for a federal authorization (e.g. issuing, conditioning, or denying requests) necessary for a proposed natural gas project. The information is already readily available to the federal and state respondents.

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

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

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

**7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION**

The FERC-606 and FERC-607 information collections present no special circumstances.

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

In accordance with OMB requirements<sup>3</sup>, the Commission published a 60-day notice<sup>4</sup> and a 30-day notice<sup>5</sup> to the public regarding this information collection on 2/8/2019 and 4/15/2019 respectively. Within the public notice, the Commission noted that it would be requesting a three-year extension of the public reporting burden with no change to the existing requirements concerning the collection of data. No comments were received on the 60-day Notice.

**9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS**

There are no payments or gifts to respondents associated with the FERC-606 and FERC-607 information collections.

**10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS**

The Commission does not consider the information collected in FERC-606 and/or FERC-607 filings to be confidential. However, the filer may request privileged treatment of a filing that may contain information harmful if released to the general public.<sup>6</sup>

**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**

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<sup>3</sup> 5 CFR 1320.8(d)

<sup>4</sup> 84 FR 2846, 2/8/2019.

<sup>5</sup> 84 FR 15209, 4/15/2019

<sup>6</sup> 18 CFR 388.112

There are no questions of a sensitive nature in the reporting or recordkeeping requirements of either the FERC-606 or FERC-607 information collection.

**12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION**

The Commission estimates the annual public reporting burden<sup>7</sup> and cost<sup>8</sup> (rounded).

<b>FERC-606 (Notification of Request for Federal Authorization and Requests for Further Information), and FERC-607 (Report on Decision or Action on Request for Federal Authorization)</b>						
	<b>Number of Respondents (1)</b>	<b>Annual Number of Responses per Respondent (2)</b>	<b>Total Number of Responses (1)*(2)=(3)</b>	<b>Average Burden Hours &amp; Cost Per Response (4)</b>	<b>Total Annual Burden Hours &amp; Total Annual Cost (3)*(4)=(5)</b>	<b>Cost per Respondent (\$) (5)÷(1)</b>
FERC-606	6	1	6	4 hrs.; \$316	24 hrs.; \$1,896	\$316
FERC-607	1	1	1	1 hr.; \$79	1 hr.; \$79	\$79
<b>TOTAL</b>	7		7		25 hrs.; \$1,975	

**13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS**

There are no start-up or other non-labor costs.

Total Capital and Start-up cost: \$0

Total Operation, Maintenance, and Purchase of Services: \$0

All of the costs in the information collection are associated with burden hours (labor) and discussed in Questions #12 and #15.

**14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT**

<sup>7</sup> Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

<sup>8</sup> The estimates for cost per response are derived using the formula: Average Burden Hours per Response \* \$79.00 per hour = Average Cost per Response. The hourly cost figure comes from the FERC average salary plus benefits of \$164,820 per year (or \$79.00/hour). These estimates were updated in May 2018. This figure is being used because the staff thinks industry is similarly situated in terms of average hourly cost (wages plus benefits).

	<b>Number of FERC Work Hours</b>	<b>Estimated Annual Federal Cost</b>
Analysis and Processing of FERC-606 and FERC-607 filings <sup>9</sup>	28	\$2,212
PRA <sup>10</sup> Administrative Cost		\$4,931
<b>FERC Total</b>		<b>\$7,143</b>

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

The Paperwork Reduction Act (PRA) Administrative Cost is the average annual FERC cost associated with preparing, issuing, and submitting materials necessary to comply with the PRA for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. It also includes the cost of publishing the necessary notices in the Federal Register.

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

There are no changes in the recordkeeping, reporting requirements, the number of respondents or responses made in this collection.

<b>FERC-606 &amp; FERC-607</b>	<b>Total Request</b>	<b>Previously Approved</b>	<b>Change due to Adjustment in Estimate</b>	<b>Change Due to Agency Discretion</b>
Annual Number of Responses	7	7	0	0
Annual Time Burden (Hrs.)	25	25	0	0
Annual Cost Burden (\$)	\$0	\$0	\$0	\$0

**16. TIME SCHEDULE FOR PUBLICATION OF DATA**

There are no publications of the information.

**17. DISPLAY OF EXPIRATION DATE**

<sup>9</sup> Based on FERC’s Fiscal Year 2018 average cost per FTE (salary plus benefits) of \$164,820 per year (for 2,080 work hours), rounded to \$79.00 per hour.

<sup>10</sup> Paperwork Reduction Act of 1995 (PRA)

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The OMB expiration dates are posted at <http://www.ferc.gov/docs-filing/info-collections.asp>.

**18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There are no exceptions.