

AGENCY:

Federal Permitting Improvement Steering Council (FPISC).

ACTION:

Initial Notice Supporting Statement; non-substantive correction.

SUMMARY:

The Federal Permitting Improvement Steering Council (FPISC) is correcting the Notice of Initiation Support Statement for the information collection conducted under Office of Management and Budget (OMB) Control Number 3090-0316, approved under the provision of the Paperwork Reduction Act. A notice was published in the **Federal Register** at 81 FR 52692 on August 9, 2016. No comments were received. A 30-day notice was published in the **Federal Register** at 82 FR 45849 on October 2, 2017. Approval was received on January 19, 2018.

DATES:

Effective December 20, 2019

FOR FURTHER INFORMATION CONTACT:

Amber Levofsky, Executive Operations Officer, Federal Permitting Steering Council, Office of the Executive Director, 1800 G Street NW, Washington DC, or fast.fortyone@fpisc.gov or 202-.412-2064

SUPPLEMENTARY INFORMATION:

In the Permitting Notice of Initiation Support Statement for the Internal Collection Review approved by OMB on January 19, 2018, the following corrections are made:

In section A.1, the first paragraph is corrected to read “In December 2015, Title 41 of the Fixing America’s Surface Transportation (FAST-41) Act (codified at 42 U.S.C §4370m *et seq.*) outlined a set of fundamental requirements designed to change the way Federal agencies carry out their environmental review and authorization responsibilities for large, complex infrastructure projects. §4370m-2(a)(1)(A) of FAST-41 states that a “project sponsor of a covered project shall submit to the Executive Director and the facilitating agency notice of the initiation of a proposed covered project.” The statute further describes the required information to be contained in the FAST-41 notice of initiation (FIN) (§4370m-2(a)(1)(C))”.

In section A.1, the second paragraph is corrected to read “In order to accommodate this statutory requirement, the Federal Permitting Improvement Steering Council (FPISC or Permitting

Council), Office of Executive Director (FPISC-OED) is seeking to collect the following information consistent with its authority under the FAST-41 (§4370m-2(a)(1)(C)) which together serves as an applicant's FIN".

In section A.1, the first sentence of the third paragraph is corrected to read, "The information that FPSIC-OED seeks to collect is the exact same information set out in §4370m-2(a)(1)(C) of the statute."

In section A.1, the fourth paragraph, second line, is corrected to read, "The information will need to be submitted to FPISC-OED via a web-form automatically submitted through the Permitting Dashboard. A dedicated email address will be included if an applicant prefers to submit a FIN through email."

In section A.2, the first paragraph is corrected to read, "The information collected by FPISC-OED will be shared with and reviewed by the facilitating agency, as identified for the particular type of project under consideration, as well as the Executive Director of the FPISC in order to verify that the project in question qualifies to be considered a 'covered project' as defined by FAST-41."

In Section A.2, the second paragraph is corrected to read, "A project may qualify as a covered project because it is an infrastructure project that fits in one of the eligible project sectors, is subject to National Environmental Policy Act (NEPA), appears likely to require a total investment of more than \$200,000,000, and does not appear to qualify for an abbreviated authorization or environmental review process. FAST-41 states that project proponents from the following sectors are eligible to submit a FIN: surface transportation, including roadways, bridges, railroads, and transit; aviation; ports, including navigational channels; water resources projects; energy production and generation, including from fossil, renewable, nuclear, and hydro sources; electricity transmission; broadband Internet; pipelines; storm water and sewer infrastructure; drinking water infrastructure; and other sectors as may be determined by the Permitting Council."

Section A.3 is corrected to read, "The Permitting Council will deploy an electronic form that will automatically populate a record with the requested statutory information in the Permitting Dashboard database, which will provide clarity and ease in the process for project proponents. Applicants are encouraged to submit through this form statutorily required information that will allow the facilitating agency to determine if a project meeting the requirements to be 'covered' under FAST-41."

Section A.4 is corrected to read, "FPISC-OED reviewed existing forms related to the initiation of Federal infrastructure permitting and found that none of them captured the information required by §4370m-2(a)(1)(C) of FAST-41."

Section A.5 is corrected to read, “The FPISC does not anticipate any impact on small businesses, as the expected project costs for covered projects, which would use this form, is \$200 million. Additionally, the burden associated with completion of the form is minimal.”

Section A.10 is corrected to read, “All information submitted to the agency under this collection will be made publicly available on the Permitting Dashboard as required by §4370m-2(b)(3)(A)(i)(I). FPISC worked with the General Services Administration’s Regulatory Secretariat to determine that a System of Records Notice is not needed as this effort will not collect sensitive, confidential or Personally Identifiable Information. A system of records is defined as a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifier assigned to the individual.”

In section A.12, the first paragraph, is corrected to read, “Based on consultation with the four project sponsors who submitted the requested information at the time of the Support Statement’s approval, FPISC-OED estimated the burden for this collection to be three hours. This estimate has not changed. As of January 2020, FPISC manages 47 projects, which is in line with covered project projections made at the time of the Support Statement’s approval. FPISC-OED estimates it will continue to manage overall 48 projects per year.”

Section A.16 is corrected to read, “All information collected by FPISC-OED under this request will be published on the Permitting Dashboard as required by §4370m-2(b)(3)(A)(i)(I).”

Section A.17 is corrected to read, “If the collection consists of a paper form, the agency may request exemption from printing the expiration date and Office of Management and Budget-approved control numbers on the forms, based on the high cost of reprinting. However, since the use of an electronic application has been implemented, FPISC may not claim this exemption.”

Dated: 5/6/2020.