
*Supporting Statement for Annual
Alternative Fuel Vehicle Acquisition
Report for State Government and
Alternative Fuel Provider Fleets*

Part A: Justification

OMB No. 1910-5101

October 2021

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Introduction

This supporting statement provides additional information regarding the U.S. Department of Energy's (DOE) request to renew the information collection, *Annual Alternative Fuel Vehicle Acquisition Report for State Government and Alternative Fuel Provider Fleets*. 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.1. Legal Justification

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.

DOE's Office of Energy Efficiency and Renewable Energy (EERE) operates 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 (EPAAct), 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 EPAAct 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 EPAAct-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 of each year.
2. Intent to Apply for a Waiver for Alternative Compliance due by March 31 of each year.
3. Alternative Compliance Waiver applications, due by July 31 of each year.

4. Alternative Compliance Annual Reports due by December 31 of 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 42 U.S.C § 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 EAct, 42 U.S.C. § 13251, 13257(o); (2) whether alternative fuel provider and State government fleets should be allocated credits under Section 508 of EAct, 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 EAct, 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 EAct, 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.

A.2. Needs and Uses of Data

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 collection instruments are used to collect information related to numbers of alternative fueled vehicles that each covered entity acquires in a given model year, as well as the types of vehicles. Additional information may be collected regarding alternative fuel infrastructure that is installed during the same model year. For some entities, information must be reported on the amount of alternative fuel used. The DOE EERE uses 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 develop or draft an annual report regarding the Alternative Fuel Transportation Program (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://www.eere.energy.gov/vehiclesandfuels/epact/program_annual_reports.html.

A.3. Use of Technology

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.

Explain the basis for the decision for adopting this means of collection. Describe any consideration given to the use of improved information technology to reduce the burden on the public.

With the exception of the alternative compliance program, the standard compliance information is reported to a relational, password-protected database (Oracle), which is accessible via the Internet using a web-based reporting tool. The same information can also be submitted, using the Standard Compliance Reporting Spreadsheet, by email, computer disk, U.S. mail, or by faxing directly to the database manager. However, reporting via the Internet 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. It is estimated that more than 95 percent of all information collected is collected electronically.

With regard to alternative compliance, the submittal and collection of information is only performed by emailing documents or mailing hard copies. Data from the reports is transcribed into the database by the database manager; reporting entities do not interact directly with the database.

A.4. Efforts to Identify Duplication

Describe efforts to identify duplication.

Show specifically why any similar information already available in other collections cannot be used or modified for the purposes described in Item A.2 above.

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 example:

- 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.
 - 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.
 - 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 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.

A.5. Provisions for Reducing Burden on Small Businesses

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 https://www.sba.gov/sites/default/files/files/Size_Standards_Table_2017.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.

A.6. Consequences of Less-Frequent Reporting

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 EPO, 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 of 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 of each year.
2. Alternative Compliance Waiver applications, due by July 31 of each year.
3. Alternative Compliance Annual Reports due by December 31 of 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 EPO, 42 U.S.C. § 13251, 13257(o); (2) whether alternative fuel provider and State government fleets should be allocated credits under Section 508 of EPO, 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 EPO, 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 EPO, 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 EPO as well as the implementing regulations set forth at 10 C.F.R. Part 490.

A.7. Compliance with 5 CFR 1320.5

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; or
- (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.

A.8. Summary of Consultations Outside of the Agency

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 5CFR 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.

The Department published a 60-Day *Federal Register Notice* and Request for Comments concerning renewal of this collection in the Federal Register on June 9, 2021, volume 86, number 109, and page number 30597. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No relevant comments on the information collection were received. As no comments were received, no efforts were undertaken, formally or informally, 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, or on the data elements to be recorded, disclosed, or report. Such an effort is deemed not necessary in that the program has been in place since 1996 and the information collection has not changed much if at all over the years, and we know from working with the covered fleets over all of this time that those reporting have no issues with this data collection.

The Department published a 30-Day *Federal Register Notice* and Request for Comments concerning renewal of this collection in the Federal Register on September 24, 2021, volume 86, number 183, and

page number 53043. The notice described the collection and invited interested parties to submit comments or recommendations regarding the collection. No relevant comments on the information collection were received.

A.9. Payments or Gifts to Respondents

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.

A.10. Provisions for Protection of Information

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 (FOIA) 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 AFTP. In responding to requests under the FOIA, DOE relies on its regulations at 10 CFR Part 1004.

A.11. Justification for Sensitive Questions

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.

A.12A. Estimate of Respondent Burden Hours

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 number of total annual responses (319) represents the sum of the number of annual reports submitted (303) and the typical number of Intent to Apply for a Waiver (8) and the Alternative Compliance Waiver applications (8) fleets submit to DOE annually under the Program. Presently, 295 fleets file one item, a Standard Compliance annual report, and 8 fleets file three items, an Alternative

Compliance annual report, a notice of intent to file under Alternative Compliance, and an Alternative Compliance Waiver Request. Each annual report, whether it be for complying under Standard Compliance or Alternative Compliance, is estimated to take no more than 7.2 hours¹ to complete. For clarification, fleets that opt into Alternative Compliance have additional submittals to make -- the simple Intent to Apply for a Waiver for Alternative Compliance (a check box), and the Alternative Compliance Waiver application. 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 (4.1 hours), but a fleet submitting such a request will incur this additional burden. For fleets opting into Alternative Compliance, the total annual burden is 11.4 hours.

The total annual burden hours (2,215) is the product of the number of total responses by the number of hours for each reporting component. (303 (295 Standard Compliance Reports + 8 Alternative Compliance Reports) * 7.2) + (8 (alternative compliance waiver applications) * 4.1 + (8 (notice of intent) * 0.1) = 2,215 hours.

Table A1. Estimated Respondent Hour Burden

Form Number/Title (and/or other Collection Instrument name)	Type of Respondents	Number of Respondents	Annual Number of Responses	Burden Hours Per Response	Annual Burden Hours	Annual Reporting Frequency
Annual Report (Standard Compliance)	Fleet Managers	295	295	7.2	2124	1
Alternative Compliance Reports	Fleet Managers	8	8	7.2	57.6	1
Alternative Compliance Waiver application	Fleet Managers		8	4.1	32.8	1
Alternative Compliance Notice of Intent	Fleet Managers		8	8	0.1	0.8
TOTAL		303	319		2215	

A.12B. Estimate of Annual Cost to Respondent for Burden Hours

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 'Annual Cost to Federal Government'.

Beyond costs associated with undertaking the work, there are no additional costs to respondents of the information collection other than the burden hours for reporting and recordkeeping. Costs to undertake the research, collection, and response for the collection are approximated at \$80.85/hr of effort (<https://www.bls.gov/oes/current/oes113071.htm>, and including a burden of 1.6x). The hourly wage used to calculate this value is based on a conservative estimate that each respondent works at the

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. It 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 20 years.

manager level. The total estimated annual burden for all fleets is \$179,082.75 (2,215 hrs * \$80.85). Table A2 details the total estimated annual burden.

Table A2. Estimated Respondent Cost Burden

Type of Respondents	Total Annual Burden Hours	Hourly Wage Rate	Total Respondent Costs
Fleet Managers	2215	80.85 (burdened rate for government applied (1.6x))	179,082.75
TOTAL	2215		179,082.75

A.13. Other Estimated Annual Cost to Respondents

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

There are no “other” costs associated with or resulting from the collection of information.

A.14. Annual Cost to the Federal Government

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 \$125,000, 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.

A.15. Reasons for Changes in Burden

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

The value for total annual burden hours is the same as the previously approved value of 2,215 hours. The value for the total number of responses is 319, which is 16 less than the value that was previously approved. The reason for this change is an improved agency estimate. The cost burden is documented herein as \$179,083. This value is calculated above, in A.12b, and includes the application of a burdened rate. The reason for this change is not as the result of deliberate Federal government action. See Table A3.

Table A3. ICR Summary of Burden

	Requested	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Previously Approved
Total Number of Responses	319		16	335
Total Time Burden (Hr)	2215		0	2215
Total Cost Burden	179,083		179,083	0

A.16. Collection, Tabulation, and Publication Plans

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 appeared 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 related to the implementation of the EAct fleet programs.

A.17. OMB Number and Expiration Date

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.

A.18. Certification Statement

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.