

DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220



**TO:** Levesz, Administrator, Office of Information and Regulatory Affairs  
**FROM:** Deputy Assistant Secretary for  
Privacy, Transparency, and Records

**SUBJECT:** Justification for Emergency Processing: Qualifying Advance Energy Project  
Credit

The Department of the Treasury and the Internal Revenue Service (IRS) are requesting a reinstatement of OMB Control Number 1545-2151 (Qualifying Advanced Energy Project Credit) under emergency procedures in connection with provisions of Congress passed by § 13501 of Public Law 117-169, 136 Stat. 1818 of the Inflation Reduction Act of 2022 (IRA22), on August 16, 2022.

Section 13501(a) of the IRA22 adds § 48C(e) to the Internal Revenue Code (“Code”) to extend the § 48C credit and to provide an additional credit allocation of \$10 billion. Section 13501(b) of the IRA22 modifies the definition of a “qualifying advanced energy project” contained in § 48C(c)(1)(A). Section 13501(c) and (d) of the IRA22 make conforming amendments to § 48C(c)(2)(A) and (f). The amendments made by § 13501 of the IRA22 became effective on January 1, 2023. See § 13501(e) of the IRA22. The IRA22 requires the Secretary to establish a program to consider and to award credits for qualified investments eligible for credits under § 48C not later than 180 days after enactment (February 13, 2023).

IRS Notice 2023-18 establishes the program under § 48C(e)(1) of the Code to allocate \$10 billion of credits (\$4 billion of which may only be allocated to projects located in certain energy communities) for qualified investments in eligible qualifying advanced energy projects (§ 48C(e) program). A qualifying advanced energy project (1) re-equips, expands or establishes an industrial or manufacturing facility for the production or recycling of certain clean energy technologies specified in Notice 2023-18; (2) re-equips any industrial or manufacturing facility with equipment designed to reduce greenhouse gas emissions by at least 20% through the installation of certain technologies specified in Notice 2023-18; or (3) re-equips, expands, or establishes an industrial facility for the processing, refining, or recycling of critical materials (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)). A taxpayer must submit, for each qualifying advanced energy project: (1) a concept paper for Department of Energy (DOE) consideration and (2) a § 48C(e) application (consisting of (i) an application for DOE recommendation and (ii) an application for § 48C(e) certification). To be eligible to claim any § 48C credits allocated to a project under the § 48C(e) program, a taxpayer must also provide to DOE (1) evidence establishing that a project satisfies the certification requirements specified in Notice 2023-18 and (2) a notification that the project has been placed in service.

Therefore, due to the extraordinary circumstances and statutory deadlines for implementing the Section 13501 of the IRA22, the Treasury and IRS, in consultation with DOE, request emergency processing of this information collection request by May 31st. Given the inability to seek public comment during such a short timeframe, IRS also respectfully requests a waiver from the requirement to publish a notice in the Federal Register seeking public comment during the period of Office of Management and Budget review. However, public comment will be solicited in conjunction with the subsequent extension of the approval to collect this information.