

**Supporting Statement for FERC Form 80,  
Licensed Hydropower Development Recreation Report  
(OMB Control No. 1902-0106)  
3-Year Extension Request**

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 Form 80, Licensed Hydropower Development Recreation Report**.

The current OMB clearance expires on 9/30/2010. With the next collection due in 2015, FERC Form 80 will not be collected during the requested upcoming three-year OMB clearance cycle. Because the requirements for Form 80 are contained in the Commission's regulations, FERC is submitting FERC Form 80 to the OMB for review, to ensure the OMB clearance remains continuous and current.

**A. Justification**

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

The information collected under FERC-Form 80 ([Attachment A](#) and Attachment B) is used by the Commission to implement statutory provisions of Sections 4(g), 10, 304, 309, and 311 of the Federal Power Act (FPA), 16 U.S.C. Sections 797, 803, 825c, 825h, and 825j. The Commission has been collecting FERC-Form 80 data since 1966. Presently, the data is collected every six years as directed by Title 18 C.F.R. Part 8 and 141.14. (Attachment C includes relevant sections of the statute and FERC regulations.) It is for this reason that the Commission seeks reinstatement and three-year approval of the FERC-Form 80.

The authority for the Commission to collect this information comes from Section 10(a) of the FPA which requires the Commission to be responsible for ensuring that hydro projects subject to its jurisdiction are consistent with the comprehensive development of the nation's waterway for recreation and other beneficial public uses. In the interest of fulfilling these objectives, the Commission expects its licensees, over whom it may exercise direct regulatory control, to recognize the resources that are affected by their activities and to play a role in protection of such resources. The data required to be filed are specified by 18CFR 8.11 and 141.14.

(Attachment D includes links to sample filings of the Form 80.)

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

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The FERC-Form 80 data collection is conducted every six years and collects information from hydropower project owners subject to Commission jurisdiction, on the use and development of recreational facilities. The licensees collect recreation usage data throughout the year, and submit the completed forms to the Commission following the end of the year. Presently there are 400 licensees subject to this requirement; all licensees except those that receive an exemption from filing are required to file.

Commission staff utilizes FERC-Form 80 data when analyzing the adequacy of existing public recreational facilities. Applications for amendments to licenses and/or for changes in land rights frequently involve changes in resources available for recreation. Commission staff utilizes FERC-Form 80 data in amendment review process to help determine the impact of such changes. The Commission's regional office staffs conduct inspections of licensed projects to evaluate compliance with various license conditions, including those related to recreation. The FERC-Form 80 data assists the inspectors in identifying recreational facilities at hydropower projects.

Without the FERC-Form 80 data, the Commission would not have the requisite information available to conduct reviews of recreation and public use of facilities as mandated under the FPA.

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

In general, the Commission continues to expand the list of filing types that may be submitted electronically. Filers are not required to electronically file their Form 80 report but are encouraged to do so.

### **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 2**

The Commission collects recreation data from its regulated hydropower licensees. There is no known source for data similar to the FERC-Form 80.

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

The FERC Form 80 collects information from hydropower projects where there is a likelihood of recreation resource usage. Project owners may request an exemption from

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filing the data if the project has little or no existing or potential recreation use as indicated by fewer than 100 recreation days during the previous calendar year 18 C.F.R. 8.11(c).

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

FERC-Form 80 information is collected every sixth year as required under Section 18 C.F.R. Part 8. These regulations (Attachment C) were amended in 1992 by Commission Order 540 to reduce the frequency of the data collection period to every six years [from every 4 years]. If the collection were conducted less frequently than the current schedule, the Commission would be unable to conduct adequate recreation reviews.

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

There are no special circumstances requiring the collection to be conducted in a manner inconsistent with 5 C.F.R. 1320.5(d).

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

In accordance with OMB requirements in 5 C.F.R. 1320.8(d), a Notice requesting comments on the reporting requirements of FERC-Form 80 was issued in FERC Docket No. IC10-80 on 4/8/2010 (at <http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=12312403>) and published in the Federal Register (75FR 19630, 4/15/2010). There were no comments filed in response to this Notice.

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

No payments or gifts have been made to respondents.

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

The FERC-Form 80 is a public collection. No assurance of confidentiality has been made to any respondent.

**11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE THAT ARE CONSIDERED PRIVATE**

There are no questions of a sensitive nature that are considered private.

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

The FERC Form 80 is collected once every six years. The last collection was due on April 1, 2009, for data compiled during the calendar year ending December 31, 2008. The next collection of the FERC Form 80 is due on April 1, 2015, with subsequent collections due every sixth year, for data compiled during the previous calendar year.

The current OMB clearance expires on 9/30/2010. With the next collection due in 2015, FERC Form 80 will not be collected during the requested upcoming three-year OMB clearance cycle. Because the requirements for Form 80 are contained in the Commission’s regulations, FERC is submitting FERC Form 80 to the Office of Management and Budget (OMB) for review, to ensure the OMB clearance remains continuous and current.

The estimated average public reporting burden and cost for one collection cycle, and the annual average, spread over the 6-year collection cycle, for FERC-Form 80 follow.

<b>FERC-80</b>	<b>Number of Respondents for one 6-year collection cycle (1)</b>	<b>Number of Responses Per Respondent (2)</b>	<b>Average Burden Hours Per Response (3)</b>	<b>Total Annual Burden Hours (1) x (2) x (3)</b>
Annual estimates –  *NOTE: Total burden hours are averaged and spread over the 6-year collection cycle	400	1	3	For one 6-year collection cycle, 1200.  *For annual estimate, 1200/6 = 200

Burden hours currently in OMB’s inventory: 1,200  
 Program change in industry burden hours: 0  
 Adjustment change in industry burden hours: -1,000\*\*

\*\*The adjustment in burden is due solely to averaging the burden for one collection over each year in the 6-year collection cycle. Previously the entire burden for one collection was listed as ‘annual burden’ (though the collection was made once every 6 years). No change has been made to the reporting requirements, the collection cycle, or the number of respondents. The next collection of the Form 80 is due April 2015.

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

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The estimated, annual cost to the respondents, averaged and spread over the 6-year collection cycle follows.

<b>Total Annual Burden Hours For Respondents (1)</b>	<b>Person Hours Per Year (2)</b>	<b>Estimated Annual Cost Per Person (3)</b>	<b>Total Annual Cost to Respondents [(1)/(2)]x(3)</b>
[1,200 for one 6-year collection cycle] 200 for the annual estimate averaged over the 6-year cycle	2,080	\$137,874	\$13,257.12

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

The estimate of the Federal Government is based on salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Based on the staff and resources involved in processing the information, the estimated average annual cost to FERC, averaged and spread over the 6-year collection cycle, follows.

<b>FERC-Form 80</b>	<b>No. of Employees (FTEs)</b>	<b>Estimated, Annual, Federal Resources in (\$)</b>
Total Processing Costs	1/6	\$22,979
Annual Clearance Processing Cost		\$1,528
Total FERC Annual Cost		\$24,507

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

The adjustment in burden is due solely to averaging the burden for one collection over each year in the 6-year collection cycle. Previously the entire burden for one collection was listed as 'annual burden' (although the collection was made once every 6 years). No change has been made to the reporting requirements, the collection cycle, or the number of respondents. The next collection of the Form 80 is due April 2015.

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

Filings are made available to the public, through the Commission's eLibrary accessible over the Commission's website: <http://www.ferc.gov>.

**17. DISPLAY OF THE EXPIRATION DATE**

An expiration date is shown on the FERC-Form 80.

**18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There is an exception to the Paperwork Reduction Act Submission Certification. Because the data collected for this reporting requirement are not used for statistical purposes, the Commission does not use as stated in item 19(i) "effective and efficient statistical survey methodology." The information collected is specific to each respondent.

**B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS**

This is not a collection of information employing statistical methods.