

FERC-587 (OMB Control No. 1902-0145)
(updated 7/19/2012)

Supporting Statement for
**FERC-587, Land Description: Public Land States/Non-Public Land States
(Rectangular or Non Rectangular Survey System Lands in Public Land States)**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve **FERC-587 Land Description: Public Land States/Non-Public Land States (Rectangular or Non Rectangular Survey System Lands in Public Land States)**, for a three year period. FERC-587 (OMB Control No. 1902-0145) is an existing Commission data collection (filing requirements), as stated by 18 Code of Federal Regulations, Part 4.81(b)(5).

The Commission estimates the annual reporting burden for FERC-587 will be 250 total hours (an average of 1 hour per respondent).

A. Justification

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The Commission issues licenses for hydroelectric projects on the waters over which Congress has jurisdiction under authority of the Federal Power Act (FPA)¹. The FPA (as amended by the Electric Consumers Protection Act [ECPA])² provides the Commission with the authority to issue licenses to nonfederal hydroelectric plants. The passage of the ECPA in 1986 revised the language within the FPA regarding environmental issues.

Section 24 of the FPA requires that applicants proposing hydropower projects on or changes to existing projects located on lands owned by the United States are required to provide a description of the United States lands affected and to notify the Commission and the Secretary of the Interior. FERC-587 consolidates the information required and identifies hydropower project boundary maps associated with the lands of the United States.

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

¹ 16 USC § 791 a et seq (1996)

² Public Law 99-495, 100 Stat. 1243 (1996)

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The Commission uses the information collected within the FERC-587 to verify the accuracy of the information provided and to coordinate with the Bureau of Land Management (BLM) States Offices (Department of the Interior) to ensure that United States (US) lands may be reserved as hydropower sites and withdrawn from other prospective uses.

The Commission gives equal consideration to all licensing purposes related to the potential efficacy of a river or stream. These purposes might include hydroelectric development, energy conservation, fish/wildlife resources (to include spawning habitats), visual resources, cultural resources, recreational opportunities, irrigation, flood control, water supply, and geographic boundaries.

To obtain approval, the Commission requires the project owner (licensee/exempted entity) to submit drawings illustrating all project features, project boundaries, and all plans relevant to development of the project (e.g. recreational plans). The licensee must then submit the plans to the Commission for approval. The Commission monitors the licensee's compliance with the licensing conditions throughout the term subsequent to approval.

FERC's Office of Energy Projects (OEP) assigns and tracks exhibit drawings for proposed, licensed, and exempted hydropower projects. Along with the authorizing document (e.g. preliminary permit, license, exemption), exhibit drawings serve as the primary source of information about a hydropower project. OEP needs the drawings or exhibits to track the boundary of a project for land withdrawal from other prospective, public use. OEP coordinates with the US Department of the Interior BLM for any projects proposed on federal land.

The FPA requires the FERC-587 data to fulfill the requirements of Section 24 which withdraws federal lands upon receipt of a hydropower project application. BLM must be notified of the land's withdrawal and receive a copy of the application, boundary exhibits, and FERC's Form 587. The aforementioned information aids the Commission in ascertaining that the proposal is economically, technically, and environmentally sound. Additionally, the proposal must be found to improve and develop affected waterways.

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

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The Commission allows the option of filing all documents in proceedings through the eFiling interface except for specified exceptions, and of utilizing online forms to allow “documentless” interventions in all filings.

With the advent of eFiling 7.0, the Commission has expanded its ability to receive electronic filings through its eFiling and eLibrary systems and now includes these filings. Submission guidelines can be found here:

<http://www.ferc.gov/docs-filing/efiling/filing.pdf>

However, all respondents to the FERC-587 must also mail microfilm copies of the project boundary maps along with land description forms. This requirement is in addition to the eFiling requirement associated with this information collection.

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

The Commission published a notice within the Federal Register³ to help identify any duplication of the information in FERC-587. No comments were received. There are no other Federal agencies responsible for ensuring that United States (US) lands may be reserved as hydropower sites and withdrawn from other prospective uses within FERC’s jurisdiction. No similar information can be used or modified.

5. METHOD USED TO MINIMIZE BURDEN IN COLLECTIONS OF INFORMATION INVOLVING SMALL ENTITIES

The Commission permits the option of filing all documents in proceedings through the eFiling interface as a means of reducing burden for respondents including small entities. The burden will vary among applicants, since the information should be specific for each applicant and site.

6. CONSEQUENCE TO FEDERAL PROGRAM IF INFORMATION WERE COLLECTED LESS FREQUENTLY

If the Commission did not collect this information, it would not fulfill its responsibilities specified within the statutory provisions of FPA Section 24.

³ 77 FR 11519 (2/27/2012)

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7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO INFORMATION COLLECTION

The requirements meet all of OMB's section 1320.5 requirements. However, if an applicant opts to not file electronically, they would have to submit an original and two copies which satisfy the requirements in section 1320.5(d)(2)(iii). While the Commission encourages applicants to submit their filings electronically, this is the applicant's option.

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

In accordance with OMB requirements⁴, the Commission published a 60-day notice⁵ and a 30-day notice⁶ to the public regarding this information collection on 2/27/2012 and 5/29/2012 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.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to FERC-587 respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected in FERC-587 filings to be confidential. However, the Commission will consider specific requests for confidential treatment to the extent permitted by law pursuant to the requirements of 18 CFR 388.112(a)(1). The Commission will review each request for confidential treatment on a case-by-case basis.

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 in the FERC-587.

⁴ 5 CFR 1320.8(d)
⁵ 77 FR 11519
⁶ 77 FR 31607

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12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

The Commission estimates the Public Reporting Burden for this information collection as:

| FERC-587: Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States]) | | | | | |
|--|--------------------------------------|---|--|--|--|
| | Number of Respondents (A) | Number of Responses Per Respondent (B) | Total Number of Responses (A)x(B)=(C) | Average Burden Hours per Response (D) | Estimated Total Annual Burden (C)x(D) |
| | 250 | 1 | 250 | 1 | 250 |

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The Commission outlines the differences between the total requested annual time burden and the previously approved annual time burden below:

| FERC-587 | Total Request | Previously Approved | Change due to Adjustment in Estimate | Change Due to Agency Discretion |
|----------------------------|----------------------|----------------------------|---|--|
| Annual Number of Responses | 250 | 250 | 0 | 0 |
| Annual Time Burden (Hr) | 250 | 250 | 0 | 0 |
| Annual Cost Burden (\$) | 0 | 15,420 | -15,420 | 0 |

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The format, labels, and definitions of the table above follow the ROCIS system's "ICR Summary of Burden" for the meta-data.

13. **ESTIMATE OF TOTAL ANNUAL COSTS (BURDEN TO RESPONDENTS)**

| FERC-587 | Annual Burden Hours (1) | Estimated Hourly Cost (\$) (2) | Estimated Total Annual Cost to Respondents (\$) (1) X (2) |
|-----------------|--------------------------------|---|--|
| | 250 | \$69.01 ⁷ | \$17,252 |

⁷ \$143,540 (2012 FTE average annual salary)/2080 hours/year = \$69.01 per hour [rounded]

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The total estimated annual cost to respondents is \$17,252. The average estimated cost per respondent is \$69.01.

The respondent burden includes the total time, effort, and financial resources respondents spend to assemble and file the information. The Commission bases the average estimated cost is based on salaries (plus benefits) for professional and support staff.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

| | Number of Employees (FTEs) | Estimated Annual Federal Cost |
|---|--------------------------------------|--------------------------------------|
| Analysis and Processing of filings ⁸ | 0.75 | \$107,655 |
| Data Clearance Cost | N/A ⁹ | \$1588 ¹⁰ |
| FERC Total | N/AError: Reference source not found | \$109,243 |

8 Based upon 2012 FTE average salary (\$143,540)

9 Not applicable

10 The Commission bases its estimate of the cost to the Federal Government on salaries for professional and clerical support. For the data clearance cost, the Commission bases this cost upon an average of 24 hours per clearance. The data clearance cost represents the activities and efforts of FERC staff to comply with the Paperwork Reduction Act of 1995.

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The Commission bases its estimate of the “Analysis and Processing of filings” 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 any actual filings made in response to the information collection.

15. REASONS FOR CHANGE IN BURDEN INCLUDING THE NEED FOR ANY INCREASE

The requirements within the FERC-587 did not change. Therefore, the estimated total annual burden for the FERC-587 information collection did not change.

In ROCIS, the cost to industry is displayed using the unit of burden hours. In accordance with the “ROCIS HOW TO Guide for Agency Users of the Information Collection Request (ICR) Module”, users cannot report as a dollar cost any burden reported in hours¹¹. Therefore, we corrected the industry’s annual cost burden within the ROCIS metadata to show that the Commission associates no cost to capital investment or start-up costs. The monetary cost related to the burden hours is estimated in #13 (above). This was done erroneously in previous FERC-587 supporting statements and is corrected within the current proposed clearance package.

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There are no tabulating, statistical or tabulating analysis or publication plans for the collection of information. As noted above, copies of the filing are published in the Federal Register. The data are used for regulatory purposes only.

17. DISPLAY OF AN EXPIRATION DATE

The expiration date is displayed on the FERC-587 form (as posted within Appendix 5 at <http://www.ferc.gov/industries/hydropower/gen-info/guidelines/drawings-guide.pdf>)

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

The Commission does not use the data collected for this reporting requirement for statistical purposes. Therefore, the Commission does not use as stated in item (i) of the certification to OMB "effective and efficient statistical survey methodology." The information collected is case specific to each information collection.

¹¹ https://www.rocis.gov/rocis/jsp/common/ROCIS_HOW_TO_Guide_for_AGENCY_Users_of_ICR_Module-03192012_v2.pdf , p.37