

Supporting Statement

**FERC Form 80: Licensed Hydropower Development Recreation Report**

Three-year approval of revisions requested

The Federal Energy Regulatory Commission (FERC or Commission) requests that the Office of Management and Budget (OMB) review and approve (for a three-year period) the FERC Form 80.

The Commission made minor revisions throughout the form. Specifically, FERC clarified and simplified instructions, removed redundancy in certain questions, clarified questions and terms, and generally improved the readability of the form. The Commission assumes that the average burden hours per response remain unchanged.

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

The Commission uses the information collected on FERC Form 80 to implement statutory provisions of Sections 4(g), 10, 304, 309, and 311 of the Federal Power Act (FPA).<sup>1</sup> The Commission has collected FERC Form 80 data since 1966. Presently, the Commission collects the data every six years as directed by 18 Code of Federal Regulations (CFR) 8.11 and 141.14.

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 affected by their activities and to play a role in the protection of such resources. 18 CFR 8.11 and 141.14 specifies the data required and on the form.

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

FERC collects information from hydropower project owners on the use and development of recreational facilities. Commission staff uses the data to analyze the adequacy of existing public recreational facilities. Applications for licenses, amendments to licenses, and/or changes in land rights frequently involve changes in resources available for recreation. Commission staff uses the data during the amendment review process to help determine the impact of such changes.

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<sup>1</sup> See 16. U.S.C. Sections 797, 803, 825c, 825h, and 825j.

The Commission's regional office staff conducts 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 INFORMATION TECHNOLOGY TO REDUCE THE BURDEN AND TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN**

FERC allows FERC Form 80 filers to submit their forms electronically. In this information collection request, FERC clarified and simplified instructions, removed redundancy in certain questions, clarified questions and terms, and generally improved the readability of the form.

**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 NO. 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 THE 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 filing the data if the project has little or no existing recreation use as indicated by fewer than 100 recreation days during the previous calendar year 18 CFR 8.11(c), or if it can be documented that there is little or no potential for recreation use.

**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 CFR Part 8. The Commission amended these regulations in 1992 by Commission Order 540 reducing the frequency of the data collection period from every four years to every six years. If the

Commission conducted the collection 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 CFR 1320.5(d).

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

In accordance with OMB requirements, FERC issued a 60-day public notice request public notice requesting comments on the FERC Form 80 reporting requirements.<sup>2</sup> The Commission did not receive any comments in response to the notice.

The Commission issued a second notice alerting the public of this request to OMB.<sup>3</sup>

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

There are no payments or gifts to respondents as part of this collection.

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

The FERC-Form 80 is a public collection. The Commission has not provided any assurance of confidentiality to any respondent.

**11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE**

There are no questions of a sensitive nature that are considered private as part of this collection.

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

For each reporting period, FERC estimates the total Public Reporting Burden for this information collection as: a) 1,000 respondents, b) 0.167 responses/respondent, and c) 3 hours per response,

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<sup>2</sup> The notice published in the Federal Register on May 16, 2013 (78 FR 28820).

<sup>3</sup> The notice published in the Federal Register on July 30, 2013 (78 FR 45919).

resulting in a total of 501 burden hours. The Commission has increased its total number of respondents to reflect the actual numbers we received during the last two reporting periods. In addition, FERC spreads the burden hours and costs over the six-year collection cycle in the table below to reflect how the information is collected.

| <b>FERC-80: Licensed Hydropower Development Recreation Report</b> |   |  |  |  |
|---|---|--|--|--|
| <b>Number of Respondents<br/>(A)</b>                              | <b>Number of Responses Per Respondent<sup>4</sup><br/>(B)</b> | <b>Total Number of Responses<br/>(A)x(B)=(C)</b> | <b>Average Burden Hours per Response<br/>(D)</b> | <b>Estimated Total Annual Burden<br/>(C)x(D)</b> |
| 1,000   | 0.167   | 167  | 3  | 501  |

The total estimated annual cost burden to respondents is \$35,070 [501 hours \* \$70/hour<sup>5</sup> = \$35,070].

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

This collection does not have any non-labor costs such as start-up or capital costs. The cost for this collection is directly related to the time used to fill out the form.

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

|   | <b>Number of Employees (FTE)</b> | <b>Estimated Annual Federal Cost</b> |
|---|----------------------------------|--------------------------------------|
| Analysis and Processing of filings <sup>6</sup>   | 0.167                            | \$24,352                             |
| PRA <sup>7</sup> Administrative Cost <sup>8</sup> |                                  | \$2,250                              |

<sup>4</sup> FERC divides the responses per respondent by six because this collection occurs once every six years.

<sup>5</sup> FY2013 Estimated Average Hourly Cost per FTE, including salary + benefits.

<sup>6</sup> Based upon 2013 FTE average salary plus benefits (\$145,818)

<sup>7</sup> Paperwork Reduction Act of 1995 (PRA)

<sup>8</sup> Based upon 24 hours of Commission staff time/effort

|                   |  |          |
|-------------------|--|----------|
| <b>FERC Total</b> |  | \$26,602 |
|-------------------|--|----------|

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 submitted in response to the information collection.

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

The Commission has made minor modifications to the form. FERC clarified and simplified instructions, removed redundancy in certain questions, clarified questions and terms, and generally improved the readability of the form. However, FERC does not think that these changes substantively changed the average burden hours per response **which remain at three hours for each response**. Note that the form is only completed once every six years.

The previous clearance package estimated 400 respondents. FERC staff thinks that 400 is too low for the number of respondents and that the actual number of respondents is closer to 1,000 based on data from the last two reporting periods. This increase in respondents accounts for the total burden hour increase shown in the table below (600 more respondents at 3 hours per response = 1800 hours; 1800 hours / 6 = 300 hours annually; the additional hour is due to rounding).

Also, in the previous clearance package the Commission accounted for the six year reporting cycle (respondents only respond once every six years) by dividing the total **burden hours** by six (1,200 hours / 6 = 200 hours). In this package, Commission staff accounts for the six-year reporting cycle by dividing the number of **responses** by six (1,000 responses / 6 = 167 responses). This accounts for decrease in the number of filings per year shown in the table below. The Commission expects to receive 1,000 filings, but only every six years, hence 167 per year (1,000 ÷ 6 = ~167).

With the clearance package, 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 should not report as a dollar cost any burden reported in hours. Therefore, Commission staff corrected the industry’s annual cost burden within the ROCIS metadata to show that the Commission associates no cost to capital investment or other non-labor costs. The Commission estimates the monetary cost related to the burden hours in #12 (above). The Commission erroneously represented these data in the previous FERC Form 80 supporting statement. Commission staff corrected the error within the current proposed clearance package.

| <b>FERC Form 80</b>        | <b>Total Request</b> | <b>Previously Approved</b> | <b>Change due to Adjustment in Estimate</b> | <b>Change Due to Agency Discretion</b> |
|----------------------------|----------------------|----------------------------|---|--|
| Annual Number of Responses | 167                  | 400                        | -233  | 0                                      |
| Annual Time Burden (Hr)    | 501                  | 200                        | 301   | 0                                      |
| Annual Cost Burden (\$)    | 0                    | \$13,256                   | -\$13,256                                   | 0                                      |

**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 EXPIRATION DATE**

The form shows the expiration date on the first page.

**18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There is one exception to the certification statement. Because the data are not used for statistical purposes, the Commission does not use “effective and efficient statistical survey methodology” as stated in the certification statement.