

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. IC13-20-000]

COMMISSION INFORMATION COLLECTION ACTIVITIES (FERC-515);  
COMMENT REQUEST; EXTENSION

(August 7, 2013)

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of information collection and request for comments.

**SUMMARY:** In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 USC 3506(c)(2)(A), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-515 (Rules of Practice and Procedure: Declaration of Intention).

**DATES:** Comments on the collection of information are due [Insert date that is 60 days after publication in the Federal Register].

**ADDRESSES:** You may submit comments (identified by Docket No. IC13-20-000) by either of the following methods:

- eFiling at Commission's Web Site: <http://www.ferc.gov/docs-filing/efiling.asp>
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission,  
Secretary of the Commission, 888 First Street, NE, Washington, DC 20426.

*Instructions:* All submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov/help/submission-guide.asp>. For user assistance contact FERC Online Support by e-mail at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone at: (866) 208-3676 (toll-free), or (202) 502-8659 for TTY.

*Docket:* Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at

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

**FOR FURTHER INFORMATION:** Ellen Brown may be reached by e-mail at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov), telephone at (202) 502-8663, and fax at (202) 273-0873.

**SUPPLEMENTARY INFORMATION:**

*Title:* Rules of Practice and Procedure: Declaration of Intention

*OMB Control No.:* 1902-0079

*Type of Request:* Three-year extension of the FERC-515 information collection requirements with no changes to the current reporting requirements.

*Abstract:* The Commission uses the information collected under the requirements of FERC-515 to implement the statutory provisions of Section 23(b) of the Federal Power Act (FPA)<sup>1</sup>. Section 23(b) authorized the Commission to make a determination as to whether it has jurisdiction over a proposed water project<sup>2</sup> not affecting navigable waters<sup>3</sup> but across, along, over, or in waters over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States. Section 23(b) requires that any person intending to construct project works on such waters must file a declaration of their intention with the Commission. If the Commission finds the proposed project will have an impact on interstate or foreign commerce, then the entity intending to construct the project must obtain a Commission license or

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<sup>1</sup> 16 USC 817

<sup>2</sup> Dams or other project works (see 16 USC 817)

<sup>3</sup> See 16 USC 796 (8) for the definition of “Navigable Waters”

exemption before starting construction<sup>4</sup>. The information is collected in the form of a written application, containing sufficient details to allow the Commission staff to research the jurisdictional aspects of the project. This research includes examining maps and land ownership records to establish whether or not there is Federal jurisdiction over the lands and waters affected by the project. A finding of non-jurisdictional by the Commission eliminates a substantial paperwork burden for the applicant who might otherwise have to file for a license or exemption application. The Commission implements these filing requirements under 18 CFR Part 24.

*Type of Respondents:* Persons intending to construct project works on certain waters described above.

*Estimate of Annual Burden*<sup>5</sup>: The Commission estimates the total Public Reporting Burden for this information collection as:

<b>FERC-515: Rules of Practice and Procedure: Declaration of Intention</b>				
<b>Number of Respondents (A)</b>	<b>Number of Responses Per Respondent (B)</b>	<b>Total Number of Responses (A)x(B)=(C)</b>	<b>Average Burden Hours per Response (D)</b>	<b>Estimated Total Annual Burden (C)x(D)</b>
10	1	10	80	800

The total estimated annual cost burden to respondents is \$56,000 [800 hours \* \$70/hour<sup>6</sup> = \$56,000].

<sup>4</sup> Upon a finding of non-jurisdictional by the Commission, and if no public lands or reservations are affected, permission is granted upon compliance with State laws.

<sup>5</sup> The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

<sup>6</sup> FY2013 Estimated Average Hourly Cost per FTE, including salary + benefits

*Comments:* Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Kimberly D. Bose,  
Secretary.