

Supporting Statement for  
**FERC Form 80, Licensed Hydropower Development Recreation Report**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and approve **FERC Form 80, Licensed Hydropower Development Recreation Report** (OMB Control No. 1902-0106), for a three-year period. FERC-80 is an existing data collection with reporting requirement in 18 Code of Federal Regulations (CFR) Section 8.11 and 141.14.

**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 IS THE INFORMATION 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.

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 BURDEN AND THE TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN**

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

FERC allows FERC Form 80 filers to submit their forms electronically.

**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 alternative source of 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 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 8.11. 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**

FERC Form 80 meets OMB's Section 1320.5 requirements.

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

In accordance with OMB requirements, the Commission published a 60-day notice<sup>2</sup> and a 30-day notice<sup>3</sup> to the public regarding this information collection on 5/26/2016 and 8/31/2016, 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. The Commission received no comments.

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2 81 FR 33499  
3 81 FR 59995

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

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

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

The Commission does not consider the information collected in FERC Form 80 filings to be confidential.

**11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE**

There are no questions of a sensitive nature associated with the reporting requirements.

**12. ESTIMATED BURDEN COLLECTION OF INFORMATION**

FERC Form 80: Licensed Hydropower Development Recreation Report					
Number of Respondents (1)	Annual Number of Responses per Respondent (2)	Total Number of Responses (1)*(2)=(3)	Average Burden & Cost Per Response <sup>4</sup> (4)	Total Annual Burden Hours & Total Annual Cost (3)*(4)=(5)	Cost per Respondent (\$) (5)÷(1)
400	0.167	67 <sup>5</sup>	3 hrs.; \$224 <sup>6</sup>	201 hrs.; \$14,974.50	\$37.44

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

There are no non-labor start-up costs. All costs are related to burden hours and are addressed in Questions #12 and #15.

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

	Number of Employees	Estimated Annual Federal
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<sup>4</sup> The estimates for cost per response are derived using the 2016 FERC average salary plus benefits of \$154,647/year (or \$74.50/hour). Commission staff finds that the work done for this information collection is typically done by wage categories similar to those at FERC.

<sup>5</sup> This figure is rounded from 66.8.

<sup>6</sup> This figure is rounded from \$223.50

	<b>(FTE)</b>	<b>Cost</b>
Analysis and Processing of Filings <sup>7</sup>	0.167	\$25,826
PRA <sup>8</sup> Administrative Cost <sup>9</sup>		\$5,481
<b>FERC Total</b>		<b>\$31,307</b>

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 FERC Form 80 (only to relevant submission dates for the Form 80). However, Commission staff does not think that these changes substantively changed the average burden hours per response **which remain at three hours for each response**. The reporting requirements are not changing. Note that the form is only completed once every six years.

The number of FERC Form 80 respondents is reduced from 1000 to 400 as a better estimation of activity concerning this information collection. The reduction is not an indication of a change in reporting requirements.

The following table shows the annual total burden of the collection of information. The format, labels, and definitions of the table follow the ROCIS submission system’s “Information Collection Request Summary of Burden” for the metadata.

<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	67	167	-100	0
Annual Time Burden (Hours)	201	501	-300	0
Annual Cost Burden (\$)	\$0	\$0	\$0	\$0

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

<sup>7</sup> Based upon 2016 FTE average annual salary plus benefits (\$154,647).

<sup>8</sup> Paperwork Reduction Act of 1995 (PRA).

<sup>9</sup> The PRA Administrative Cost is a Federal Cost associated with preparing, issuing, and submitting materials necessary to comply with the Paperwork Reduction Act (PRA) for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. This average annual cost includes requests for extensions, all associated rulemakings, and other changes to the collection.

There are no tabulating, statistical or tabulating analysis or publication plans for the collection of information. The data are used for regulatory purposes only.

**17. DISPLAY OF EXPIRATION DATE**

The expiration date is displayed in a table posted on ferc.gov at <http://www.ferc.gov/docs-filing/info-collections.asp>.

The expiration date is also displayed in the upper right-hand corner on page 1 of the FERC Form 80<sup>10</sup>.

**18. EXCEPTIONS TO THE CERTIFICATION STATEMENT**

There are no exceptions.

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<sup>10</sup> <http://www.ferc.gov/docs-filing/forms/form-80/form-80.pdf>