

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. IC19-42-000]

COMMISSION INFORMATION COLLECTION ACTIVITIES (FERC-521);  
COMMENT REQUEST; EXTENSION

(DATE)

**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 (PRA), the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-521, (Payments for Benefits from Headwater Improvements) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below.

**DATES:** Comments on the collection of information are due **[insert date 30 days after publication in the Federal Register]**.

**ADDRESSES:** Send written comments on FERC-521 to OMB through

[www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain), Attention: Federal Energy Regulatory

Commission Desk Officer. Please identify the OMB control number (1902-0087) in the subject line. Your comments should be sent within 30 days of publication of this notice in the Federal Register.

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Please submit copies of your comments to the Commission (identified by Docket No. IC19-42-000) by either of the following methods:

- eFiling at Commission’s Web Site:  
<http://www.ferc.gov/docs-filing/efiling.asp>
- Mail/Express Services: Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

*Instructions:* All submissions must be formatted and filed in accordance with submission guidelines at: at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain); Using the search function under the “Currently Under Review field,” select Federal Energy Regulatory Commission; click “submit” and select “comment” to the right of the subject collection.

*FERC 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).

*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.

**SUPPLEMENTARY INFORMATION:**

*Title:* FERC-521, Payments for Benefits from Headwater Improvements

*OMB Control No.:* 1902-0087

*Type of Request:* Three-year extension of the FERC-521 information collection requirements with no changes to the reporting requirements.

*Abstract:* The information collected under the requirements of FERC-521 is used by the Commission to implement the statutory provisions of Section 10(f) of the Federal Power Act (FPA).<sup>1</sup> The FPA authorizes the Commission to determine headwater benefits received by downstream hydropower project owners. Headwater benefits are the additional energy production possible at a downstream hydropower project resulting from the regulation of river flows by an upstream storage reservoir.

When the Commission completes a study of a river basin, it determines headwater benefits charges that will be apportioned among the various downstream beneficiaries. A headwater benefits charge and the cost incurred by the Commission to complete an evaluation are paid by downstream hydropower project owners. In essence, the owners of non-federal hydropower projects that directly benefit from a headwater improvement must pay an equitable portion of the annual charges for interest, maintenance, and depreciation of the headwater project to the U.S. Treasury. The regulations provide for apportionment of these costs between the headwater project and downstream projects

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<sup>1</sup> 16 USC 803

based on downstream energy gains and propose equitable apportionment methodology that can be applied to all river basins in which headwater improvements are built. The Commission requires owners of non-federal hydropower projects to file data for determining annual charges as outlined in 18 Code of Federal Regulations (CFR) Part 11. The Commission received no comments in response to the Notice of Information and Request for Comments published on May 14, 2020 (85 FR 28940).

*Type of Respondents:* There are two types of entities that respond, Federal and Non-Federal hydropower project owners. The Federal entities that typically respond are the U.S. Army Corps of Engineers and the U.S. Department of Interior Bureau of Reclamation. The Non-Federal entities may consist of any Municipal or Non-Municipal hydropower project owner.

*Estimate of Annual Burden<sup>1</sup> and cost<sup>2</sup>* The Commission estimates the total Public Reporting Burden for this information collection as:

**FERC-521: Payments for Benefits from Headwater Improvements**

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<sup>2</sup>1 Burden is defined 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, refer to 5 Code of Federal Regulations 1320.3.

The estimates for cost per response are derived using the 2019 FERC average salary plus benefits of \$167,091/year (or \$80.00/hour). Commission staff finds that the work done for this information collection is typically done by wage categories similar to those at FERC.

	<b>Number of Respondents (1)</b>	<b>Annual Number of Responses per Respondent (2)</b>	<b>Total Number of Responses (1)*(2)=(3)</b>	<b>Average Burden &amp; Cost Per Response (4)</b>	<b>Total Annual Burden Hours &amp; Total Annual Cost (3)*(4)=(5)</b>	<b>Cost per Respondent (\$) (5)÷(1)</b>
Federal and Non-Federal hydropower project owners	3	1	3	40 hrs.; \$3,200	120 hrs.; \$9,600	\$3,200
<b>TOTAL COST</b>					120 hrs.; \$9,600	\$3,200

The total estimated annual cost burden to each respondent is \$3,200 [40 hours \* \$80.00/hour = \$3,200].

*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.