

Supporting Statement for
FERC-510, Application for Surrender of a Hydropower License
(Three-year extension requested)

The Federal Energy Regulatory Commission (Commission or FERC) requests the Office of Management and Budget (OMB) to approve the FERC-510, Application for Surrender of a Hydropower License,¹ for an additional three years. FERC-510 collects information pursuant to the filing requirements in Title 18 Code of Federal Regulations (C.F.R. or CFR), Sections 6.1 through 6.4, as authorized by Section 6 of the Federal Power Act. No changes are being made to the reporting requirements.

A. JUSTIFICATION

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The Commission is responsible for licensing non-federal hydropower projects if they are on lands or waters subject to Congressional authority. Part I of the Federal Power Act² (FPA) gives the Commission the authority to issue licenses for hydroelectric projects on these waters. The Commission issues licenses for terms of up to 50 years that best adapted to a comprehensive plan for improving or developing a waterway or for the use or benefit of interstate or foreign commerce. Licenses are also issued for the improvement and utilization of waterpower development; for the adequate protection, mitigation, and enhancement of fish and wildlife; and for other beneficial public uses, including irrigation, flood control, water supply, recreation.³

Licenses may be surrendered, but only after the licensee fulfills all obligations of the license and any conditions imposed by the Commission necessary to protect dam safety, public safety and environmental resources. The Commission often needs certain information from the licensee in order to determine the conditions under which a surrender application can be granted.

¹ Surrender of a conduit exemption is covered under FERC-505 (OMB Control No. 1902-0115) and is not addressed here.

² 16 U.S.C. Sections 791a et seq.

³ More information on the Commission's hydropower program in general is posted at <https://www.ferc.gov/industries-data/hydropower/overview> . Additional information on surrendering a license or exemption is posted at <https://www.ferc.gov/industries-data/hydropower/administration-and-compliance/how-surrender-license-or-exemption>.

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

The Commission needs certain information in a surrender proceeding to decide whether, and under what conditions, to surrender a license. The Commission collects information via a surrender application and via any additional information requests. Sometimes additional information is needed, so the Commission can respond to issues raised by resource agencies and the public after a surrender application has been filed and publicly noticed.

The reporting requirements of 18 CFR 6.1 (Application for surrender) state:

“Every application for surrender of a license shall state the reason therefor; and, except in the case of an application for surrender of a license for a minor project, or for a transmission line only, shall be executed by the licensee and filed in the same form and manner as the application for license, and shall be accompanied by the license and all amendments thereof. Public notice of such application shall be given at least 30 days prior to action upon the application.”

Not collecting information from the licensee via a surrender application and/or via additional information requests would adversely affect the Commission’s ability to determine whether, and under what conditions, to grant a license surrender. Adequate information is needed to ensure that any project facilities remaining after surrender would be left in a safe condition both for dam safety and public safety purposes. Adequate information is also needed to determine whether the Commission should require the licensee to take appropriate environmental protection measures.

3. DESCRIBE ANY CONSIDERATION OF THE USE OF IMPROVED TECHNOLOGY TO REDUCE BURDEN AND TECHNICAL OR LEGAL OBSTACLE TO REDUCING BURDEN

There is an ongoing effort to determine the potential and value of improved information technology to reduce burden. Most information collected is submitted via the Commission eFiling system⁴ thus streamlining the submittal process.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION AND SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY

⁴ Information on the FERC’s eFiling system is posted at <https://www.ferc.gov/docs-filing/efiling.asp>.

AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN INSTRUCTION NO. 2

The Commission periodically reviews filings in conjunction with OMB clearance expiration dates. This includes a review of the Commission's reporting requirements to identify duplication of data requirements. Commission staff has determined that there is no duplication of information in this collection. The information submitted with each filing is specific to each application for surrender. This is a specific use of information as required under Part 1 of the FPA and not a general collection of information.

5. METHODS USED TO MINIMIZE THE BURDEN IN THE COLLECTION OF INFORMATION INVOLVING SMALL ENTITIES

The burden will vary between respondents, even though the reporting requirements are specific and uniform for all respondents. Any information collected is unique to the licensee and the hydropower project for which the filing is made. Therefore, there is no set format or form. The data required imposes the least possible burden on licensees while collecting information required for the Commission's analysis and decision making. Absent this data, the Commission cannot adequately assess environmental impacts and safety of the project.

6. CONSEQUENCE TO FEDERAL PROGRAM IF COLLECTION WERE CONDUCTED LESS FREQUENTLY

If the information in FERC-510 were not collected, the Commission would be unable to establish the necessary facts and pertinent information needed to determine whether, and under what conditions, a license surrender should be granted. Without this information, there would be no basis for accepting a surrender of the license.

In the case of FERC-510, the reporting burden cannot be reduced because: (1) licensees must file a surrender application and/or provide information in a surrender proceeding pursuant to the Commission's regulations at 18 CFR 6.1 through 6.4., (2) adequate information is needed for the Commission to ensure that any remaining project facilities are left in a safe manner and that all needed environmental protection measures are taken, and (3) adequate information is needed so the licensee can satisfy all needed local, state, and federal statutes, policies, and directives upon the surrender of a license.

Information is collected only when a licensee decides to surrender its license and/or a surrender proceeding is started by the Commission. Therefore,

information for this purpose cannot be collected less frequently. The Commission cannot prevent a licensee from applying to surrender its license.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

Licensees must file an original and two copies of a surrender application when filing an application via paper.⁵ Otherwise, licensees can file one copy in electronic format when using the Commission's eFiling system. The Commission encourages the electronic filing.

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

The 60-day Notice giving the public an opportunity to comment was issued (on 4/14/2020) in Docket No. IC20-15 and was published in the Federal Register on 4/20/2020 (85 FR 21846). No public comments were received.

A 30-day Notice was issued on 7/22/2020⁶ and was published in the Federal Register on 7/28/2020 (85 FR 45412), providing the public another opportunity to comment.

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

No payments or gifts are made to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The information submitted to the Commission is public, therefore, the information is not considered confidential. Specific requests for confidential treatment will be considered pursuant to 18 CFR 388.112.

⁵ Paper copies should be addressed to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 if the respondent is using the United States Postal Service, and to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852 if the respondent is using any other carriers/couriers.

⁶ The 30-day Notice is posted in FERC's eLibrary at <https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=15588877>.

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.

This collection does not include any questions of a sensitive nature.

12. ESTIMATED BURDEN OF COLLECTIONS

There are no changes to the reporting requirements; we are adjusting the estimated number of respondents due to normal industry fluctuations. The estimated average annual burden and cost⁷ follow.

| FERC-510 | | | | | |
|------------------------------|--------------------------------------------------|------------------------------------------|--------------------------------------------------------|------------------------------------------------------------------|-------------------------------------|
| Number of Respondents (1) | Annual Number of Responses per Respondent (2) | Total Number of Responses (1)*(2)=(3) | Average Burden Hrs. & Cost (\$) Per Response (4) | Total Annual Burden Hrs. & Total Annual Cost (\$) (3)*(4)=(5) | Cost per Respondent (\$) (5)÷(1) |
| 15 | 1 | 15 | 80 hrs.; \$6,400 | 1,200 hrs.; \$96,000 | \$6,400 |

13. ESTIMATE OF TOTAL ANNUAL COST BURDEN TO RESPONDENTS

The costs for this collection are entirely related to burden hours and are provided in Questions 12 and 15.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The Commission bases its estimate for “Analysis and Processing of filings” on FERC’s salaries and benefits for professional and clerical support. This estimated cost includes: staff review, a public notice, any additional information requests, a dam safety inspection, NEPA review and analysis, compliance with other statutes, and a Commission decision in the surrender proceeding.

⁷ The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. The FERC 2019 average salary plus benefits for one FERC full-time equivalent (FTE) is \$167,091/year (or \$80.00/hour).

The Commission bases the cost associated with the Paperwork Reduction Act of 1995 (PRA) administration on staff time, and other costs related to compliance with the PRA. These costs include: reviewing and analyzing the reporting/recordkeeping/posting requirements; developing, processing, and issuing the public notices and PRA supporting statement and materials, analyzing and addressing any public comments, and publishing notices in the Federal Register.

| | No. of Employees (FTE's)⁸ | Estimated Annual Federal Cost (\$) (rounded) |
|-------------------------------------------------|---------------------------------------------|-----------------------------------------------------|
| Analysis and Processing of Filings ⁹ | 1.94 | \$324,157 |
| PRA Administrative Cost | | \$4,832 |
| FERC total | | \$328,989 |

15. REASONS FOR CHANGES IN BURDEN INCLUDING ANY INCREASE

There are no changes to the information collection requirements, and no program changes. However, the estimated number of applications is updated based on normal fluctuations in industry. [These revised estimates are also reflected in #12 above.]

The estimates, below, include the OMB-approved inventory (from ROCIS and reginfo.gov).

| FERC-510 | Total Request | Previously Approved | Change due to Adjustment in Estimate | Change Due to Agency Discretion |
|----------------------------|----------------------|----------------------------|---------------------------------------------|----------------------------------------|
| Annual Number of Responses | 15 | 14 | +1 | 0 |
| Annual Time Burden (Hr.) | 1,200 | 1,120 | +80 | 0 |
| Annual Cost Burden (\$) | 0 | 0 | 0 | 0 |

16. TIME SCHEDULE FOR THE PUBLICATION OF DATA

⁸ FTE=Full-Time Employee.

⁹ The FERC 2019 average salary plus benefits for one FERC full-time equivalent (FTE) is \$167,091/year (or \$80.00/hour).

FERC-510 (OMB Control No. 1902-0068)
Renewal in Docket No. IC20-15

There are no plans for publication of the information collection. The data are used for regulatory purposes.

17. DISPLAY OF EXPIRATION DATE

The PRA information (including expiration date and OMB Control No.) is available on www.ferc.gov

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.