

FERC-500 (OMB Control No. 1902-0058) and
FERC-505 (OMB Control No. 1902-0115)
IC21-34-000

Supporting Statement for
**FERC-500, Application for License/Relicense for Water Projects with More than 10
Megawatt Capacity
(OMB Control Number 1902-0058); and
FERC-505, Small Hydropower Projects and Conduit Facilities including
License/Relicense, Exemption, and Qualifying Conduit Facility Determination
(OMB Control Number 1902-0115)**

The Federal Energy Regulatory Commission (Commission or FERC) requests that the Office of Management and Budget (OMB) review and renew FERC-500 and FERC-505 for three years.

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

Part I of the Federal Power Act (FPA)¹ authorizes the Commission to grant hydropower licenses and exemptions to citizens of the United States, or to any corporation organized under the laws of United States or any State thereof, or to any State or municipality. Holders of such licenses and exemptions construct, operate, and maintain dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from, or in any of the streams or other bodies of water over which Congress has jurisdiction. This jurisdiction stems from Congressional authority to regulate commerce with foreign nations and among the several States, or upon any part of the public lands and reservations of the United States.

Another relevant statutory provision is section 405(d) of the Public Utility Regulatory Policies Act (PURPA),² which authorizes the Commission to grant exemptions from all or some of the requirements of the FPA Part I.³ This authority is limited to small hydroelectric power projects with a proposed installed capacity of 10 MW or less. The process for obtaining an exemption is faster and less burdensome than for obtaining a license.

FERC-500 and FERC-505 comprise applications and other information collection activities implemented under numerous regulations. Some of the regulations are relevant to both FERC-500 and FERC-505, and others are relevant only to FERC-500 or FERC-

¹ 16 U.S.C. 791a – 823g.

² 16 U.S.C. 2705(d).

³ For example, the Commission may exempt an eligible applicant from the comprehensive development standard of FPA section 10(a)(1).

505. Effective October 4, 2021,⁴ information collection activities within FERC-500 are for licenses and relicenses of water projects with an installed capacity of more than 10 MW. Information collection activities within FERC-505 are for smaller Hydropower Projects as well as Conduit Facilities Exemptions and Qualifying Conduit Facility Determinations. The applicability and required contents of each activity are listed at the pairs of regulations listed in the following table:

Table 1 — Regulations and Information Collection Activities: Applications and Notices of Intent

Title	18 CFR Cites	FERC-500	FERC-505
Application for License for Major ⁵ Unconstructed Project and Major Modified Project	4.40 and 4.41	Yes	Yes
Application for License for Major Project — Existing Dam	4.50 and 4.51	Yes	Yes
Application for License for Minor ⁶ Water Power Projects and Major Water Power Projects 10 Megawatts or Less	4.60 and 4.61	No	Yes
Application for License for Transmission Line Only	4.70 and 4.71	Yes	Yes
Application for Exemption of Small Conduit Hydroelectric Facilities	4.90 and 4.92	No	Yes
Application for Case-Specific Exemption of Small Hydroelectric Power Projects of 10 Megawatts or Less	4.101 and 4.107	No	Yes

⁴ Before October 4, 2021, FERC-500 applied only to projects with an installed capacity of more than 5 MW. On August 5, 2021, the Commission published a final rule (86 FR 42710) that affected the paperwork burdens of FERC-500 by changing the regulatory threshold for certain licensing requirements from 5 MW to 10 MW. The rule became effective on October 4, 2021. As a result, the regulatory threshold for FERC-500 is now projects with an installed capacity of more than 10 MW.

⁵ As defined at 18 CFR 4.30(b)(14) through 4.30(b)(16), a “major” project has a total installed generating capacity of more than 1.5 MW.

⁶ As defined at 18 CFR 4.30(b)(17), a “minor” project has a total installed generating capacity of 1.5 MW or less.

Title	18 CFR Cites	FERC-500	FERC-505
Application for Amendment of License	4.200 and 4.201	Yes	Yes
Notice of Intent to Construct Qualifying Conduit Hydropower Facilities	4.400 and 4.401	No	Yes
Application Under the Integrated Licensing Process	5.1 and 5.18	Yes	Yes
Application for Transfer of License	9.1 and 9.2	Yes	Yes

The following table lists information collection activities pertaining to matters other than applications and notices of intent:

Table 2 — Other Regulations and Information Collection Activities

Title or Description	18 CFR Cite(s)	FERC-500	FERC-505
State and federal comprehensive plans	2.19	Yes	Yes
Acceptance for filing or rejection; information to be made available to the public; requests for additional studies	4.32	Yes	Yes
Amendment of application; date of acceptance	4.35	Yes	Yes
Competing applications, deadlines for filing, notices of intent, and comparisons of plans of development	4.36	Yes	Yes
Notification of intent to file a license application, and pre-consultation document for resource agencies and tribes	4.38, 5.5, and 5.6	Yes	Yes
Action on exemption applications	4.93	No	Yes

Title or Description	18 CFR Cite(s)	FERC-500	FERC-505
Integrated licensing process	5.2, 5.3, 5.4, 5.5, 5.6, 5.11, 5.13, 5.15, 5.16, 5.17, and 5.20, 5.21, 5.23, and 5.27	Yes	Yes
Expedited licensing process for qualifying non-federal hydropower projects at existing nonpowered dams and for closed-loop pumped storage projects	7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, and 7.9	Yes	Yes
Publication of license conditions relating to recreation and posting of project lands as to recreational use and availability of information	8.1 and 8.2	Yes	Yes
Lease of Project Property	9.10	Yes	Yes
Procedures relating to takeover and relicensing of licensed projects	16.1, 16.4, 16.6, 16.7, 16.8, 16.9, 16.10, 16.11, 16.12, 16.14, 16.19, 16.20, and 16.26	Yes	Yes
Annual conveyance report	141.15	Yes	No
General requirements for qualifying cogeneration and small power production facilities	292.203	No	Yes
Special requirements for hydroelectric small power production facilities located at a new dam or diversion	292.208	No	Yes

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

FERC-500. FERC-500 includes applications for hydropower project licenses and relicenses⁷ for water power projects with more than 10 megawatts (MW) of installed capacity. FERC-500 information also includes related filing and reporting requirements,

⁷ An original hydropower license authorizes the construction and operation of a project for a term of up to 50 years. A relicense, also called a new license, authorizes the continued operation of a previously licensed project for an additional term of 30 to 50 years.

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such as the filing of annual conveyance reports by licensees under section 141.15 of the Commission's regulations.⁸

Applicants may choose to seek FERC hydropower licenses using one of three different options:

- Traditional licensing procedures under 18 CFR Part 4, Subparts D through H and, as applicable, Part 16;
- Alternative licensing procedures under 18 CFR 4.34(i); or
- Integrated licensing procedures (ILP) under 18 CFR Part 5.

The ILP is the default process and enables potential licenses to conduct pre-filing consultation and the Commission's scoping process concurrently rather than sequentially.

After a license/relicense application for a water power project with more than 10 MW of installed capacity is filed, requests for additional studies, comments, and recommendations for terms and conditions may be submitted by federal resource agencies, states, Native American Tribes, and other participants in the licensing process. In addition, some federal agencies have authority to prescribe mandatory conditions.

FERC-505. FERC-505 includes applications, notices of intent, and related information collection activities for:

- Small hydropower project licenses and relicenses;
- Exemptions; and
- Determinations of a qualifying conduit hydropower facility.

Small Hydropower Project Licenses and Relicenses. Small hydropower projects are minor water power projects⁹ and major water power projects that have an installed capacity of 10 MW or less.

Exemptions. A small hydroelectric project may be eligible for an exemption which means that the Commission may exempt the applicant from all or some of the requirements of the FPA Part I. A small conduit hydroelectric facility exemption, as defined in section 30 of the FPA,¹⁰ is an existing or proposed hydroelectric facility that utilizes for electric power generation the hydroelectric potential of a conduit, or any

⁸ 18 C.F.R. § 141.15 (2018). Annual conveyance reports are filed for both major and minor licenses. 80% of the reports are related to major licenses.

⁹ Minor water power projects are those that have a total installed capacity of 1.5 MW or less. Major water power projects have a total installed capacity of greater than 1.5 MW.

¹⁰ 16 U.S.C. 823a(b).

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tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is not primarily used for the generation of electricity. A small hydroelectric power project of 10 megawatts or less, as defined in section 405(d) of PURPA,¹¹ is a project that utilizes the water potential of either an existing non-federal dam or a natural water feature (e.g., natural lake, water fall, gradient of a stream, etc.) without the need for a dam or man-made impoundment.

Determinations of a qualifying conduit hydropower facility. A qualifying conduit hydropower facility, as defined in section 30 of the FPA,¹² is a proposed hydroelectric facility that utilizes for electric power generation the hydroelectric potential of a conduit, or any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is not primarily used for the generation of electricity. A Notice of Intent to Construct Qualifying Conduit Hydropower Facilities under 18 CFR 4.401, which is discussed above, is required in order to seek a determination by the Commission that the proposed facility is in accordance with criteria listed at section 30 of the FPA. If the Commission issues such a determination, the facility is not required to be licensed or exempted by the Commission under Part I of 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 continually considers the use of improved information technology to reduce burden in the filing requirements for submission of information.

In addition, the Commission allows eFiling for the FERC-500 and FERC-505 information collection requirements (e.g., applications). Applicants interested in pursuing the expedited licensing process approved in the NOPR may electronically file requests to use the expedited licensing process.

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 periodically reviews filing requirements concurrent with OMB review or as the Commission deems necessary to eliminate duplicative filing and to minimize the filing burden.

¹¹ 16 U.S.C. 2705(d).

¹² 16 U.S.C. 823a(a).

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No similar information is available. Without the information collected in accordance with FERC-500 and FERC-505, the Commission would be unable to act on case-specific applications that are unique to the applicant and the site for which the filing is made, and would be unable to fulfill its other statutory responsibilities for hydropower projects.

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

The Commission provides several ways that small entities (and others) can use to minimize their burden in these information collections. For example:

- A potential applicant for a license may file a written request for a waiver of pre-filing consultation requirements of 18 CFR 4.38.
- An applicant authorized to use alternative procedures under 18 CFR 4.34(i) may substitute a preliminary draft environmental review document and additional material specified by the Commission instead of Exhibit E, and need not supply additional documentation of the pre-filing consultation process.
- An applicant using the integrated licensing procedures may request a waiver of the requirement at 18 CFR 5.16 to file a preliminary licensing proposal or draft license application, based on a consensus of the participants in favor of such a waiver.

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

If the information were not collected, the Commission would not be able to fulfill the statutory requirements pertaining to hydropower. For projects authorized with an exemption from licensing, as well as those subject to licensing, the Commission needs to collect information to ensure proper documentation of technical, financial, and environmental concerns. Failing to meet this responsibility on a timely basis could result in non-compliance with statutory obligations.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

There are no special circumstances related to this information collection.

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

As required by OMB regulations at 5 CFR 1320.8(d), the Commission provided a 60-day notice of its renewal request in the Federal Register on October 28, 2021 (86 FR 59704). The public-comment period expired on December 27, 2021. No comments were

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received. The Commission published a 30-day notice in the Federal Register on January 12, 2022 (87 FR 1739).

9. EXPLAIN ANY PAYMENT OR GIFTS TO RESPONDENTS

There are no payments or gifts to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS

The Commission does not consider the information collected in FERC-500 and FERC-505 to be anything other than Public. However, the Commission will consider specific requests for non-public treatment (e.g. Critical Energy/Electric Infrastructure Information [CEII] or privileged) to the extent permitted by law and our regulations.¹³ The Commission will review each request for other than public treatment on a case-by-case basis.

If an entity chooses to seek other than public treatment of the information, they must submit a request for the Commission to treat this information as such, consistent with 18 CFR 388.112.

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 OF COLLECTION OF INFORMATION

The burdens are itemized in the following table:

¹³ 18 C.F.R. 388.112. More information on the CEII definition, program and requirements is posted at <http://www.ferc.gov/legal/ceii-foia/ceii.asp>.

Table 3 — Estimated Annual Burdens

A. Type of Response	B. Number of Respondents And Responses¹⁴	C. Average Burden & Cost¹⁵ Per Response	D. Average Annual Burden Hours & Total Annual Cost (Column B x Column C)
FERC-500, Application for License / Relicense of Water Projects with Greater than 10 MW Capacity ¹⁶	9	35,602.55 hrs.; \$3,097,421.85	320,422.95 hrs.; \$27,876,796.65
FERC-500, Request for Authorization to Use Expedited Licensing Process	5	40 hrs.; \$3,480	200 hrs.; \$17,400
FERC-500, Annual Conveyance Reports	41	3 hrs.; \$261	123 hrs.; \$10,701
FERC-500, Recreation Posting	432	0.5 hr.; \$43.50	216 hrs.; \$18,792
Subtotals for FERC-500	487		320,961.95 hrs.; \$27,923,689.65

14 There is one response per respondent for each activity in this information collection.

15 Commission staff estimates that the average industry hourly cost for this information collection is approximated by the current FERC 2021 average hourly costs for wages and benefits, i.e., \$87.00/hour.

16 The previously reported 33 responses associated with Comprehensive Plans were incorrect and not consistent in how we have approached the number of respondents for this Information Collection. As a result, the total number of hours associated with the Comprehensive Plans requirement was moved to the total number of hours associated with the application process. The Commission does not break down pieces of this process (as it is all considered one application) and so this edit was made for consistency across the information collection. The 33 responses previously disclosed for Comprehensive Plans exceeded the number of responses previously and currently disclosed for applications because of the need for revisions of such Comprehensive Plans. This change does not change the number of applications. However, all of the 33 hours previously disclosed for Comprehensive Plans have been added to the license application activity in this request.

A. Type of Response	B. Number of Respondents And Responses	C. Average Burden & Cost Per Response	D. Average Annual Burden Hours & Total Annual Cost (Column B x Column C)
FERC-505, for Small Hydropower Projects for License/Relicense, Exemption, and Qualifying Conduit Facility Determinations	32	756.59 hrs.; \$65,823.33	24,210.88 hrs.; \$2,106,346.56
FERC-505, Request for Authorization to Use Expedited Licensing Process	5	40 hrs.; \$3,480	200 hrs.; \$17,400
FERC-505, Recreation Posting	287	0.5 hr.; \$43.50	143.5 hrs.; \$12,484.50
Sub-Totals for FERC-505	324		24,554.38 hrs.; \$2,136,231.06
Totals	811		345,516.33 hrs.; \$30,059,920.71

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

There are no start-up or non-PRA related labor costs.

Total Capital and Start-up cost: \$0

Total Operation, Maintenance, and Purchase of Services: \$0

All of the costs in the information collections are associated with burden hours (labor) and discussed in Questions #12 and #15.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The estimate of the cost for “analysis and processing of filings”¹⁷ is based 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 collections.

The “Paperwork Reduction Act (PRA) Administrative Cost” is the average annual FERC cost associated with preparing, issuing, and submitting materials necessary to comply with the PRA for rulemakings, orders, or any other vehicle used to create, modify, extend, or discontinue an information collection. It also includes the cost of publishing the necessary notices in the *Federal Register*.

The estimated annualized cost to the Federal Government follows.

FERC-500	Number of Employees, Full-Time Equivalents (FTEs)	Estimated Annual Federal Cost (rounded)
Analysis and Processing of Filings	18	\$3,378,654
PRA Administrative Cost		\$8,279
Total for FERC-500	18	\$3,386,933

FERC-505	Number of Employees (FTEs)	Estimated Annual Federal Cost (rounded)
Analysis and Processing of filings	8.5	\$1,595,475.50
PRA Administrative Cost		\$8,279
Total for FERC-505	8.5	\$1,603,754.50

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

FERC-500. There is one program change, which also results in an adjustment of burdens. The previously reported information collection activity labeled “Comprehensive Plans” has been removed, and the burdens previously associated with that activity have been added to the application process. This accounting of burdens is more accurate than the previous accounting because the Commission’s collection of information about comprehensive plans is integrated with the application process.

¹⁷ The “Analysis and Processing” estimates are calculated using the FY 2021 average annual salary plus benefits of one FERC full-time equivalent (FTE): \$187,703 per year.

The following table summarizes the changes in FERC-500:

Table 4 — Program Change and Adjustments

A. Type of Response	B. Previously Approved Response and Burden Hours	C. Requested Responses and Burden Hours	D. Program Change / Adjustment (Column C – Column B)
FERC-500, Application for License / Relicense of Water Projects with Greater/ than 10 MW Capacity	9 responses; 320,390 hours	9 responses; 320,423 hrs.	Adjustment: No change in responses; + 33 hrs. (due to incorporation of previously reported separate IC activity for Comprehensive Plans)
FERC-500, Comprehensive Plans	33 responses; 33 hours	0 responses; 0 hours (IC activity removed)	Program Change: 33 fewer responses and 33 fewer hrs. (due to removal of this IC activity)

FERC-505. There are no program changes and there are no adjustments for FERC-505.

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There is no publication of data. The data collected are used for regulatory purposes only.

17. DISPLAY OF EXPIRATION DATE

The expiration dates for FERC-500 and FERC-505 are posted at
<https://www.reginfo.gov/public/do/PRAMain>.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.