

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections – San Francisco Regional Office
901 Market Street, Suite 350, San Francisco, California 94103
(415) 369-3300 Office (415) 369-3322 Facsimile

March 26, 2007

In reply refer to:
Project No. xxxxx

xxxxx

Dear xxxxx:

It is the ongoing responsibility of a Licensee or Exemptee to ensure that a project is operated and maintained in compliance with Federal Energy Regulatory Commission (FERC) Regulations and the terms and conditions of any license or exemption, including conditions prescribed by resource agencies for exemptions.

To assist you in ensuring compliance with these requirements, enclosed is a summary of some of the requirements, primarily from Parts 8 and 12 of Commission Regulations. Please review these requirements along with your project-specific license or exemption conditions, to ensure that your operations comply with all project requirements.

Your strict attention is directed to Item 1 of Enclosure 1. It is imperative that we be notified immediately of any condition affecting the safety of a project. You have a clear and serious responsibility to recognize any such condition and report it to us. If you are unclear if an emerging, ongoing, or completed event constitutes a condition affecting the safety of a project, you should contact this office.

Throughout the year, the Division of Dam Safety and Inspections hosts workshops and training courses which may be of interest to you. A schedule and description of upcoming workshops and courses can be accessed at the following internet site:
<http://www.ferc.gov/industries/hydropower/safety.dspmp.asp>

The Annual Spillway Gate Operation Certificate (Attachment 1 of Enclosure 1) has been modified this year to include the classification of each gate (category 1 or 2), and the date of the last detailed inspection (required every 10 years) for category 1 gates. Please ensure that this new form is used in future submittals.

Enclosure 2 lists some administrative requirements that are often not adhered to. Enclosure 3 is an acknowledgement form. Please review Enclosure 2 for needed

improvements, and sign and return Enclosure 3 to this office. If you have any questions about the enclosed information or about your project(s) in general, please call me at (415) 369-3390.

Sincerely,

Takeshi Yamashita, P.E.
Regional Engineer

3 Enclosures

FERC LICENSEE/EXEMPTEE STANDARD REQUIREMENTS

The following requirements and Commission Regulations (Title 18 of the Code of Federal Regulations [18CFR]) require the attention of Licensees and Exemptees to ensure compliance. This list is not intended to be complete and certain requirements may not be applicable to all projects. Therefore, each Licensee and Exemptee must be familiar with their specific license or exemption requirements and the requirements contained in 18 CFR Part 12. You should periodically review the license/exemption and the current regulations to ensure timely compliance with all requirements, since Licensees/Exemptees have continuing responsibilities, such as consultation and proof of service.

1. Notify FERC of Conditions Affecting the Safety of a Project or Project Works.

In accordance with Section 12.10(a) of the FERC Regulations, when a condition affecting the safety of a project or project works is discovered, a Licensee/ Exemptee must call this office as soon as practicable and subsequently submit a written report providing relevant information concerning the cause, extent of project and property damage, and measures taken to prevent worsening of the condition. See Section 12.3(b)(4), which lists some examples of these conditions. Such conditions may include, but are not limited to, gate operation failure, piping, seepage, slides, unusual instrumentation readings, sinkholes, sabotage, natural disasters (floods, earthquakes), and any other signs of instability of any project works. Additional conditions include, but are not limited to, reservoir monitoring instrumentation and communication systems malfunction or failure, and remote control systems malfunction or failure.

2. Report Emergency Project Modifications. In accordance with Section 12.11 (b) (1), any emergency project modification taken in response to a condition affecting the safety of the project or project works must be reported to this office immediately.

3. Submit Plans for FERC Approval. In accordance with Section 12.11 (b) (2), all plans for proposed modifications or major maintenance work must be forwarded to this office at the earliest possible date, but not later than 60 days before work on the activity begins, so that determinations can be made regarding any necessary preconstruction approvals. Prior approval may also be required for modification or maintenance activities that may adversely affect project operation or the environment. You must contact (e.g. phone call, letter) this office concerning required approval of these types of activities at least 30 days prior to the start of the proposed activity.

4. Develop a Public Safety Plan and Install/Maintain Safety Devices.

a. Pursuant to Sections 12.4, 12.42, and 12.43, an owner may be required to install and properly maintain any signs, lights, sirens, barriers, or other safety devices

necessary to adequately warn and/or protect the public in use of project lands and waters. Failure to adequately maintain approved safety devices or measures is a violation of the Regulations.

b. Some Licensees/Exemtees have been required to provide Public Safety Plans for each development where public safety devices or measures are necessary. Updated plans should be provided following any changes to public safety facilities or measures at the project.

c. A Licensee/Exemtee must notify this office at least 10 days in advance of plans to remove any public safety device, including boat safety barriers. This office should also be advised when the device is placed back in service. For those devices routinely removed annually, a one-time notification providing the reason and schedule for periodic removal and reinstallation is acceptable.

5. **Report Deaths and Serious Injuries.** In accordance with Section 12.10 (b), any drowning or accident resulting in death or serious injury to the public or construction and maintenance workers at the project must be reported to this office. If project related, the initial report should be by telephone promptly upon becoming aware of such an incident. The telephone report should be followed by a written report that fully describes the incident and any remedial actions taken or proposed to avoid or reduce the chance of future similar occurrences. If you believe that remedial actions are unnecessary, the report should explain why. If the accident was not project related, the subsequent written report may be conveyed by providing a copy of a newspaper article or a police report.

6. **Develop, Maintain, and Report on Emergency Action Plan.**

a. If your project has been exempted from filing an EAP, three copies of a letter should be submitted to this office by December 31 of each year that documents any changes to the upstream and downstream development, verifies that no reasonably foreseeable project emergency would endanger life, health, or property, and requests that the exemption be continued (if this action is supported by your review).

b. If your project requires an EAP, the following conditions apply as part of your annual review required by Subpart C of 18 CFR 12:

- i. Annually test the EAP to assure the accuracy and workability of the document and to test the state of training of key licensee personnel responsible for responding to emergencies.
- ii. Ensure that an up-to-date EAP notification list is posted in a prominent location at each development, readily accessible to

operating personnel responsible for notification. The EAP Notification Flowchart and other appropriate sections should indicate the primary and secondary FERC contacts, which are the Regional Engineer and the Deputy Regional Engineer.

- iii. An annual, face-to-face meeting with emergency response agencies who have a role and responsibility in implementation of the EAP is critical and mandatory. These meetings must include a review of the contents of the EAP, and should encourage agency input into the development and maintenance of the EAP document.
- iv. Within 30 days of the annual EAP test, submit a report confirming adequate training and readiness of key personnel, including a test critique, an evaluation of the time required to complete the test, and identification of improvements made to shorten implementation time. This office must be contacted at the time of your test as part of the notification process.
- v. An annual report is due no later than December 31, of each year. If you cannot meet this deadline, you should submit a justified extension request as soon as possible. Annual updates to the EAP required by Section 12.24 should consider the following items:
 - 1. Update names and titles of project operators and attendants and the names and telephone number of persons to be contacted in the event of a project emergency.
 - 2. Review the EAPs adequacy in light of any significant changes in upstream or downstream circumstances that might impact persons or property in a project emergency.
 - 3. Revise inundation maps, if necessary.
 - 4. If required or otherwise as appropriate, revise the EAP after consultation and cooperation with the appropriate Federal, state, and local agencies responsible for public health and safety.

For security reasons, it is important to limit sensitive information provided to the public and to tightly control distribution of certain information. For EAPs, this includes any technical information such as engineering details (text and drawings), specific to the dam, potential modes of failure, facility details, etc. Licensees should make efforts to

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