NEW REVISIONS TO FERC'S DAM SAFETY REGULATIONS AND GUIDANCE DOCUMENTS

The Federal Energy Regulatory Commission has issued important proposed changes to its dam safety regulations located in 18 CFR Part 12.

In February 2017, a major incident at the Oroville Dam spillways resulted in extensive damage to its primary spillway and the first activation of its auxiliary spillway. Within days of this incident, an Independent Forensic Team was convened to evaluate what factors contributed to the Oroville spillway incident. At the same time, an After-Action Review Panel was formed to scrutinize the incident and the Commission's Dam Safety Program, and to suggest potential changes to FERC's program that might have improved FERC's ability to detect the underlying problems at Oroville in advance. The reports on both initiatives, which are available through the Commission's website, offered recommendations to improve the Commission's dam safety program policies and practices.

Shortly after the Oroville reports were published, FERC convened an internal team to review the findings and conclusions of these reports, other previous incidents, and the practices of other agencies with dam safety responsibilities, including the Army Corps of Engineers and the Bureau of Reclamation. The FERC team was tasked with proposing any specific changes they thought were necessary and appropriate to address the recommendations and improve the dam safety program.

Key proposed revisions include:

1. Adopt a two-tier independent consultant inspection cycle. Projects would still be subject to a Part 12D Inspection every five years, but the required scope of the inspection would alternate between a Periodic Inspection and a Comprehensive Assessment. A Periodic Inspection would focus on the performance of the project over the previous five years, and would include a field inspection, a review of project operations, an in-depth review of monitoring data trends and behavior, and an evaluation of whether any potential failure modes are occurring. A Comprehensive Assessment builds on a Periodic Inspection with a deep dive into every aspect of a project, including a detailed review of the design basis, analyses of record, and construction history; an evaluation of spillway adequacy; a Potential Failure Modes Analysis; and a risk analysis.

2. Change in the composition of those performing Part 12D Inspections. Instead of focusing on the individual Independent Consultant, there would be a shift to the qualifications of the Independent Consultant Team. The goal is to ensure that each project is inspected by an independent consultant or an independent consultant

team with sufficient experience and expertise for each project's site-specific conditions.

3. Codify an existing requirement that owners of high and significant hazard dams prepare and maintain an Owner's Dam Safety Program, which formalizes a licensee's policies and procedures related to organizational oversight and responsibility, internal communication, resource allocation, and continuous improvement.

Concurrent with the issuance of these proposed regulation revisions, FERC has also issued four draft chapters of Engineering Guidelines that relate to the proposed changes to the regulations. These chapters include:

Chapter 15 - Supporting Technical Information Document
Chapter 16 - Part 12D Program
Chapter 17 - Potential Failure Mode Analysis
Chapter 18 - Level 2 Risk Analysis

The proposed regulation revisions are included in the Notice of Proposed Rulemaking (NOPR) as a rulemaking (RM) docket and is available on FERC's eLibrary system available at www.ferc.gov. Each of the draft chapters of the Engineering Guidelines are also available on eLibrary under separate Advisory Docket (AD) notices. The NOPR and four AD notices have also been published in the Federal Register.

Sixty-day public comment periods for the NOPR and Engineering Guidelines closed in mid-September. FERC is addressing the public comments and preparing revisions to the documents for final rulemaking, Commission approval, and eventual publication and implementation.