Supporting Statement for
FERC-517 (Safety of Water Power Projects and Project Works), as specified in Final Rule, Docket Nos. RM20-9, and AD20-20, -21, -22, and -23

1. CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY

The Federal Energy Regulatory Commission (Commission or FERC) regulates certain non-federal hydropower projects pursuant to Part I of the Federal Power Act (FPA),[1] which authorizes the Commission to issue hydropower licenses and exemptions to citizens of the United States, or to any association of such citizens, 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 may 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 under its 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, or for the purpose of utilizing the surplus water or water power from any Government dam, with exceptions.

Section 10(c) of the FPA (16 U.S.C. 803(c)) requires licensees to maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, to make all necessary renewals and replacements, to establish and maintain adequate depreciation reserves for such purposes, to maintain, and operate said works as not to impair navigation, and to conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property.

The Commission requests approval of and an OMB Control Number for FERC-517, which is comprised of information collection activities in:

- A Final Rule titled, "Safety of Water Power Projects and Project Works," RIN 1902-AF71, Docket No. RM20-9-000, 87 FR 1490 (January 11, 2022); and
- The following four sets of Engineering Guidelines for the Evaluation of Hydropower Projects, which are available on the Commission's eLibrary system:
    - Chapter 15 — Supporting Technical Information Document, Docket No. AD20-20-000;

1 16 U.S.C. Subchapter I (Sections 791a-823g.

- Chapter 16 — Part 12D[2] Program, Docket No. AD20-21-000;
- Chapter 17 — Potential Failure Mode Analysis, Docket No. AD20-22-000; and
- Chapter 18 — Level 2 Risk Analysis, Docket No. AD20-23-000.

The effective date of the final rule is April 11, 2022.

The Commission initiated the rulemaking in order to respond to a dam safety incident at the Oroville Dam spillway in February of 2017. The Commission solicited, received, and reviewed expert opinions on the structure and implementation of the Commission's dam safety program under 18 CFR Part 12. Findings and recommendations were presented in two separate reports by the Oroville Independent Forensic Team (Oroville IFT)[3] and the FERC After Action Panel (FAAP).[4] The final rule addresses the recommendations of the Oroville IFT, FAAP, and codifies guidance promulgated by FERC's Office of Energy Projects, Division of Dam Safety and Inspections (D2SI), over the past several years.[5]

The Paperwork Reduction Act (PRA) aspects of the final rule include:

- Revisions of 18 CFR 12.10, pertaining to reporting of safety-related incidents, in Subpart B;
- A major overhaul of Subpart D, pertaining to review, inspection, and assessment by independent consultants; and
- The addition of a new Subpart F (i.e., Owner's Dam Safety Program).

All of these provisions are described in detail below in Item # 2.

The PRA aspects of the Engineering Guidelines consist of details pertaining to the PRA aspects of the final rule. The burden estimates in the final rule include the PRA burdens that are in the Engineering Guidelines.

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2 "Part 12D" is an abbreviation for 18 CFR Part 12, Subpart D.

3 "Independent Forensic Team Report, Oroville Dam Spillway Incident," January 5, 2018. Available at: https://damsafety.org/article/media/oroville-investigation-team

4 "Assessment of Oroville Spillway Incident Causes and Recommendations to Improve Effectiveness of the FERC Dam Safety Program," FERC After Action Panel, November 23, 2018. Available at: https://www.ferc.gov/industries/hydropower/safety/projects/oroville/12-06-18/report.pdf

5 The last technical content revision to 18 CFR Part 12 was almost 40 years ago. On January 21, 1981, the Commission issued FERC Order No. 122 revising the Part 12 regulations to revise the requirements of the inspection by independent consultants.

The regulations pertaining to 18 CFR Part 12 and the Engineering Guidelines outline the provisions and reporting requirements for the evaluation of safety of water power projects and project works and apply to:

(1) Any project licensed under Part I of the Federal Power Act;
(2) Any unlicensed constructed project for which the Commission has determined that an application for license must be filed under Part I of the Act; and
(3) Any project exempted from licensing under Part I of the Federal Power Act, pursuant to subparts J or K of 18 CFR Part 4, to the extent that the Commission has conditioned the exemption on compliance with any particular provisions of 18 CFR Part 12.

In addition, some of the proposals apply to applicants for hydropower licenses.

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

This information collection will assist in the assessment of the safety of water power projects and project works licensed by the Commission. The Commission will use the information collection activities to evaluate project-specific dam and public safety assessments, determine whether those assessments are sufficient for the protection of life, health, and property, and to ensure that project works are being maintained in an adequate condition of repair.

The information is necessary in order to determine the urgency, priority, and scope of potential safety improvements or risk reduction measures that might be needed for the protection of life, health, and property.

18 CFR Part 12, Subpart B (Reports and Records)

The regulations at 18 CFR 12.10(a) and (b) require applicants and licensees to report promptly to the Regional Engineer[6] any incident resulting in death or serious injury that occurs at the relevant project. Section 12.10(a) requires an oral report to the Regional Engineer by telephone of any condition affecting the safety of a project or projects works, “as soon as practicable after that condition is discovered.” Section 12.10(b) requires a written report that includes a description of the cause and location of the accident, which must be submitted within the time specified by the Regional Engineer.

6 The Regional Engineer is a member of the Commission’s staff.

The final rule revises 18 CFR 12.10(b) by adding requirements to report any rescue that occurs at the project works or involves project operations. Previously, section 12.10(b)(2) required a written report of any death or serious injury that is considered or alleged to be "project-related,"[7] or that occurs at the project works. As revised in the final rule, section 12.10(b)(2) requires a written report of any death, serious injury, or rescue. Such reports must describe any remedial actions taken or proposed to avoid or reduce the chance of similar occurrences in the future and must be verified in accordance with section 12.13.[8]

Like previously existing section 12.10(b)(3), section 12.10(b)(2)(ii) now provides that deaths that are not project-related may be reported by providing a copy of a clipping from a newspaper article, if available. Section 12.10(b)(2)(iii) provides that serious injuries and rescues that are not project-related do not require a written report.

As to reporting conditions affecting project safety, the final rule makes minor revisions to section 12.10(a) to change the terminology from an "oral report" to an "initial report," to note that the initial report must be made by email or telephone as soon as practicable after the condition is discovered, "preferably within 72 hours."

18 CFR Part 12, Subpart D (Review, Inspection, and Assessment by Independent Consultant)

Overview of Subpart D

Regulations at 18 CFR Part 12 Subpart D pertain to project safety inspections by independent consultants. These inspections sometimes are colloquially called "Part 12D inspections." These inspections are licensee-facilitated and are in addition to the project safety inspections conducted regularly by Commission staff. The final rule revises Subpart D substantially.

7 As defined in section 12.10(b)(3), the term "project-related" includes any rescues, deaths and serious injuries involving: (i) a project dam, spillway, intake, outlet works, tailrace, power canal, powerhouse, powerline, other conveyance, or other appurtenances; (ii) changes in water levels or flows caused by generating units, project gates, or other flow regulating equipment; or (iii) a licensee employee, contractor, or other person performing work at a licensed project facility and are related in whole or in part to the work being performed. In addition, section 12.10(b)(3)(iv) includes incidents that are "otherwise attributable to project works and/or project operations."

8 Section 12.13 specifies how to verify the authenticity of a document submitted in accordance with 18 CFR Part 12. This regulation is not revised in the final rule.

Subpart D requires two tiers of independent consultant inspections for licensed project developments that meet the criteria shown at section 12.30.[9] Previously, Subpart D required an inspection of project works on a five-year interval by at least one independent consultant to identify any actual or potential deficiencies, whether in the condition of those project works or in the quality or adequacy of project maintenance, surveillance, or methods of operation, that might endanger public safety.

The final rule revises Subpart D to adopt a two-tier structure that includes two types of inspections: a comprehensive assessment and a periodic inspection. Each comprehensive assessment will be performed at a ten-year interval, with the periodic inspection occurring midway between comprehensive assessments. Thus, the previous five-year interval between part 12D inspections (alternating between a comprehensive assessment and a periodic inspection) is maintained. However, the required scope of part 12D inspections will change based on the type of inspection that is scheduled to be performed. A periodic inspection will focus on a project's performance over the previous five years, and will 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 will build 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 Mode Analysis; and a Risk Analysis.

Engineering Guidelines – Chapters 15 & 16

Chapter 15 of the Engineering Guidelines expands and clarifies longstanding guidance on a Supporting Technical Information Document (STID) previously included in Chapter 14 of the Engineering Guidelines. An STID serves as a compendium of knowledge and information about a project and greatly facilitates the review and evaluation of the safety and performance of project works by licensees, consultants, and Commission staff. The STID consists of a hard copy and a digital reference.

The STID summarizes the project elements and details that, except in the event of detailed studies or construction, do not change significantly over time. The digital reference (e.g., a CD, DVD, or other form of electronic media) includes a compilation of all available source material and additional supporting information, formatted so that the

9 The substance of revised section 12.30 is nearly the same as the substance of existing section 12.30. Existing section 12.30 provides that Subpart D applies to any project that has a dam that: (a) Is more than 32.8 feet (10 meters) in height above streambed; (b) Impounds an impoundment with a gross storage capacity of more than 2,000 acre-feet (2.5 million cubic meters); or (c) Has a high hazard potential and is determined by the Regional Engineer or other authorized Commission representative to require inspection by an independent consultant.

licensee, Commission staff, or consultants can identify and retrieve the information they need. A searchable electronic version of the hard copy material must be included on the digital reference. The licensee is responsible for compiling the information for the STID and for creating and maintaining the document for use by themselves, the Part 12D independent consultants, and Commission staff.

Chapter 16 of the Engineering Guidelines requires licensees to submit a detailed Part 12D Inspection Plan prior to conducting either type of inspection (i.e., a periodic inspection or comprehensive assessment) that describes the scope of the inspection, proposes an Independent Consultant Team, and establishes the proposed schedule. Section 16-3.3.1 of Chapter 16 of the Engineering Guidelines provides that the Part 12D Inspection Plan must include the following information:

- Project name, FERC number, and state(s) where the project is located;
- Type of Part 12D Inspection (Comprehensive Assessment or Periodic Inspection), and whether a Risk Analysis is included for a Comprehensive Assessment;
- A brief description of the project features;
- A proposed team of Independent Consultants, including the identification and assessment of technical disciplines to be represented on the team of Independent Consultants; the names and resumes for the Independent Consultants; a list of supporting team member roles and their intended areas of expertise; and the names and resumes of facilitators for any Potential Failure Mode Analysis or Risk Analysis as needed; and
- A schedule for Part 12D Inspection-related activities.

Under Chapter 16, members of the Independent Consultant Team are required to prepare a Pre-Inspection Preparation Report to document their initial findings from their review of project documentation, instrumentation data, and other information prior to the field inspection. Chapter 16 provides an outline for this PRA activity.

Chapter 16 also provides outlines for, and describes the scope of, the periodic inspections and comprehensive assessments that are required in 18 CFR Part 12 Subpart D.

Chapters 17 and 18 provide additional details and licensee guidance for conducting a Potential Failure Mode Analysis and a Level 2 Risk Analysis, which are required components of a comprehensive assessment.

Independent Consultant Team Proposals and Reports

The regulation at 18 CFR 12.34 previously required licensees to submit, for approval by the Commission's Director of the Office of Energy Projects, a resume describing the independent consultant's experience. This submission was required 60 days before initiating a Subpart D inspection.

The regulation at 18 CFR 12.34(a) now requires that the licensee obtain written approval of the independent consultant team prior to performing a periodic inspection or comprehensive assessment. While in practice the Office of Energy Projects' Division of Dam Safety and Inspections (D2SI) previously granted approval of independent consultants prior to inspections, the regulation as previously written did not stipulate that D2SI approval must be obtained.

The regulation at 18 CFR 12.34(b), which now requires that the licensee submit a detailed independent consultant team proposal to the Director of D2SI at least 180 days prior to performing a periodic inspection or comprehensive assessment, includes two major changes. First, the previously existing regulations required the detailed resume to be submitted 60 days in advance. The increase in the time period from 60 days to 180 days does not represent a change in practice. D2SI staff routinely issues reminder letters to licensees approximately 18 months in advance of any inspection required under subpart D, and for several years has requested that independent consultants' resumes be submitted six months in advance to ensure that all parties are aware of their roles and responsibilities, and have sufficient time to prepare for the inspection. Thus, the regulation in the final rule codifies D2SI's previously existing practice.

Second, previously existing section 12.34 required that resumes be submitted only for any independent consultant. The regulation at 18 CFR 12.34(b) now requires that the licensee submit documentation of the experience and qualifications for all members of the independent consultant team, including one or more independent consultants and additional contributing members, as needed. The regulation includes separate paragraphs that apply depending on whether the independent consultant team comprises one or multiple persons. This change enables Commission staff to evaluate the breadth and depth of the team's experience and ensure that it is commensurate with the scale, complexity, and technical disciplines of the project and type of review being performed. The Commission intends for a comprehensive assessment to require a higher level of experience and expertise than a periodic inspection, due to the broader scope of the comprehensive assessment.

The regulation at 18 CFR 12.34(c) authorizes the Director of D2SI to disapprove an independent consultant team member, regardless of demonstrated experience and qualifications, for good cause, such as having a report rejected by the Commission

within the preceding five years. This provision allows the Commission to ensure that independent consultants' inspections are performed by qualified parties.

The burden estimates distinguish between simple and complex facilities.

Requests for Exemption

The regulation at 18 CFR 12.33(a) allows licensees to submit a written request to be exempted from the requirements of 18 CFR Part 12 Subpart D. The Director of D2SI has the authority to grant such a request in circumstances that clearly establish good cause for an exemption. Although the NOPR proposed to revoke all previously granted exemptions from the requirements of Subpart D, the Commission responded to a number of public comments on this aspect of the NOPR by revising section 12.33 to provide that the Director of D2SI on a case-by-case basis may rescind a previously approved exemption for good cause shown. In addition, for future exemption requests, the Director of D2SI may require the licensee to complete a comprehensive assessment prior to considering the exemption request.

Time for Inspections and Reports

The regulations at 18 CFR 12.40 address and revise the timeline for submitting reports on inspections by independent consultants. While maintaining the previous five-year interval between inspections, revised section 12.40 now provides that inspections will alternate between periodic inspections and comprehensive assessments.

Paragraph (a) of section 12.40 addresses the timing of inspections and reports for projects that <u>were inspected</u> by an independent consultant before the effective date of the final rule, under the Commission's regulations in effect on January 1 of the year of the effective date of the final rule.

Paragraph (a)(1) provides that a periodic inspection or comprehensive assessment must be completed, and a report filed, within five years of the due date of the previous Part 12D report.

Paragraph (a)(2) provides that, for any Part 12D report due to be filed 18 months after the effective date of the final rule, the Regional Engineer may require that it be a report on a comprehensive assessment or a report on a periodic inspection. Paragraph (a)(3) provides that the first comprehensive assessment must be completed, and the report filed, by December 31, 2038.

Paragraph (b) of section 12.40 addresses the timing of inspections and reports for projects that were not inspected by an independent consultant before the effective date of the final rule, under the Commission's regulations in effect on January 1 of the year of the effective date of the final rule. Paragraph (b)(1) applies to any development that meets the criteria specified in §12.30(a)(1) or §12.30(a)(2),[10] and was constructed before the date of issuance of the order licensing that development, or amending a license to include that development. For these developments, the first comprehensive assessment must be completed, and the report on it filed, not later than two years after the date of issuance of the order licensing that development or amending the license to include that development.

Paragraph (b)(2) of section 12.40 applies to any development that was constructed after the date of issuance of the order licensing that development, or amending a license to include that development. For these developments, the first comprehensive assessment must be completed, and the report on it filed, not later than five years after the date of issuance of the order licensing that development or amending the license to include that development.

Paragraph (b)(3) of section 12.40 applies to any development not set forth in either paragraph (b)(1) or (b)(2) of this section. For these developments, the first comprehensive assessment must be completed, and the report on it filed, by a date specified by the Regional Engineer. The filing date must not be more than two years after the date of notification that a comprehensive assessment and report are required.

Paragraph (c) of section 12.40 pertains to subsequent Part 12D reports. Provisions within this paragraph provide that:

- A comprehensive assessment must be completed, and the report on it filed, within ten years of the date the previous comprehensive assessment report was due to be filed; and
- A periodic inspection must be completed, and the report on it filed, within five years of the date the previous comprehensive assessment report was due to be filed.

Paragraph (d) of section 12.40 provides that, for good cause shown, the Regional Engineer may extend the time for filing the report on a comprehensive assessment or periodic inspection.

10 These provisions refer to any licensed project development that has: (1) a dam of than 32.8 feet in height above the streambed, or (2) an impoundment gross storage capacity of more than 2,000 acre-feet.

Paragraph (e) of section 12.40 provides that, for good cause, the Regional Engineer may require that any Part 12D report due to be filed be a report on a comprehensive assessment or a report on a periodic inspection, notwithstanding the type of review (periodic inspection or comprehensive assessment) scheduled to be performed under paragraphs (c)(1) and (c)(2) of section 12.40.

Preliminary Reports

The regulation at 18 CFR 12.42 provides that, at least 30 days prior to the performance of a periodic inspection or comprehensive assessment, a preliminary report prepared by the independent consultant team must be filed by the licensee with the Regional Engineer to document the initial findings, understanding, and preparation of the independent consultant team. For any periodic inspection, the 30-day period is measured from the scheduled date of the physical field inspection. For any comprehensive assessment, the 30-day period is measured from the scheduled date of the physical field inspection, Potential Failure Mode Analysis, or risk analysis, whichever occurs first.

If the Regional Engineer determines that the preliminary report does not clearly demonstrate that the independent consultant team is adequately prepared for the inspection, the Regional Engineer may require the inspection to be postponed. Any such postponement shall not constitute good cause for an extension of time under 18 CFR 12.40(d).

If any required supporting team member information was not provided with the independent consultant team proposal required by 18 CFR 12.34(b), it must be provided with the preliminary report.

18 CFR Part 12, Subpart F (Owner's Dam Safety Program)

Overview of New Subpart F

New Subpart F codifies previously existing guidance issued by Commission staff to licensees. Initial guidance was provided by a letter to licensees in August 2012. The letter states that all owners of high and significant hazard potential dams[11] must submit

11 Hazard potential is a classification based on the potential consequences in the event of failure or misoperation of the dam, canal, or water conveyance, and is subdivided into categories (e.g., Low, Significant, High).

- High hazard potential generally indicates that failure or misoperation of the project feature will probably cause loss of human life.
- Significant hazard potential generally indicates that failure or misoperation will probably

an Owner's Dam Safety Program (ODSP).[12] Guidance and clarification of ODSP external audits was provided by Commission staff to licensees and revised in May 2018.[13] Additional ODSP guidance documents and white papers have been prepared by Commission staff based on feedback from licensees and other parties and are included on the Commission ODSP webpage.[14]

Those licensees who were previously required to prepare an ODSP have already done so. Prospectively, there are certain circumstances that may arise in which Commission employees determine that preparation of an ODSP is warranted. For example, if a project's hazard-potential classification increases from low to either significant or high (e.g., due to a new housing development within the hypothetical inundation area), Commission staff may require the licensee to prepare and submit an ODSP if the licensee does not already have one in place. Similarly, if the Commission approves a transfer of an existing license, Commission staff may require the new licensee to submit an ODSP if the licensee does not already have one in place.

Like the previously existing guidance, the regulation at 18 CFR 12.60 provides that subpart F applies to all licensees with dams or other project works with a high or significant hazard potential. The terms "High hazard potential" and "Significant hazard potential and "Low hazard potential" are defined at section 12.3(b)(13).

ODSP Document

Section 12.62 provides that any ODSP Document that includes one or more dams or project features with a high hazard potential must designate a Chief Dam Safety Engineer.[15] Other ODSPs may designate either a Chief Dam Safety Engineer or Chief

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not cause loss of human life but may have some amount of economic, environmental, or other consequences.

- Low hazard potential generally indicates that failure or misoperation will probably not cause loss of human life but may have some amount of economic, environmental, or other consequences, typically limited to project facilities.

Hazard classifications are based solely on the consequences of dam failure and do not in any way reflect the condition of the rated dams.

12 *See* Commission staff's August 15, 2012 letter to owners of high and significant hazard potential dams, http://www.ferc.gov/industries/hydropower/safety/initiatives/odsp/letter-submit-odsp.pdf.

13 *See* Guidance for ODSP External Audits at https://www.ferc.gov/sites/default/files/2020-04/guidance-odsp_0.pdf.

14 *See* https://www.ferc.gov/industries-data/hydropower/dam-safety-and-inspections/owners-dam-safety-program-odsp.

15 Section 12.61(a) provides that a Chief Dam Safety Engineer is the designated individual, who is a licensed engineer, who oversees the implementation of the ODSP and has primary

Dam Safety Coordinator.[16] Section 12.62 also requires that the ODSP must be signed by the Owner and, as applicable, the Chief Dam Safety Engineer or the Chief Dam Safety Coordinator.

The regulation at 18 CFR section 12.63 requires the following additional contents of an ODSP document:

(a) Dam safety policy, objectives, and expectations;
(b) Responsibilities for dam safety;
(c) Dam safety training program;
(d) Communication, coordination, reporting, and reports;
(e) Record keeping and databases; and
(f) Continuous improvement;

The regulation codifies the long-standing required elements of an Owner's Dam Safety Program first described in the August 2012 letter to licensees (https://www.ferc.gov/sites/default/files/2020-04/outline-with-discussion.pdf).

In estimating ODSP-related burdens, we distinguished between small programs (for licensees with fewer than three dams or other project features with high or significant hazard potential) and large programs (for licensees with three or more dams or other project features with high or significant hazard potential).

ODSP Document Revision

The regulation at 18 CFR 12.64 requires any ODSP to be reviewed by the licensee's dam safety staff and discussed with senior management on an annual basis. In addition, section 12.64 requires that any findings, analysis, corrective measures, or revisions be submitted to the D2SI Regional Engineer for possible revision. This requirement applies to any licensee with a dam or other project feature with a high or significant hazard potential.

ODSP Qualification Statement for External Audit or Peer Review

The regulation at 18 CFR 12.65 applies to licensees of one or more dams or other project features classified as having a high hazard potential. Section 12.65(a) requires an independent external audit or peer review of the ODSP and its implementation. The audit or peer review is required to be performed at an interval not to exceed five years.

responsibility for ensuring the safety of the licensee's dam(s) and other project features.
16 Section 12.61(b) provides that a Chief Dam Safety Coordinator is not required to be a licensed engineer, but has the same responsibilities as a Chief Dam Safety Engineer.

Before the audit or peer review, 18 CFR 12.65(b) requires the licensee to submit to the Regional Engineer a statement of qualifications of the prospective auditor(s) or peer review team. The licensee must receive written acceptance of the statement of qualifications before performing the audit or peer review.

The regulation codifies a previously existing requirement that is shown in "FERC Guidance for ODSP External Audits," https://www.ferc.gov/sites/default/files/2020-04/guidance-odsp_0.pdf.

ODSP External Audit or Peer Review Report

The regulation at 18 CFR 12.65(c) requires the auditor(s) or peer review team to document their findings in a report. The report must be reviewed by:

- The project's owner,
- The Chief Dam Safety Engineer or Chief Dam Safety Coordinator, and
- Management having responsibility in the area(s) audited or reviewed.

Subsequently, the report on the audit or peer review must be submitted to the Regional Engineer. The regulation codifies previously existing requirements shown in "FERC Guidance for ODSP External Audits," https://www.ferc.gov/sites/default/files/2020-04/guidance-odsp_0.pdf).

In estimating the burdens, we distinguished between small programs (for licensees with fewer than three dams or other project features with high hazard potential) and large programs (for licensees with three or more dams or other project features with high hazard potential).

ODSP Request for Extension of Time

Typically, the Commission's letters to licensees pertaining to ODSPs and ODSP audits require submittal of a plan and schedule or report within a set period of time (e.g., provide a plan and schedule within 30 days from the date of this letter). Although neither the ODSP regulations nor any of the existing ODSP guidance documents expressly contemplate extension of time requests, there are times when a licensee cannot meet that schedule and therefore files a letter with Commission staff requesting an extension of time to complete ODSP-related tasks.

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

The Commission continually considers the use of improved information technology to reduce burden in the filing requirements for submission of information. All the information that is reported to the Commission in this collection may be submitted electronically, through the Commission's eFiling system (as described at http://www.ferc.gov/docs-filing/efiling.asp). In addition, the regulation at 18 CFR 12.10(a) requires an oral report to the Regional Engineer by telephone of any condition affecting the safety of a project or projects works, "as soon as practicable after that condition is discovered."

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 concurrently with OMB review or as the Commission deems necessary to eliminate duplicative filing and to minimize the filing burden. No similar information is available to satisfy the requirements of the final rule or the Engineering Guidelines.

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

The Commission recognizes that small entities, for the most part, have smaller and generally less complex projects than other entities. These projects do not take the same effort and resources as larger, more complex projects. Recognizing this, the final rule and Engineering Guidelines incorporate a site-specific approach to developing a proposed team to conduct the Independent Consultant Inspection. The estimated burden and costs for these efforts (distinguishing between "Simple" and "Complex" categories of hydroelectric facilities) are reflected in the estimated costs provided in the sections below.

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

Collection of the information on a less frequent basis would increase the interval between reporting periods that could lead to an increase in the frequency of dam safety incidents and failures. The Federal Emergency Management Agency's (FEMA) Federal

Guidelines for Dam Safety[17] recommend a minimum frequency not to exceed five years for formal dam safety inspections. A periodic inspection and comprehensive assessment both meet the FEMA definition of a formal inspection. That information was used in developing the frequency of inspections and reviews for reporting, as provided in the final rule and in the Engineering Guidelines.

If the information were not collected, the Commission would not be able to fulfill the requirements of the FPA in ensuring that a project is being maintained in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, and is in conformance with rules and regulations established by the Commission for the protection of life, health, and property.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES RELATING TO THE INFORMATION COLLECTION

There are no special circumstances related to these information collections.

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

FERC proposed and final rules are published in the Federal Register, thereby providing the public, including public utilities and licensees, state commissions, and Federal agencies, an opportunity to submit data, views, comments or suggestions concerning the proposed collections of data.

On July 24, 2020, the NOPR and the notices of four proposed sets of Engineering Guidelines were published in the *Federal Register*:

- Notice of Proposed Rule, RIN 1902-AF71, Docket No. RM20-9, 85 FR 45032 (July 24, 2020);
- Notice of Availability of Draft Engineering Guidelines for the Evaluation of Hydropower Projects: Chapter 15 — Supporting Technical Information Document and Request for Comments, Docket No. AD20-20-000, 85 FR 44872 (July 24, 2020);[18]

17 Federal Emergency Management Agency, "Federal Guidelines for Dam Safety", at page 42, prepared by the ad hoc Interagency Committee on Dam Safety, Federal Coordinating Council for Science Engineering and Technology, Washington, DC, June 25, 1979. Available at: https://www.fema.gov/media-library/assets/documents/2639.

18 The eLibrary links for the Notice and Chapter 15 are

- Notice of Availability of Draft Engineering Guidelines for the Evaluation of Hydropower Projects: Chapter 16 — Part 12D Program and Request for Comments, Docket No. AD20-21-000, 85 FR 44871 (July 24, 2020);[19]
- Notice of Availability of Draft Engineering Guidelines for the Evaluation of Hydropower Projects: Chapter 17 — Potential Failure Modes Analysis and Request for Comments, Docket No. AD20-22-000, 85 FR 44882 (July 24, 2020);[20] and
- Notice of Availability of Draft Engineering Guidelines for the Evaluation of Hydropower Projects: Chapter 18 — Level 2 Risk Analysis and Request for Comments, Docket No. AD20-23-000, 85 FR 44880 (July 24, 2020).[21]

Public comments on Chapters 15 through 18 of the Draft Engineering Guidelines were due on September 14, 2020. Public comments on the NOPR were due on September 22, 2020.

Prior to the public outreach in connection with the rulemaking, the Commission conducted public outreach following a dam safety incident at the Oroville Dam spillway in February of 2017. The Commission solicited, received, and reviewed expert opinions on the structure and implementation of the Commission's dam safety program, particularly the provisions for independent consultants' safety inspections, commonly referred to as Part 12 inspections, required under Title 18 CFR Part 12, Subpart D. Findings and recommendations were presented in two separate reports by the Oroville Independent Forensic Team (Oroville IFT)[22] and the FERC After Action Panel (FAAP).[23] The final rule addresses the recommendations of the Oroville IFT, FAAP,

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https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15586252 and https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15586105.

19 The eLibrary links for the Notice and Chapter 16 are https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15586192 and https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15586109.

20 The eLibrary links for the Notice and Chapter 17 are https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15586160 and https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15586120.

21 The eLibrary links for the Notice and Chapter 18 are https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15586194 and https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=15586125.

22 "Independent Forensic Team Report, Oroville Dam Spillway Incident," January 5, 2018. Available at: https://damsafety.org/article/media/oroville-investigation-team

23 "Assessment of Oroville Spillway Incident Causes and Recommendations to Improve Effectiveness of the FERC Dam Safety Program," FERC After Action Panel, November 23, 2018. Available at: https://www.ferc.gov/industries/hydropower/safety/projects/oroville/12-06-18/report.pdf

and codifies guidance promulgated by FERC's Office of Energy Projects, Division of Dam Safety and Inspections (D2SI), over the past several years.[24]

Public Comments on Information Collection Aspects of the Proposed Rule

18 CFR Part 12, Subpart D (Review, Inspection, and Assessment by Independent Consultant)

The Commission received comments on some of the information collection activities proposed for subpart D. A few commenters raised general concerns about the cost estimates provided for independent consultant inspections and reports, suggesting that the Commission's estimates underestimate the costs to small, less complex projects located in Alaska.[25] The Commission recognizes the unique challenges faced by Alaska licensees, but continues to find that the cost estimates provided represent average values that are appropriately representative when averaged across the total inventory of hydroelectric projects and respondents. The final rule includes several provisions that will allow the project safety inspection requirements to be tailored to the unique needs and safety considerations of individual projects. One commenter stated that the cost for performing a risk analysis can exceed the estimates provided in the NOPR. However, Commission staff remains confident that the burden and cost estimates presented in the NOPR are representative of the implementation efforts described in the final rule. To date, Commission staff has performed nearly 30 pilot risk analyses alongside licensees. This experience has confirmed that the effort required to complete risk analyses closely aligns with the estimates included in the NOPR and updated in this final rule. We agree with the commenter that the NOPR's FERC 2020 average cost (for wages plus benefits) of $83 per hour is not representative of consulting engineers' hourly rates. In fact, Commission staff's detailed cost breakdowns, which informed the burden and cost estimates for professional services contracting costs, used a range of unit rates up to and including $300 per hour for consulting engineers.

Some commenters requested that "generating equipment" be added to the list of project works excluded from inspections at 18 CFR 12.32. The Commission did not adopt this requested modification because generating equipment is a critical element in the passage and discharge of water through a powerhouse and the failure of such equipment can result in operational and life safety concerns.

24 The last technical content revision to 18 CFR Part 12 was almost 40 years ago. On January 21, 1981, the Commission issued FERC Order No. 122 revising the Part 12 regulations to revise the requirements of the inspection by independent consultants.

25 *See* Alaska Power Comments; Cooper Valley Comments; Alaska Electric Comments; *see also* U.S. Senator Lisa Murkowski's November 5, 2020 letter (supporting Alaska Power Association's comments).

Some commenters requested further clarity in subpart D to distinguish between the inspection requirements for high hazard potential and low hazard potential project works. Because the inspection requirements for high and low hazard potential project works are discussed in § 12.30, no revisions to 18 CFR 12.32 were made based on this comment.

Several commenters requested that the Commission reconsider the proposal to revise 18 CFR 12.33 by rescinding all previously approved exemptions from the requirements of subpart D. The final rule does not retain the blanket rescission of all previously approved exemptions and instead provides that the Director of D2SI on a case-by-case basis may rescind a previously approved exemption for good cause shown. In addition, for future exemption requests, the Director of D2SI may require the licensee to complete a comprehensive assessment prior to considering the exemption request.

In both the NOPR and the final rule, paragraph (a) of section 12.40 addresses the timing of inspections and reports for projects that were previously inspected by an independent consultant. In addition, both the NOPR and the final rule provide in paragraph (a)(1) that a periodic inspection or comprehensive assessment be completed, and a report filed, within five years of the due date of the previous Part 12D report. Upon consideration of public comments, the final rule modified the following provisions in paragraph (a):

- In the NOPR, paragraph (a) would have applied to projects inspected before January 1, 2021, under the Commission's rules in effect on January 1, 2020. In response to public comments, the final rule provides that paragraph (a) now applies to projects inspected before the effective date of the final rule, under the Commission's rules in effect on January 1 of the year of the effective date of the final rule.
- In the NOPR, paragraph (a)(2) would have authorized the Regional Engineer to require that the first report due to be filed after January 1, 2021 be a comprehensive assessment. In response to public comments, paragraph (a)(2) in the final rule now provides that, for any Part 12D report due to be filed 18 months after the effective date of the final rule, the Regional Engineer may require that it be a report on a comprehensive assessment or a report on a periodic inspection.
- In the NOPR, paragraph (a)(3) would have required that the first comprehensive assessment be completed, and the report, filed by December 31, 2034. In response to public comments, the final rule now provides that the first comprehensive assessment must be completed, and the report filed, by December 31, 2038.

With regard to the revised information collection activities in paragraph (b) of section 12.40, some commenters recommended extending the due date for projects not

previously inspected under Part 12 from two years to three years. Upon consideration of that comment, the Commission decided to maintain that two-year deadline, on grounds that any potential benefits of extending this work over a three-year period would be outweighed by the negative impacts that would result if too much time elapses between reviewing the project information, conducting the inspection and performing the Potential Failure Mode Analysis and semi-quantitative risk analysis, and preparing the report. Commission staff is confident that two years is sufficient time to complete a comprehensive assessment and file a report.

In response to comments, the final rule revises paragraph (e) of section 12.40 to include a required finding of "good cause" for the Regional Engineer to change the type of report due.

In response to requests for further clarity regarding preliminary reports, the Commission explained that the preliminary report's purpose is to demonstrate whether the independent consultant team has adequately prepared for their inspection, including the review of background material and instrumentation data. This requirement helps the independent consultant team identify areas in the field that may require additional attention or effort. In the NOPR, the Commission proposed to include information about the preliminary report in section 12.40(f). However, because it covers different material, the final rule relocated the preliminary report requirement to section 12.42, which is a new, standalone section.

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 generally does not consider the data to be confidential. However, certain actions have confidentiality provisions which prevent the disclosure of information relating to submittal of Critical Energy/Electric Infrastructure Information (CEII). A request for material to be treated as CEII or privileged may be made under 18 CFR Part 388.

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.

12. ESTIMATED BURDEN OF COLLECTION OF INFORMATION

All of the following estimates apply to the incremental impact of the final rule and Engineering Guidelines.

Table 12-1 itemizes the estimated annual burden[26] and direct cost[27] of the changes due to this final rule. Record keeping requirements are included in the burden and cost estimates for the development and collection of the data and reports.

26 "Burden" is 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 CFR 1320.3.
27 Direct costs are those costs (generally labor costs [burden hours]) associated with the applicant's or licensee's staff in the performance of the efforts related to the final rule. These do not include the costs for professional services, although the direct costs do include the costs associated with the applicant's or licensee's administration and execution of contracts for professional services.

Table 12-1. Estimated Annual Burden and Direct Cost Changes, ICs in the Final Rule in Docket No. RM20-9 and in Docket Nos. AD20-20, 20-21, 20-22, and 20-23[28] (rounded)

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
Applicant's or Licensee's Report of Project-Related Deaths, Serious Injuries, or Rescues[29]	65[30]	2.14[31]	2 hrs.; $174	139	278 hrs.; $24,186

28 Commission staff believes that industry is similarly situated to Commission employees in terms of cost for wages and benefits. Therefore, we are using the FERC 2021 average cost (for wages plus benefits) for one FERC full-time equivalent (FTE) of $180,703 (or $87.00 per hour). We note that the NOPR provided cost estimates in 2020 dollars.

29 Revisions of 18 CFR 12.10(b)(1), 12.10(b)(2), and 12.10(b)(4) for written reports of project-related deaths, serious injuries, or rescues at project works or involving project operations.

30 Commission staff assumes the average number of respondents who will file an 18 CFR 12.10(b) public safety incident report documenting a rescue at a hydroelectric project will equal the average number of respondents who filed a 12.10(b) public safety incident report documenting a death or serious injury over the 10-year period from January 1, 2009 through December 31, 2018.

31 Commission staff assumes the average number of 18 CFR 12.10(b) public safety incident reports documenting rescues at hydroelectric projects will equal the average number of 12.10(b) reports for deaths and serious injuries over the 10-year period from January 1, 2009 through December 21, 2018.

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
Licensee's Ind. Cons. Team Proposals and Reports on PIs and CAs —Simple Facility	375[32]	0.1[33]	0.3 hrs.; $26.10	37.5	11.25 hrs.; $978.75
Ind. Cons. Team Proposals and Reports on PIs and CAs — Complex Facility	375	0.1	0.6[34] hrs.; $52.20	37.5	22.5 hrs.; $1,957.50

32 Approximately 750 project developments licensed by the Commission are subject to the reporting requirements. This table defines a single response as the consolidated filings associated with the typical ten-year cycle for Independent Consultant's Safety Inspections, which will take effect following implementation of the final rule. A single response will include one each of the reports and other filings required under the scope of a Periodic Inspection and a Comprehensive Assessment. Thus, the total number of responses over a ten-year period will be the number of projects (750), divided equally between the "Simple" and "Complex" categories of hydroelectric facilities.

33 As previously noted, this table defines a single response as the consolidated filings associated with the typical ten-year cycle for Independent Consultant's Safety Inspections. Therefore, the number of annual responses is averaged over the ten-year period, or 0.1 responses on average per year.

34 Burden costs include hourly wages estimated based on complexity of project, scope of inspection, experience and number of assigned staff, and were compared to industry estimates provided by fewer than nine industry representatives who were contacted by Commission staff.

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
Licensee's Request for Exemption[35]	10	1	2 hrs.; $174	10	20 hrs.; $1,740
ODSP Document – Small Program[36]	180[37]	0.2[38]	60[39] hrs.; $5220	36	2160 hrs.; $187,920
ODSP Document – Large Program[40]	45[41]	0.2	120 hrs.; $10,440	9	1080 hrs.; $93,960

35 18 CFR 12.33(a) includes a provision for licensees to submit a written request to be excluded from the requirements of 18 CFR Subpart D in extraordinary circumstances.

36 This information collection activity applies to each licensee with dams or project features with a high or significant hazard potential, but with fewer than three such dams or project features.

37 Commission staff assumes the number of respondents who will file an Owner's Dam Safety Program document in accordance with new Subpart F will equal the total number of respondents who filed an original Owner's Dam Safety Program document over the period from January 1, 2013 through December 31, 2019 (i.e., 225). Of the total number of respondents, Commission staff estimates 80 percent of the respondents have small programs. Thus, the total number of responses is 180 (225 times 0.8).

38 The number of annual responses is averaged over the five-year period, or 0.2 responses on average per year.

39 Burden costs include hourly wages estimated based on complexity of project, size of program, and scope based on Commission staff estimate.

40 This information collection activity applies to each licensee with three or more dams or project features with a high or significant hazard potential.

41 Commission staff assumes the number of respondents who will file an Owner's Dam Safety Program document will equal the total number of respondents who filed an original Owner's Dam Safety Program document over the period from January 1, 2013 through December 31, 2019. Of the total number of respondents, Commission staff estimates 20 percent of the respondents are from large programs. Thus, the total number of responses (225) times 0.2 is the number of responses from licensees from large programs.

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
ODSP Document Revision[42]	225[43]	1	6 hrs.; $522	225	1350 hrs.; $117,450
ODSP Qualification Statement for External Audit or Peer Review[44]	225[45]	0.2	2 hrs.; $174	45	90 hrs.; $7,830
ODSP External Audit or Peer Review Report — Small Program[46]	180[47]	0.2	2 hrs.; $174	36	72 hrs.; $6,264

42 This information collection activity applies to each licensee with dams or project features with a high or significant hazard potential.

43 Commission staff assumes the number of respondents who will file an Owner's Dam Safety Program document will equal the total number of respondents who filed an original Owner's Dam Safety Program document over the period from January 1, 2013 through December 31, 2019.

44 This information collection activity applies to each licensee with dams or project features with a high hazard potential.

45 Commission staff assumes the number of respondents who will file an Owner's Dam Safety statement of qualification for external audit or peer review will equal the total number of respondents who filed an original statement of qualification for external audit or peer review over the period from January 1, 2013 through December 31, 2019.

46 This information collection activity applies to each licensee with dams or project features with a high hazard potential, but with fewer than three such dams or project features.

47 Commission staff assumes the number of respondents who will file an Owner's Dam Safety report of audit or peer review will equal the total number of respondents who filed an original Owner's Dam Safety Program report of audit or peer review over the period from January 1,

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
ODSP External Audit or Peer Review Report — Large Program[48]	45[49]	0.2	2 hrs.; $174	9	18 hrs.; $1,566
ODSP Request for Extension of Time	5[50]	1	4 hrs.; $348	5	20 hrs.; $1,740
Totals	1730			589	5121.75 hrs.;; $445,592.25

Table 12-2 itemizes the estimated annual burden and annual contracting costs (i.e., indirect costs) that will be incurred by respondents for professional services[51] in

2013 through December 31, 2019. Of the total number of respondents, Commission staff estimates 80 percent of the respondents are from small programs. Thus, the total number of responses (225) times 0.8 is the number of responses from licensees from small programs.

48 This information collection activity applies to each licensee with three or more dams or project features with a high hazard potential.

49 Commission staff assumes the number of respondents who will file an Owner's Dam Safety report of audit or peer review will equal the total number of respondents who filed an original Owner's Dam Safety Program report of audit or peer review over the period from January 1, 2013 through December 31, 2019. Of the total number of respondents, Commission staff estimates 20 percent of the respondents are from large programs. Thus, the total number of responses (225) times 0.2 is the number of responses from licensees from large programs.

50 Commission staff assumes the average number of respondents who will file a request for extension for filing an annual Owner's Dam Safety Program submittal will equal the average number of respondents who filed a request for extension for filing an annual Owner's Dam Safety Program submittal from January 1, 2013 through December 31, 2019.

51 Contracting costs include costs for professional services, including labor, travel and subsistence, and other indirect costs incurred by the contractor or consultant. Contracting costs do not include direct costs incurred by the applicant or licensee in the administration or

connection with the final rule and Engineering Guidelines. Record keeping requirements are included in the burden and direct cost estimates for the development and collection of the data and reports.

Table 12-2. Annual Burden and Contracting Cost (Indirect Cost) for Professional Services, Changes Due to the Final Rule in Docket No. RM20-9 and in Docket Nos. AD20-20, -21, -22, and -23

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. Bx Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
Applicant's or Licensee's Report of Project-Related Deaths, Serious Injuries, or Rescues	There are no anticipated costs for contracted professional services due to changes in the final rule and Engineering Guidelines.				
Licensee's Ind. Cons. Team Proposals and Reports on PIs and CAs —Simple Facility[52]	375[53]	0.1[54]	11.7 hrs.;[55] $1,017.90	37.5	438.75 hrs.; $38,171.28

execution of the contract for professional services; those are included in the previous table, as applicable.

52 In this table, both of the information collection activities for Independent Consultant Team Proposals and Reports include contracting costs for professional services associated with the

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. Bx Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
Ind. Cons. Team Proposals and Reports on PIs and CAs — Complex Facility	375	0.1	32 hrs.; $7,329	37.5	1,200 hrs.; $274,837.50
Licensee's Request for Exemption	There are no anticipated costs for contracted professional services due to changes in the final rule and Engineering Guidelines.				

preparation and submittal of Independent Consultant Team Proposals (18 CFR 12.34) and Reports for Periodic Inspections and Comprehensive Assessments (18 CFR 12.36 and 12.38).

53 Approximately 750 project developments licensed by the Commission are subject to the reporting requirements. This table defines a single response as the consolidated filings associated with the typical ten-year cycle for Independent Consultant's Safety Inspections, which will take effect following implementation of the final rule. A single response will include one each of the reports and other filings required under the scope of a Periodic Inspection and a Comprehensive Assessment. Thus, the total number of responses over a ten-year period will be the number of projects (750), divided equally between the "Simple" and "Complex" categories of hydroelectric facilities.

54 As previously noted, this table defines a single response as the consolidated filings associated with the typical ten-year cycle for Independent Consultant's Safety Inspections. Therefore, the number of annual responses is averaged over the ten-year period, or 0.1 responses on average per year.

55 Burden costs include hourly wages estimated based on complexity of project, scope of inspection, experience and number of assigned staff, and were compared to industry estimates provided by fewer than nine industry representatives.

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
ODSP Document – Small Program	There are no anticipated costs for contracted professional services due to changes in the final rule and Engineering Guidelines.				
ODSP Document – Large Program	There are no anticipated costs for contracted professional services due to changes in the final rule and Engineering Guidelines.				
ODSP Document Revision	There are no anticipated costs for contracted professional services due to changes in the final rule and Engineering Guidelines.				
ODSP Qualification Statement for External Audit or Peer Review[56]	225[57]	0.2[58]	6 hrs; $522	45	270 hrs; $23,490

56 This information collection activity applies to each licensee with dams or project features with a high hazard potential.

57 Commission staff assumes the number of respondents who will file an Owner's Dam Safety statement of qualification for external audit or peer review will equal the total number of respondents who filed an original statement of qualification for external audit or peer review over the period from January 1, 2013 through December 31, 2019.

58 The number of annual responses is averaged over the five-year period, or 0.2 responses on average per year.

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
ODSP External Audit or Peer Review Report — Small Program[59]	180[60]	0.2	60[61] hrs; $15,750	36	2160 hrs; $567,000
ODSP External Audit or Peer Review Report — Large Program[62]	45[63]	0.2	240 hrs; $75,600	9	2160 hrs; $680,400

59 This information collection activity applies to each licensee with dams or project features with a high hazard potential, but with fewer than three such dams or project features.

60 Commission staff assumes the number of respondents who will file an Owner's Dam Safety report of audit or peer review will equal the total number of respondents who filed an original Owner's Dam Safety Program report of audit or peer review over the period from January 1, 2013 through December 31, 2019. Of the total number of respondents, Commission staff estimates 80 percent of the respondents are from small programs. Thus, the total number of responses (225) times 0.8 is the number of responses from licensees from small programs.

61 Burden costs include hourly wages estimated based on complexity of project, size of program, and scope based on Commission staff estimate.

62 This information collection activity applies to each licensee with three or more dams or project features with a high hazard potential.

63 Commission staff assumes the number of respondents who will file an Owner's Dam Safety report of audit or peer review will equal the total number of respondents who filed an original Owner's Dam Safety Program report of audit or peer review over the period from January 1, 2013 through December 31, 2019. Of the total number of respondents, Commission staff

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost ($) per Response	E. Total No. of Annual Responses (Col. Bx Col. C)	F. Total Annual Burden Hrs. and Cost ($) (Col. D x Col. E)
ODSP Request for Extension of Time	There are no anticipated costs for contracted professional services due to changes in the final rule and Engineering Guidelines.				
Totals				165	6,228.75 hrs.; $1,644,161.25

Table 12-3 itemizes the estimated annual hour burdens and costs (both direct and indirect) for this rulemaking.

Please note: ROCIS shows 590 responses total for this collection of information, while Table 12-3 shows 589 responses. That discrepancy is due to the automatic rounding by ROCIS of the number of responses each for the two activities labeled, " Ind. Cons. Team Proposals and Reports on PIs and CAs," from 37.5 to 38 responses.

Table 12-3. Total Annual Burden and Cost Changes (Both Direct and Indirect), as Revised in the Final Rule at Docket No. RM20-9 and Docket Nos. AD20-20, -21, -22, and -23

estimates 20 percent of the respondents are from large programs. Thus, the total number of responses (225) times 0.2 is the number of responses from licensees from large programs.

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost (Col. D x Col. E)
Applicant's or Licensee's Report of Project-Related Deaths, Serious Injuries, or Rescues	65	2.14	2 hrs.; $174	139	278 hrs.; $24,186
Ind. Cons. Team Proposals and Reports on PIs and CAs — Simple Facility[64]	375	0.1	12 hrs.; $2,651	37.5	450 hrs.; $99,412.50
Ind. Cons. Team Proposals and Reports on PIs and CAs — Complex Facility[65]	375	0.1	32.6 hrs.; $7,381.20	37.5	1,222.5 hrs.; $276,795
Licensee's Request for Exemption	10	1	2 hrs.; $174	10	20 hrs.; $1,740

64 Includes direct and contracting burden and cost.
65 Includes direct and contracting burden and cost.

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost (Col. D x Col. E)
ODSP Document – Small Program[66]	180	0.2	60 hrs.; $5,220	36	2160 hrs.; $187,920
ODSP Document – Large Program[67]	45	0.2	120 hrs.; $10,440	9	1080 hrs.; $93,960
ODSP Document Revision	225	1	6 hrs.; $522	225	1350 hrs.; $117,450
ODSP Qualification Statement for External Audit or Peer Review	225	0.2	8 hrs.; $696	45	360 hrs; $31,320
ODSP External Audit or Peer Review Report — Small Program[68]	180	0.2	62 hrs.; $15,924	36	2232 hrs.; $573,264

66 This information collection activity applies to each licensee with dams or other project features with a high or significant hazard potential, but with fewer than three such dams or other project features.

67 This information collection activity applies to each licensee with three or more dams or project features with a high or significant hazard potential.

68 This information collection activity applies to each licensee with dams or other project features with a high hazard potential, but with fewer than three such dams or project features. The burden estimates for this activity include direct and contracting burdens and costs.

A. Type of Response	B. No. of Respondents	C. Avg. No. of Annual Responses per Respondent	D. Avg. Annual Burden Hrs. and Cost per Response	E. Total No. of Annual Responses (Col. B x Col. C)	F. Total Annual Burden Hrs. and Cost (Col. D x Col. E)
ODSP External Audit or Peer Review Report — Large Program[69]	45	0.2	242 hrs.; $75,774	9	2178 hrs.; $681,966
ODSP Request for Extension of Time	5	1	4 hrs.; $348	5	20 hrs.; $1,740
Total Hours and Costs	1730	—	—	589	11,350.5 hrs.; $2,089,753.50

13. ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS

This includes contracting of professional services and non-labor, as detailed in Table 12-2 above. There are no start-up or other non-labor costs.

14. ESTIMATED ANNUALIZED COST TO FEDERAL GOVERNMENT

The estimates of the costs for "analysis and processing of filings," shown in Table 14-1, below, are based on salaries and benefits for professional and clerical support. This estimated costs represent staff analysis, decision-making, and review of any actual filings submitted in response to the information collections. The estimates for the "analysis and processing of filings" are for the incremental changes to 18 CFR Part 12

69 This information collection activity applies to each licensee with three or more dams or project features with a high hazard potential. The burden estimates for this information collection activity include direct and contracting burdens and costs.

and the Engineering Guidelines and do not represent the entire effort or cost associated with the complete requirements of 18 CFR Part 12 and the Engineering Guidelines.

Table 14-1
Estimated Annual Federal Costs for Analysis and Processing of Filings

A. Type of Filing	B. Estimated Number of Filings Annually	C. Estimated Hours per Filing	D. Estimated Cost per Filing (Col. C x $87.00)[70]	E. Estimated Federal Cost Annually (Col. B x Col. D)
Applicant's or Licensee's Report of Project-Related Deaths, Serious Injuries, or Rescues	139	1	$87.00	$12,093.00
Ind. Cons. Team Proposals and Reports on PIs and CAs — Simple Facility	37.5	1.1	$95.70	$3,588.75
Ind. Cons. Team Proposals and Reports on PIs and CAs — Complex Facility	37.5	1.8	$156.60	$5,872.50
Licensee's Request for Exemption	10	1	$87.00	$870.00
ODSP Document – Small Program	36	8	$696.00	$25,056.00
ODSP Document – Large Program	9	8	$696.00	$6,264.00
ODSP Document Revision	225	2	$174.00	$39,150.00
ODSP Qualification Statement for External Audit or Peer Review	45	2	$174.00	$7,830.00
ODSP External Audit or Peer Review	36	8	$696.00	$25,056.00

70The estimate uses the FERC's FY 2021 average annual salary plus benefits of one FERC full-time equivalent (FTE): $180,703 per year, or $87.00 per hour.

Report — Small Program				
ODSP External Audit or Peer Review Report — Large Program	9	8	$696.00	$6,264.00
ODSP Request for Extension of Time	5	1	$87.00	$435.00
Totals	589	NA	NA	$132,479.25

The PRA Administrative Cost of $8,275 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.

Table 14-2, below, shows the total federal costs, i.e., the costs for analysis and processing of filings plus the PRA Administrative Cost.

Table 14-2
Total Estimated Annual Federal Costs

FERC-517	Estimated Annual Federal Cost
Analysis and Processing of Filings	$132,479.25
PRA Administrative Cost	$8,279.00
Total for FERC-517	$140,758.25

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

The PRA activities in the final rule and in the new Chapters of the Engineering Guidelines are program changes. They represent an increase in the total burden of PRA activities pertaining to the safety of water power projects and project works.[71]

71 Commission staff expects to seek a control number for existing requirements in 18 CFR Part 12 not affected by the final rule and Engineering Guidelines.

The program changes include all of the estimated burdens of this PRA request, as shown in Tables 12-1 through 12-3. These new and revised information collection activities are necessary in order to promote the safe operation, effective maintenance, and efficient repair of licensed hydropower projects and project works to ensure the protection of life, health, and property in surrounding communities.

Specifically, the new and revised information collection activities will assist the Commission in addressing shortcomings documented by the FERC After Action Panel Report after the dam safety incident at the Oroville Dam spillway. The final rule's two-tier independent consultant safety inspection process, the codification of Owner's Dam Safety Program, and the increased scope of public safety incident-reporting to include rescues are expected to: increase the likelihood that design and operational deficiencies are detected in advance of preventable dam safety incidents, encourage licensees to foster a strong dam safety culture within their organizations, and improve public safety at or near hydropower projects.

16. TIME SCHEDULE FOR PUBLICATION OF DATA

There is no publication of data.

17. DISPLAY OF EXPIRATION DATE

The Commission expects to post the relevant expiration dates at http://www.ferc.gov .

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions.