

September 22, 2020

Secretary of the Commission
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: The Central Nebraska Public Power and Irrigation District's Comments on Notice of Proposed Rulemaking, Safety of Water Power Project and Project Works, Docket No. RM20-9-000

The Central Nebraska Public Power and Irrigation District The National Hydropower Association submits the following comments in response to the Federal Energy Regulatory Commission's (FERC) Notice of Proposed Rulemaking (NOPR) on 18 CFR Part 12, Safety of Water Power Projects and Project Works. Central appreciates the opportunity to provide these comments.

1. Concurrence in Comments of NHA

The National Hydropower Association (NHA) submitted comments on the NOPR on September 22, 2020. Central concurs with the comments of NHA in their entirety, and adds its own comments on some parts of the NOPR in 2 through 4 below.

2. NOPR 12.31

While Central recognizes that requiring ten-years of experience and professional licensure for an Independent Consultant (IC) are generally beneficial, Central believes that in the case of an IC Team, it should only be required that at least one member of the team need to meet such requirements. To require that all IC Team members meet these requirements could unnecessarily narrow the pool of potential team members with little increase in benefit. Additionally, requiring all IC Team members to have such requirements would prevent junior engineers from being able to develop experience by working alongside these more experienced engineers on an IC Team. Finally, once a project inspection expands from an individual IC to an IC Team, some members are likely to be non-engineer professionals (e.g. hydrologists and geologists), which would make professional engineering licensure inapplicable.

Central is additionally concerned about the restriction that an IC could not be someone that has done other work on the same project. This will again limit the pool of potential inspectors in an industry with a limited number of otherwise qualified experts. Additionally, while there are some benefits to getting "new eyes" on a project, there are also benefits to having experts already familiar with the project participating in a review. Additionally, conflict-of-interest issues are already addressed by the professional licensure regulations in most states, which is the better venue for such matters. Finally, ICs may only be used on a project through a ten-year cycle, and so an IC cannot continue to review their own work for very long. If the proposed restriction is to be retained in the final regulations, then

perhaps apply it only to instances where the prior work was major design of a significant feature, only for a limited period of time (perhaps five to ten years), and only requiring that at least one member meet the requirement in the case of an IC Team.

3. NOPR 12.35, 12.36, and 12.37

Central is concerned and disagrees with the proposal that ICs to review the Owners Dam Safety Program (ODSP) and the Public Safety Plan (PSP) as part of the inspection. These are policy documents. At most, IC review of the ODSP and PSP should be limited to whether the licensee is following these plans, and not on the adequacy of the plans themselves.

4. NOPR 12.39

While Central agrees with the importance of evaluating spillway adequacy, Central is concerned with the wording of this section as resulting in efforts that could be overly broad and leading to the review or assumption of unreasonable levels of unlikelihood. Combinations of loading conditions and performance matters must be credible. Central believes it may be more appropriate to address these potential performance issues (e.g. misoperation) be evaluated through the PFMA or risk analysis.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michael A. Drain', with a stylized flourish at the end.

Michael A. Drain, P.E.

Chief Dam Safety Engineer

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