

On October 9, 2019, President Trump issued [Executive Order 13892](#) on agency civil administrative enforcement and adjudication. Section 7 of the Executive Order requires each agency that conducts civil administrative inspections to publish a rule of agency procedures governing such inspections, if such a rule does not already exist. The Federal Energy Regulatory Commission conducts civil administrative inspections of certain natural gas and hydroelectric facilities through its Office of Energy Projects (OEP). In compliance with the Executive Order, below are guidelines that the Commission's OEP follows for civil administrative inspections:

## **Inspection Guidelines – Office of Energy Projects (OEP)**

### **Division of Dam Safety and Inspections (D2SI)**

The construction, operation, maintenance, use, repair or modification of any hydroelectric project works are subject to the inspection and supervision of the Regional Engineer or any other authorized Commission representative. Commission staff will perform periodic dam safety inspections as required by the Federal Power Act to ensure that the project can continue to operate safely. Typically, inspections are performed annually for high and significant hazard potential structures and every three years for low hazard potential structures. Prior to the inspections taking place, except when more immediate action is required to protect public safety, Commission staff will contact the Project Operator to schedule the date of inspection. Project Operator staff are expected to accompany Commission staff during the inspection. Specific details regarding site safety, features to be inspected, and other logistics will be coordinated in advance of the inspection. After the inspection, Commission staff will relay the results of the inspection to the Project Operator in the form of a written inspection report.

For further information please contact: Office of Energy Projects, 202.502.8700

### **Division of Gas Environment and Engineering (DG2E)**

During the construction and construction restoration of interstate natural gas pipeline facilities, Commission staff or their designated contractor will periodically inspect the project facilities to ensure that the owner is complying with the terms of the Commission issued certificate. These inspections are done when necessary and can vary significantly in frequency depending on the scope of the project and/or difficulties or concerns raised during the construction and restoration process. While the terms of the certificate vary for each project, overall, Commission staff or their designated contractor will coordinate the schedule and scope of the inspection with the Project Operator, and the Project Operator's environmental inspector will typically accompany the Commission staff or their designated

contractor during the inspection. The primary purpose of the inspection is to ensure that the environmental conditions of the pipeline owner/operator's construction and restoration of the project area is in compliance with the Commission's authorization. After the inspection, Commission staff will provide the results of the inspection to the owner in the form of a written inspection report that is filed in the Commission's public record under the FERC docket for the inspected facility.

For further information please contact: Office of Energy Projects, 202.502.8700

### **Division of LNG Facility Review and Inspections (DLNG)**

Following commencement of construction of an LNG facility, the facility is subject to regular Commission staff technical reviews and field inspections. Additionally, once the LNG facility commences operations, the facility is subject to regular Commission staff technical reviews and site inspections on at least an annual or biennial basis, or more frequently as circumstances indicate. The primary purpose of the inspections is to ensure that the LNG facility is in compliance with the conditions of the Commission's authorization. Prior to each site inspection, except when more immediate action is required in response to unexpected incidents, Commission staff provides the Project Operator information relating to both the scope of the discussions related to the review of technical data information and areas that will be covered during the field inspections of the facilities themselves. Commission staff contacts the Project Operator to coordinate all dates for inspections. Following completion of construction inspections, Commission staff files the inspection report in the public FERC docket for the inspected facility. Following completion of operational inspections, Commission staff sends the Project Operator a letter with Post-Inspection Recommendations and files the letter in the public FERC docket for the inspected facility.

For further information please contact: Office of Energy Projects, 202.502.8700

### **Division of Hydropower Administration and Compliance (DHAC)**

Once a license or exemption is granted to a hydroelectric facility, Commission staff ensures that the regulated entity maintains compliance with the terms and conditions of its respective licenses or exemptions to protect, mitigate and enhance beneficial public uses and environmental resources of hydropower projects. Once a license or exemption is granted, Commission staff is responsible for tracking and administering the license requirements, inspecting site conditions, investigating compliance issues, and assessing penalties. Periodically throughout the term of the license, the project's public use facilities and environmental mitigation measures are inspected by Commission staff, or its designated contractor, to review on-site compliance with the license requirements. Prior

to each site inspection, Commission staff sends Project Operators letters confirming upcoming/scheduled environmental inspections at hydroelectric facilities. After the inspection is completed, Commission staff sends the Project Operator a letter that identifies items that need attention (the length can differ depending on how many items need attention).

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