

Attachment 6

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December 19, 2022

VIA ELECTRONIC FILING

Kimberly D. Bose
Secretary, Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: Compliance Filing with Ordering Paragraph (N) of License Surrender Order;
Owner's Dam Safety Program for Lower Klamath Project,
FERC Project No. 14803-001**

Dear Secretary Bose:

On December 2, 2022, the co-licensees adopted PacifiCorp's existing Owner's Dam Safety Program with respect to the Lower Klamath Project¹ for the time period *before* the Facilities Termination Date.² Now, on behalf of the co-licensees, the Klamath River Renewal Corporation (Renewal Corporation) submits the Owner's Dam Safety Program to be in effect after the Facilities Termination Date for each Facility in compliance with Ordering Paragraph (N) of the Commission's License Surrender Order.³ The co-licensees are concurrently submitting two hard copies of the Owner's Dam Safety Program to the Commission's Division of Dam Safety and Inspections – Portland Regional Engineer.

The enclosed Owner's Dam Safety Program complies with part 12, subpart F, of the Commission's regulations (18 C.F.R. § 12.60 et seq.). The Program also explains the interrelationship between the co-licensees regarding dam safety issues and includes the name and resume of the Renewal Corporation's Chief Dam Safety Engineer, who will be the individual

¹ FERC accession no. 20221201-5280. That filing also fulfilled the requirements of Ordering Paragraph (G) of the *Order Approving Transfer of License*, 175 FERC ¶ 61,236 (June 17, 2021) (Transfer Order) and, by adoption of the interim Dam Safety Program, fulfilled in part the requirements of Ordering Paragraph (H) of the Transfer Order. Today's filing, and the filing of final design documents in January of 2023 in compliance with Ordering Paragraph (O) of the License Surrender Order, will satisfy the remaining requirements of Ordering Paragraph (H) of the Transfer Order.

² A Facilities Termination Date will be determined for each Facility (i.e., Copco No. 1, Copco No. 2, Iron Gate, or J.C. Boyle) comprising the Lower Klamath Project pursuant to Section 10 of the *Amended and Restated Agreement for the Operation and Maintenance of the Lower Klamath Project* (12/1/2022) (Amended O&M Agreement). On the Facility Termination Date for a particular Facility, provided that PacifiCorp has complied with its obligations under the Facility Transition Plan, KRRC will assume total, complete, and permanent operational control and responsibility for that Facility. The Amended O&M Agreement is appended to the Interim Hydropower Operations Plan at Appendix A. and is available at FERC accession no. 20221205-5047.

³ *Order Modifying and Approving Surrender of License and Removal of Project Facilities*, 181 FERC ¶ 61,122 (November 17, 2022) (License Surrender Order).

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responsible for overseeing all dam safety issues after the Facilities Termination Date for each Facility.

We enclose a public version of the Owner's Dam Safety Program. A version of the Owner's Dam Safety Program marked CEII is being concurrently filed in this proceeding. The Owner's Dam Safety Program contains sensitive dam safety and construction information that qualifies as CEII under the Commission's rules.

If the Commission requires any additional information with respect to the foregoing, please let us know.

Respectfully submitted,

s/ Markham A. Quehrn

Markham A. Quehrn
Perkins Coie LLP
Attorneys for Klamath River Renewal Corporation

cc: Douglas L. Johnson, P.E.
Service List



Lower Klamath Project FERC Project No. 14803

Drawdown Phase Dam Safety Program

**Klamath River Renewal Corporation
2001 Addison Street, Suite 317
Berkeley, CA 94704**

REDACTED: The Drawdown Phase Dam Safety Program consists in its entirety of sensitive dam safety and construction information that qualifies as Critical Energy/Electric Infrastructure Information (CEII) under the Commission's rules. The Renewal Corporation requests confidential treatment of the information contained in the Drawdown Phase Dam Safety Program which is marked "CUI/CEII – DO NOT RELEASE" in accordance with 18 C.F.R. § 388.113.

December 2022

CERTIFICATE OF SERVICE

I hereby certify that, on this 19th day of December 2022, I have served the public filing of Klamath River Renewal Corporation's Compliance Filing with Ordering Paragraph (N) of License Surrender Order; Owner's Dam Safety Program for Lower Klamath Project, FERC Project No. 14803-001 via email containing a link thereto, or via U.S.P.S. if no email address was available, upon each person designated on the official service list compiled by the Secretary in these proceedings.

/s/ Ivy Carr

Ivy Carr

Legal Practice Assistant

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