

document retrieval, and helping participants stay up to speed. If, for instance, a stakeholder in an ALP misses a meeting, it may be able to download or read meeting minutes.

220. We are not convinced that it is necessary or appropriate to require that all information required by our regulations to be made public before or during a licensing proceeding be made available on the internet or by CD ROM.<sup>274</sup> This may make sense for licensing proceedings in connection with large projects, or smaller projects operated by licensees with substantial resources.<sup>275</sup> There are however many small projects operated by small enterprises for which the cost of establishing and maintaining a Web site may be prohibitive.<sup>276</sup> There may also be concerns about site security and accidental dissemination of information prejudicial to national security.

221. Finally, we note that the Commission has granted waiver for an existing licensee to use a Web site in lieu of the requirement of § 16.7(d) to maintain a public "licensing library," in circumstances where the licensee agreed to mail documents to persons lacking access to the internet.<sup>277</sup>

### 3. Project Boundaries and Maps

222. The Commission believes the existing regulations regarding the filing of maps to accompany applications for preliminary permits, exemptions, and licenses, which were most recently updated in 1988, have become outdated as the result of technological innovations since that time. Specifically, the Commission has been converting project boundary maps into georeferenced electronic maps to better enable it to evaluate and describe hydropower applications. To facilitate this effort, the Commission proposes to require applicants for licenses, exemptions, and amendments thereto, to file project boundary maps in a georeferenced electronic format

compatible with the Commission's geographic information system.

223. Also, the Commission's current regulations do not require minor projects (projects with an installed capacity of 1.5 MW or less) occupying non-Federal lands to have a project boundary, because the project boundary for such projects was historically considered to be the reservoir shoreline.<sup>278</sup> Consistent with the effort described above, the Commission proposes to require all license and exemption applicants, regardless of the license or exemption type, to provide a project boundary with each application. For minor projects, a project boundary line would assist in establishing the project lands. To have consistency among all types of licenses and exemptions, we propose to modify the convention for naming exhibit drawings by requiring for all licenses and exemptions that Exhibit F contain design drawings of the principal project works, including fishways and fish screening facilities, and Exhibit G identify the project boundaries.<sup>279</sup> The Commission requests comments on this proposal.

### 4. Miscellaneous Filing Requirements

224. The Commission also proposes minor additions to the application filing requirements of §§ 4.41, 4.51, and 4.61. These are: monthly flow duration curves;<sup>280</sup> minimum and maximum hydraulic capacities for the powerplant;<sup>281</sup> estimated capital and operating and maintenance (O&M) expenses for each proposed environmental mitigation or enhancement measure;<sup>282</sup> estimates of the costs to develop the license application;<sup>283</sup> on-peak and off-peak values of project power, and the basis for the value determinations;<sup>284</sup> estimated annual increase or decrease in generation at existing projects;<sup>285</sup>

remaining undepreciated net investment or book value of project;<sup>286</sup> annual O&M expenses for environmental measures;<sup>287</sup> a detailed, single-line electrical diagram;<sup>288</sup> and a statement of measures taken or planned to ensure safe management, operation, and maintenance of the project.<sup>289</sup>

225. These are items of information not specifically required to be included by the current regulations, but which the Commission staff requests as additional information in nearly every license proceeding in order to complete its NEPA and comprehensive development analyses. Obtaining this information with the application instead of via an additional information request will enable the staff to move forward more expeditiously to process license applications.

### H. Transition Provisions

226. Several licensee commenters request that any new rule contain appropriate transition provisions so that ongoing proceedings are not disrupted.<sup>290</sup> The Commission proposes that the integrated licensing process rules and modifications to the traditional process and ALP apply to license applications for which the deadline for filing a notification of intent is three months or later after issuance of the final rule. If the deadline for existing licensees to file a notification of intent to seek a new license falls before that date, the rules as they exist prior to that date will apply to those licensees. The new rule will also not apply to potential original license applicants who have commenced first stage consultation prior to three months following the issuance date of the final rule. This will ensure that no ongoing proceedings are interrupted and would afford a window during which existing licensees facing a deadline for filing of their NOI can complete their Pre-Application Document and determine whether to file a request to use the traditional process or ALP.<sup>291</sup>

227. NHA recommends that applicants currently engaged in pre-filing consultation under the traditional process or ALP be permitted

<sup>274</sup> See, e.g., with respect to pre-filing consultation, 18 CFR 4.32(b)(3)–(5); 4.38(b)–(d) and (g); 16.7; and 16.8(b)(c), (d), and (i).

<sup>275</sup> A paper company might be one example, or a licensee that operates several small projects.

<sup>276</sup> While there are free web hosting sites on the internet, they may not be available to commercial entities and, if so, are not likely to offer terms of service that would accommodate the amount of space required to host the volume of data required by the Commission's licensing regulations. An informal canvassing of free hosting services indicates that most limit space to 5 megabytes (MB) or less. A typical license application exceeds 20 MB. Free web hosting sites may also have technical specifications for content that are incompatible with the kind of complex data accompanying license applications.

<sup>277</sup> A waiver was granted to Alabama Power Company with respect to the relicensing of the Coosa-Warrior Project Nos. 82, 618, 2146, and 2165.

<sup>278</sup> See Application for License for Minor Water Power Projects and Major Water Power Projects 5 Megawatts or Less, 46 FR 55,944 (Nov. 13, 1981), FERC Stats. & Regs. Preambles 1977–1981 ¶ 30,309 at p. 31,372 (Nov. 6, 1981) (Order No. 185).

<sup>279</sup> See proposed modifications to 18 CFR 4.32(b)(2), 4.39 (a) and (b); 4.41(h), first paragraph, (h)(2), (h)(3), and (h)(4)(ii); 4.51 (g) and (h); 4.61 (e) and (f); 4.81(b); 4.92(a)(2), (c), (d), and (f); and 4.107 (d) and (f).

<sup>280</sup> See proposed modifications to 18 CFR 4.41(c)(2)(i), 4.51(c)(2)(i), and 4.61(c)(1)(vii).

<sup>281</sup> Proposed modifications to 18 CFR 4.41(c)(4)(iii); 4.51(c)(2)(iii), and 4.61(c)(1)(vii).

<sup>282</sup> Proposed new 18 CFR 4.41(e)(4)(v); 4.51(e)(7), and 4.61(c)(1)(x).

<sup>283</sup> Proposed new 18 CFR 4.41(e)(9); 4.51(e)(7); and 4.61(c)(3).

<sup>284</sup> Proposed new 18 CFR 4.41(e)(10); 4.51(e)(8); and 4.61(c)(4).

<sup>285</sup> Proposed new 18 CFR 4.51(e)(9) and 4.61(c)(5).

<sup>286</sup> Proposed new 18 CFR 4.61(c)(6).

<sup>287</sup> Proposed new 18 CFR 4.41(e)(4)(v); 4.51(e)(4)(v); and 4.61(c)(1)(x).

<sup>288</sup> Proposed new 18 CFR 4.61(c)(8).

<sup>289</sup> Proposed new 18 CFR 4.61(c)(9).

<sup>290</sup> EEI, PG&E, SCE, Idaho Power, NHA.

<sup>291</sup> We are also taking this opportunity to remove numerous obsolete transition provisions included in the part 16 relicensing rules promulgated pursuant to the Electric Consumers Protection Act. Specifically, we propose to remove 18 CFR 16.10(d) and (f); 16.11(a)(2); 16.19 (b)(3) and (b)(4); 16.19(c)(2); and 16.20 (c)(2), and (c)(3).