

to decide whether to incorporate into the ongoing process any improvements resulting from this proceeding. Other licensee commenters similarly suggest that any new dispute resolution process be made available for use in any ongoing license proceeding.²⁹² CTUIR opposes modification of any ongoing licensing processes unless all participants agree to the specific modification.

228. We do not propose to make the modifications to the traditional process available for ongoing processes, because it would prejudice the interests of stakeholders with respect to pre-filing consultations ongoing when the rule is issued. As discussed above, for instance, the public is wholly excluded from first-stage consultation, and has very limited rights during second-stage consultation. NGOs that have had little or no opportunity to participate in a pre-filing consultation that is relatively advanced at the time the rules go into effect should not be bound by the dispute resolution provisions, which assume that they were full participants in consultation from the beginning. Likewise, an applicant that has conducted pre-filing consultation in good faith under the existing rules should not be faced during the later stages with the addition of NGOs making new study requests and filing 11th-hour dispute resolution requests because they were not consulted during first stage consultation, or because the opportunity to file a second stage dispute resolution request has passed. The more pre-filing consultation time has elapsed under the existing processes, the more prejudicial requests to import dispute resolution or other

integrated process elements into the existing process become. If, however, all interested entities (including interested members of the public) are agreed that it would be advantageous to make an exception to this general rule, the Commission will entertain requests for exceptions.²⁹³

229. Finally, the project maps and boundaries and miscellaneous filing requirements would take effect three months after the issuance date of the final rule, in order to give license and exemption applicants time to comply.

IV. Environmental Analysis

230. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have significant adverse effect on the human environment.²⁹⁴ The Commission has categorically excluded certain action from this requirement as not having a significant effect on the human environment. Included in the exclusions are rules that are clarifying, corrective, or procedural or that do not substantively change the effect of the regulations being amended.²⁹⁵ This proposed rule, if finalized, is procedural in nature and therefore falls under this exception; consequently, no environmental consideration would be necessary.

V. Regulatory Flexibility Act

231. The Regulatory Flexibility Act of 1980 (RFA)²⁹⁶ generally requires a description and analysis of final rules that will have a significant economic impact on a substantial number of small entities.²⁹⁷ Pursuant to section 605(b) of the RFA, the Commission hereby

certifies that the proposed licensing regulations, if promulgated, would not have a significant economic impact on a substantial number of small entities. We justify our certification on the fact that the efficiency and timeliness of the proposed integrated licensing process (early Commission assistance, early issue identification, integrated NEPA scoping with application development, and better coordination among federal and state agencies) would benefit small entities by minimizing the redundancy and waste caused by the often duplicative information needs of the Commission and the various federal and state agencies associated with the hydroelectric licensing process.

VI. Information Collection Statement

232. The following collections of information contained in this proposed rule has been submitted to the Office of Management and Budget for review under section 3507(d) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d). The Commission identifies the information provided for under parts 4, 5, and 16 and FERC-500 "Application for License/Relicense for Water Projects greater than 5 MW Capacity," and FERC-505, "Application for License for Water Projects less than 5 MW Capacity." Comments are solicited on the Commission's need for this information, whether the information will have practical utility, the accuracy of provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondent's burden, including the use of automated information techniques.

Estimated Annual Burden:

TABLE 1.—TRADITIONAL LICENSING PROCESS

Data collection	Number of respondents ¹	Number of responses	Hours per response	Total annual hrs
FERC-500	26	1	46,000	1,196,000
FERC-505	15	1	10,000	150,000

¹ Estimated number of licenses subject to renewal through 2009.

Total Annual Hours for Collection: (Reporting + Recordkeeping, (if appropriate)) = 1,356,000 hours.

TABLE 2.—PROPOSED INTEGRATED LICENSING PROCESS

Data collection	Number of respondents ¹	Number of responses	Hours per response ²	Total annual hrs
FERC-500	26	1	32,200	837,200

²⁹² Van Ness, Duke.

²⁹³ See proposed new 18 CFR 4.38(e)(4) and 16.8(e)(4).

²⁹⁴ Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897

(Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986-1990 ¶ 30,783 (December 10, 1987).

²⁹⁵ 18 CFR 380.4(a)(2)(ii).

²⁹⁶ 5 U.S.C. 601-612 (1994).

²⁹⁷ Section 601(c) of the RFA defines a "small entity" as a small business, a small not-for-profit

enterprise, or a small governmental jurisdiction. A "small business" is defined by reference to Section 3 of the Small Business Act as an enterprise which is "independently owned and operated and which is not dominant in its field of operation" 15 U.S.C. 632(a).