

sheet by legal subdivisions of a public land survey of the affected area, if available. If the project boundary includes lands of the United States, such lands must be identified on a completed land description form, provided by the Commission. The project location must identify any Federal reservation, Federal tracts, and townships of the public land surveys (or official protraction thereof if unsurveyed). A copy of the form must also be sent to the Bureau of Land Management state office where the project is located;

\* \* \* \* \*

(f) *Transition provisions.* (1) This section shall apply to preliminary permit applications filed following [insert date three months following issuance date of final rule].

(2) For preliminary permit applications filed prior to [insert date three months following issuance date of final rule], this section shall apply in the form in which it was promulgated prior to that date.

\* \* \* \* \*

11. Amend § 4.92 as follows:

a. Paragraph (a)(2) is revised.

b. In paragraph (c), introductory text, remove the phrase "Exhibit B" and add in its place the phrase "Exhibit F".

c. Paragraph (d) is revised.

d. Paragraph (f) is revised.

e. Paragraph (g) is added.

The revised and added text reads as follows:

#### § 4.92 Contents of exemption application.

(a) \* \* \*

(2) Exhibits A, E, F, and G.

\* \* \* \* \*

(d) *Exhibit G.* Exhibit G is a map of the project and boundary and must conform to the specifications of § 4.41(h).

\* \* \* \* \*

(f) *Exhibit F.* Exhibit F is a set of drawings showing the structures and equipment of the small conduit hydroelectric facility and must conform to the specifications of § 4.41(g).

(g) *Transition provisions.* (1) This section shall apply to exemption applications filed following [insert date three months following issuance date of final rule].

(2) For exemption applications filed prior to [insert date three months following issuance date of final rule], this section shall apply in the form in which it was promulgated prior to that date.

\* \* \* \* \*

12. Amend § 4.107 as follows:

a. Paragraph (d) is revised.

b. Paragraph (f) is revised.

c. Paragraph (g) is added.

The revised and added text reads as follows:

#### § 4.107 Contents of application for exemption from licensing.

\* \* \* \* \*

(d) *Exhibit G.* Exhibit G is a map of the project and boundary and must conform to the specifications of § 4.41(h).

\* \* \* \* \*

(f) *Exhibit F.* Exhibit F is a set of drawings showing the structures and equipment of the small hydroelectric facility and must conform to the specifications of § 4.41(g).

(g) *Transition provisions.* (1) This section shall apply to exemption applications filed following [insert date three months following issuance date of final rule].

(2) For exemption applications filed prior to [insert date three months following issuance date of final rule], this section shall apply in the form in which it was promulgated prior to that date.

1. Add part 5 to read as follows:

### PART 5—INTEGRATED LICENSE APPLICATION PROCESS

Sec.

5.1 Applicability, definitions, requirement to consult, process selection.

5.2 Acceleration of a license expiration date.

5.3 Notification of intent.

5.4 Pre-Application document.

5.5 Commission notice.

5.6 Comments and information requests.

5.7 Revised pre-application document.

5.8 Applicant's proposed study plan.

5.9 Scoping document and study plan meeting.

5.10 Comments and information-gathering or study requests.

5.11 Study plan meeting.

5.12 Revised study plan and preliminary determination.

5.13 Study dispute resolution process.

5.14 Conduct of studies.

5.15 Draft license application.

5.16 Filing of application.

5.17 Application content.

5.18 Tendering notice and schedule.

5.19 Deficient applications.

5.20 Additional information.

5.21 Notice of acceptance and ready for environmental analysis.

5.22 Response to notice.

5.23 Applications not requiring a draft NEPA document.

5.24 Applications requiring a draft NEPA document.

5.25 Section 10(j) process.

5.26 Amendment of application.

5.27 Competing applications.

5.28 Other provisions.

5.29 Transition provisions.

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 42 U.S.C. 7101–7352.

#### § 5.1 Applicability, definitions, requirement to consult, process selection.

(a) *Applicability.* This part applies to the filing and processing of an application for an:

(1) Original license;

(2) New license for an existing project subject to sections 14 and 15 of the Federal Power Act; or

(3) Subsequent license.

(b) *Definitions.* The definitions in §§ 4.30(b) and 16.2 of this chapter apply to this part.

(c) *Who may file.* Any citizen, association of citizens, domestic corporation, municipality, or state may develop and file a license application under this part.

(d) *Requirement to consult.* (1) Before it files any application for an original, new, or subsequent license under this part, a potential applicant must consult with the relevant Federal, state, and interstate resource agencies, including the National Marine Fisheries Service, the United States Fish and Wildlife Service, the National Park Service, the United States Environmental Protection Agency, the Federal agency administering any United States lands utilized or occupied by the project, the appropriate state fish and wildlife agencies, the appropriate state water resource management agencies, the certifying agency under Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. 1341(c)(1)), any Indian tribe that may be affected by the project, and members of the public. A potential license applicant must file a notification of intent to file a license application pursuant to §§ 5.2 and a Pre-Application Document pursuant to the provisions of § 5.3.

(2) The Director of the Office of Energy Projects will, upon request, provide a list of known appropriate Federal, state, and interstate resource agencies, Indian tribes, and local, regional, or national non-governmental organizations likely to be interested in any license application proceeding.

(e) *Default process.* Each potential original, new, or subsequent license applicant must use the license application process provided for in this part unless the potential applicant applies for and receives authorization from the Commission under this part to use the licensing process provided for in:

(1) 18 CFR part 4, subparts D–H and, as applicable, part 16 of this chapter (*i.e.*, traditional process), pursuant to paragraph (c) of this section; or

(2) Section 4.34(i) Alternative procedures of this chapter

(f) *Request to use traditional licensing process or alternative procedures.* (1) A