

[insert date three months following issuance date of final rule] or later.

(b) Except as provided in paragraph (c) of this section, applications for which the deadline for filing a notification of intent to seek a new or subsequent license is prior to [insert date three months following issuance date of final rule], and potential applications for original license for which the potential applicant commenced first stage pre-filing consultation pursuant to § 4.38(b) of this chapter prior to [insert date three months following issuance date of final rule], are not subject to this part, but are subject to the Commission's regulations as promulgated prior to [insert date three months following issuance date of final rule].

(c) Potential applicants for an original, new, or subsequent license subject to paragraph (b) of this section may seek to apply pre-filing consultation and application processing procedures provided for under this part to the development and processing of their application, subject to the provisions of §§ 4.38(e)(4) and 16.8(e)(4) of this chapter.

## PART 16—PROCEDURES RELATING TO TAKEOVER AND RELICENSING OR LICENSED PROJECTS

1. The authority citation for part 16 continues to read as follows:

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

2. Remove the phrase “Office of Hydropower Licensing” throughout the part and add in its place “Office of Energy Projects”.

### § 16.1 [Amended]

3. Amend § 16.1 by adding paragraph (c) to read as follows:

\* \* \* \* \*

(c) Any potential applicant for a new or subsequent license for which the deadline for the notice of intent required by § 16.6 falls after [insert date three months following issuance date of final rule] and which wishes to develop and file its application pursuant to this part, must seek Commission authorization to do so pursuant to the provisions of part 5 of this chapter.

\* \* \* \* \*

4. Amend § 16.6 as follows:

a. In paragraph (b)(9), remove the phrase “16.16” and add in its place the phrase “16.7”.

b. In paragraph (d)(3), remove the phrase “and Indian tribes by mail.” and add in its place the phrase, “state water quality agencies, Indian tribes, and non-governmental organizations likely to be interested in the proceedings by mail.”

c. Paragraph (e) is added.

The added text reads as follows:

### § 16.6 Notification procedures under section 15 of the Federal Power Act.

\* \* \* \* \*

(e) *Transition provisions.* (1) This section shall apply to license applications for which the deadline for filing a notification of intent to seek a new or subsequent license is [insert date three months following issuance date of final rule] or later.

(2) Applications for which the deadline date for filing a notification of intent to seek a new or subsequent license is prior to [insert date three months following issuance date of final rule] are subject to part 16 of this chapter as promulgated prior to [insert date three months following issuance date of final rule].

\* \* \* \* \*

5. Amend § 16.7 as follows:

a. Paragraph (d)(1) is revised.

b. In paragraph (e)(1), remove the word “information” and add in its place the phrase “Pre-Application Document”.

c. In paragraph (g), remove the phrase “16.16(d)(1)(iv)” and add in its place the phrase “16.7(d)(1)(iv)”.

d. Paragraph (h) is added.

The revised and added text reads as follows:

### § 16.7 Information to be made available to the public at the time of notification of intent under Section 15(b) of the Federal Power Act.

\* \* \* \* \*

(d) Information to be made available.

(1) A potential applicant must, at the time it files its notification of intent to seek a license pursuant to § 5.3 of this chapter, provide a copy of the Pre-Application Document required by § 5.4 of this chapter to the entities specified in § 5.4 of this chapter.

\* \* \* \* \*

(h) *Transition provisions.* (1) This section shall apply to license applications for which the deadline for filing a notification of intent to seek a new or subsequent license is [insert date three months following issuance date of final rule] or later.

(2) Applications for which the deadline date for filing a notification of intent to seek a new or subsequent license is prior to [insert date three months following issuance date of final rule] are subject to this section as promulgated prior to [insert date three months following issuance date of final rule].

6. Amend § 16.8 as follows:

a. In paragraph (a)(1), remove everything after the phrase “33 U.S.C.

1341(c)(1)),” and add in its place the phrase any Indian tribe that may be affected by the project, and members of the public.”

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

c. Paragraphs (b)–(c) are revised.

d. In paragraphs (d) (1), remove the phrase “Indian tribes and other government offices” and add in its place the phrase “Indian tribes, other government offices, and consulted members of the public”.

e. In paragraph (d)(2), remove the phrase “agency and Indian tribe” and add in its place the phrase “agency, Indian tribe, and member of the public consulted”.

f. Paragraph (e) is revised.

g. Paragraph (f) is revised.

h. In paragraph (h), remove the phrase “agency or Indian tribe” and add in its place the phrase “agency, Indian tribe, or member of the public”.

i. In paragraph (i)(2)(i), remove everything after the word “until” and add in its place “a final order is issued on the license application.”.

j. Paragraph (j) is revised.

The revised and added text reads as follows:

### § 16.8 Consultation requirements.

(a) \* \* \*

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

(b) *First Stage of Consultation.* (1) A potential applicant for a new or subsequent license must, at the time it files its notification of intent to seek a license pursuant to § 5.3 of this chapter, provide a copy of the Pre-Application Document required by § 5.4 of this chapter to the entities specified in that paragraph.

(2) A potential applicant for a nonpower license or exemption must promptly contact each of the appropriate resource agencies, Indian tribes, and members of the public listed in paragraph (a)(1) of this section, and the Commission with the following information:

(i) Detailed maps showing existing project boundaries, if any, proper land descriptions of the entire project area by township, range, and section, as well as by state, county, river, river mile, and closest town, and also showing the specific location of all existing and proposed project facilities, including roads, transmission lines, and any other appurtenant facilities;

(ii) A general engineering design of the existing project and any proposed