

## ELECTRONIC CODE OF FEDERAL REGULATIONS

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Title 18: Conservation of Power and Water Resources

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

Subpart G—Application for License for Minor Water Power Projects and Major Water Power Projects 5 Megawatts or Less

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§4.60 Applicability and notice to agencies.

(a) Applicability. The provisions of this subpart apply to any application for an initial license or a new license for:

- (1) A minor water power project, as defined in §4.30(b)(17);
- (2) Any major project—existing dam, as defined in §4.30(b)(16), that has a total installed capacity of 5 MW or less; or
- (3) Any major unconstructed project or major modified project, as defined in §4.30(b) (15) and (14) respectively, that has a total installed capacity of 5 MW or less.

(b) Notice to agencies. The Commission will supply interested Federal, state, and local agencies with notice of any application for license for a water power project 5 MW or less and request comment on the application. Copies of the application will be available for inspection at the Commission's Public Reference Room. The applicant shall also furnish copies of the filed application to any Federal, state, or local agency that so requests.

(c) Unless an applicant for a license for a minor water power project requests in its application that the Commission apply the following provisions of Part I of the Federal Power Act when it issues a minor license for a project, the Commission, unless it determines it would not be in the public interest to do so, will waive:

- (1) Section 4(b), insofar as it requires a licensee to file a statement showing the actual legitimate costs of construction of a project;
- (2) Section 4(e), insofar as it relates to approval by the Chief of Engineers and the Secretary of the Army of plans affecting navigation;

(3) Section 6, insofar as it relates to the acceptance and expression in the license of terms and conditions of the Federal Power Act that are waived in the licensing order;

(4) Section 10(c), insofar as it relates to a licensee's maintenance of depreciation reserves;

(5) Sections 10(d) and 10(f);

(6) Section 14, with the exception of the right of the United States or any state or municipality to take over, maintain, and operate a project through condemnation proceedings; and

(7) Sections 15, 16, 19, 20 and 22.

[Order 413, 50 FR 11685, Mar. 25, 1985, as amended by Order 513, 54 FR 23806, June 2, 1989; Order 2002, 68 FR 51120, Aug. 25, 2003] [Need](#)

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