

16 USC 798: Purpose and scope of preliminary permits; transfer and cancellation

Text contains those laws in effect on April 22, 2024

From Title 16-CONSERVATION

CHAPTER 12-FEDERAL REGULATION AND DEVELOPMENT OF POWER

SUBCHAPTER I-REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES

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§798. Purpose and scope of preliminary permits; transfer and cancellation

(a) Purpose

Each preliminary permit issued under this subchapter shall be for the sole purpose of maintaining priority of application for a license under the terms of this chapter for such period or periods, not exceeding a total of 4 years, as in the discretion of the Commission may be necessary for making examinations and surveys, for preparing maps, plans, specifications, and estimates, and for making financial arrangements.

(b) Extension of period

The Commission may-

(1) extend the period of a preliminary permit once for not more than 4 additional years beyond the 4 years permitted by subsection (a) if the Commission finds that the permittee has carried out activities under such permit in good faith and with reasonable diligence; and

(2) after the end of an extension period granted under paragraph (1), issue an additional permit to the permittee if the Commission determines that there are extraordinary circumstances that warrant the issuance of the additional permit.

(c) Permit conditions

Each such permit shall set forth the conditions under which priority shall be maintained.

(d) Non-transferability and cancellation of permits

Such permits shall not be transferable, and may be canceled by order of the Commission upon failure of permittees to comply with the conditions thereof or for other good cause shown after notice and opportunity for hearing.

(June 10, 1920, ch. 285, pt. I, §5, 41 Stat. 1067 ; renumbered pt. I and amended, Aug. 26, 1935, ch. 687, title II, §§203, 212, 49 Stat. 841 , 847; Pub. L. 113-23, §5, Aug. 9, 2013, 127 Stat. 495 ; Pub. L. 115-270, title III, §3001(a), Oct. 23, 2018, 132 Stat. 3862 .)

EDITORIAL NOTES

AMENDMENTS

2018-Subsec. (a). Pub. L. 115-270, §3001(a)(1), substituted "4 years" for "three years".

Subsec. (b). Pub. L. 115-270, §3001(a)(2), inserted dash after "The Commission may", designated remaining provisions as par. (1), substituted "4 additional years beyond the 4 years" for "2 additional years beyond the 3 years", and added par. (2).

2013-Pub. L. 113-23 designated existing first, second, and third sentences as subsecs. (a), (c), and (d), respectively, and added subsec. (b).

1935-Act Aug. 26, 1935, §203, amended section generally, striking out "and a license issued" at end of second sentence and inserting "or for other good cause shown after notice and opportunity for hearing" in last sentence.