

Route No. 575, and north of U. S. Route No. 40.

(f) *New York*: (1) That part of the Town of Pomfret lying south of U. S. Route No. 5, west of Hall Road, and northeast of Van Buren Road, in Chautauque County.

(2) That area in the Town of Clarkstown lying north of State Route No. 59, in Rockland County.

(g) *Rhode Island*: (1) All of Bristol County except the following:

(i) That part of the Town of Barrington lying north and west of the Barrington River, south of Wampanaug Trail, and east of County Road;

(ii) That part of the Town of Bristol lying north of Chestnut Street, south of Bayview Avenue, east of Metacom Avenue, and west of Hope Street; that part of the Town of Bristol lying south of Mount Hope Avenue, north of Woodlawn Avenue, west of Metacom Avenue, and east of DeWolfe Avenue; that part of the Town of Bristol lying south of Massasoit Avenue, north of Tower Street, west of the Kickamuit River, and east of Metacom Avenue; that part of the Town of Bristol lying south of Hopewood Avenue, north of King Phillip Avenue, west of Mount Hope Bay, and east of Metacom Avenue; and that part of the Town of Bristol lying south and east of Broad Common Road, north of Gooding Avenue, and west of Metacom Avenue; and

(iii) That part of the Town of Warren lying south of School House Road, north of Palmer Avenue, west of Market Street, and east of the Warren River.

(2) All of Providence County except the following:

(i) That part of the Town of Cranston lying east of Pippin Orchard Road, west of Seven Mile Road, north of Plainfield Pike, and south of Scituate Avenue;

(ii) That part of the Town of Johnston lying east of Simmons Avenue, northwest of Scituate Avenue, and south of Simmons Lake; that part of the Town of Johnston lying east of Old Pocasset Road, west of Atwood Avenue, north of Central Pike, and south of U. S. Route No. 6; that part of the Town of Johnston lying south of Shun Pike, north of Plainfield Pike, west of Taylor Road, and east of Green Hill Road; and that part of the Town of Johnston lying south of Central Avenue, north of Shun Pike, west of Cedar Swamp Brook, and east of Peck Hill Road.

(iii) That part of the Town of Scituate lying west of Matteson Road, south of Hope Furnace Road, east of Burnt Hill Road, and north of Tunk Hill Road;

(iv) That part of the City of Providence lying east of Hamlin Street, west of Elena Street, north of Olney Street, and south of Mineral Spring Avenue; and that part of the City of Providence lying south of Swan Point Cemetery, north of Gulf Avenue, west of the Seekonk River, and east of Grotto Avenue;

(v) That part of the Town of Cumberland lying south and east of Cherokee Avenue, north of Rain Street, and west of Spencer Street;

(vi) That part of the Town of Gloucester lying north of Douglas Hook Road, west of Gazza Road, and east of Spring Brook Road;

(vii) That part of the Town of Chapachet lying south of Cooper Road, north of Douglas Hook Road, west of Gazza Road, and east of the Chapechet River; and

(viii) That part of the Town of Puscong lying south of Church Street, north of Eagle Peck Road, west of Broad and High Streets, and east of Roos Road.

(3) All of Kent County except the following:

(i) That part of the Town of Coventry lying east of Hill Farm Road, west of Phillips

Hill Road, north of Flat River Road, and south of Harkney Hill Road;

(ii) That part of the Town of Lincoln lying north of Whipple and Jencks Hill Roads, south of Twin River Road, and east of Lousquesset Pike;

(iii) That part of the Town of East Greenwich lying north of Middle Road, south of Frenchtown Road, east of South County Trail, and west of Tillinghast Road;

(iv) That part of the Town of West Greenwich lying north of Division Street, south of Henry Brown Road, east of Hopkins Hill Road, and west of New London Pike; and

(v) That part of the Town of East Providence lying south of Warren Avenue, north of Wampanaug Trail, west of Amaral Street, and east of Pawtucket Avenue.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California, Massachusetts, New Jersey, Pennsylvania, and Rhode Island from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1953 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. The amendment also incorporates all prior amendments of § 76.27 of the regulations, and designates the specific areas in Bristol, Essex, Hampden, Middlesex, Norfolk, Plymouth, and Worcester Counties in Massachusetts which are quarantined because of vesicular exanthema instead of designating the areas in said Counties which are exempt from such quarantine as previously set forth in § 76.27 and amendments thereof. These latter changes are formal and do not affect the rights or obligations of any persons subject to the notice, quarantine, and regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111-113, 117, 120, 123, 125)

Done at Washington, D. C., this 12th day of August 1954.

[SEAL]

B. T. SHAW,

Administrator,

Agricultural Research Service.

[F. R. Doc. 54-6409; Filed, Aug. 17, 1954; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. ER-199]

PART 261—FILING OF AGREEMENTS

NUMBER OF COPIES; PLACE AND TIME OF FILING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of August 1954.

At the present time § 261.2 of Part 261 of the Economic Regulations of the Board requires the filing of three copies of all contracts and agreements which are submitted pursuant to section 412 of the Civil Aeronautics Act of 1938, as amended. It now appears that the filing of only two copies of such contracts and agreements will, in general, be sufficient for the purposes of the Board and therefore § 261.2 (a) is being amended accordingly.

Section 261.4 requires that copies of contracts and agreements be filed with the Operations Division of the Civil Aeronautics Board. Since the Board's Operations Division no longer exists as such it is appropriate to delete this reference from the rules and to require filings to be made directly with the Board.

Since this amendment is a rule of agency procedure and practice and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 261 of the Economic Regulations (14 CFR Part 261) effective immediately, as follows:

(1) By amending § 261.2 (a) to read as follows:

§ 261.2 *Number of copies.* (a) There shall be filed with the Board two true and complete copies of all contracts and agreements which are required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938, as amended. Oral contracts and agreements required to be filed under the provisions of said section shall be evidenced by true and complete written memoranda and two true and complete copies of such memoranda shall be filed with the Board. The filing of contracts or agreements evidenced by correspondence or by resolutions of associations of air carriers shall be made by filing with the Board two true and complete copies of such correspondence or resolutions, as the case may be.

(2) By amending § 261.4 by striking the words "Operations Divisions" in the first sentence thereof.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 412, 52 Stat. 1004; 49 U. S. C. 492)

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,

Secretary.

[F. R. Doc. 54-6399; Filed, Aug. 17, 1954; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6198]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FRANK F. TAYLOR CO.

Subpart—Discriminating in price under section 2, Clayton Act, as amended—Price Discrimination Under 2 (a): § 3.715 Charges and price differentials. In connection with the sale or distribution of respondent's products in commerce, discriminating, directly or indirectly, in the price of such products: By selling such products of like grade and quality to any purchaser thereof at a higher price than the price charged any other purchaser or purchasers who in fact compete with the nonfavored purchaser in the sale and distribution of such products; prohibited, it being provided that for the purpose of comparison, the term "price", as used in the order, takes into account discounts, rebates, allowances, and other terms and conditions of sale.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13.) [Cease and desist order, Frank F. Taylor Company, Cincinnati, Ohio, Docket 6198, July 29, 1954]

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission charging respondent with discriminating in price, in violation of section 2 of the Clayton Act as amended, in the sale of baby walker-strollers and children's three-wheel velocipedes, upon the answer filed thereto by respondent, and upon a stipulation entered into by respondent and counsel supporting the complaint.

Said stipulation provided, among other things, that respondent admitted all of the jurisdictional allegations in the complaint; that the answer theretofore filed should be withdrawn; that the inclusion of findings of fact and conclusions of law in the decision disposing of this matter was waived, together with any further procedural steps before the hearing examiner and the Commission to which respondent was entitled under the Clayton Act, as amended, or the rules of practice of the Commission; and that the order hereinafter set forth should be entered in disposition of the proceeding, such order to have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, respondent specifically waiving any and all right, power, or privilege to challenge or contest the validity of such order.

Thereafter, following the acceptance of said stipulation, and the making it a part of the record, said examiner made his initial decision in which, having recited the aforesaid facts, he issued an order to cease and desist in disposition of the proceeding.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII of the Commission's rules of practice, nor any other

action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly, under the provisions of said Rule XXII became the decision of the Commission on July 29, 1954.

Said order is as follows:

It is ordered, That respondent Frank F. Taylor Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or distribution of its products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products:

By selling such products of like grade and quality to any purchaser thereof at a higher price than the price charged any other purchaser or purchasers who in fact compete with the nonfavored purchaser in the sale and distribution of such products.

For the purpose of comparison, the term "price" as used in this order takes into account discounts, rebates, allowances and other terms and conditions of sale.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6198, June 30, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: June 30, 1954.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[P. R. Doc. 54-6395; Filed, Aug. 17, 1954; 8:50 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

APPLICATIONS AND DECLARATIONS

On May 13, 1954, the Securities and Exchange Commission published for comments and criticisms a proposed revision of Form U-1 (17 CFR 259.101) and § 250.22 (Rule U-22). Numerous registered holding companies and their representatives submitted suggestions, many of which have been incorporated in the revised Rule U-22 and Form U-1 adopted by the Commission today.

The revised Form U-1 is the general form prescribed for applications or dec-

larations and amendments thereto under sections 6 (b), 7, 9 (c) (3), 10, 12 (b), (c), (d), and (f) of the Public Utility Holding Company Act of 1935 and the rules and regulations under such sections, and Rule U-22 is a related procedural rule.

The revisions of the form are intended to clarify its requirements, in the light of experience, so as to require information generally necessary for an analysis of transactions to be passed upon by the Commission. The revised form retains the provisions permitting applicants or declarants to omit irrelevant or unnecessary information and it gives the Commission the right informally to require the filing of additional information or documents where necessary or appropriate.

The revision results in considerable simplification of the form, and in clarification of the requirements as to financial statements and exhibits. Consolidating financial statements are no longer required. The revised form requires the filing of a final opinion of counsel with the certificate filed pursuant to Rule U-24 (§ 250.24).

In accordance with several suggestions received, the revised Form U-1 has also been prescribed for the filing of amendments to applications or declarations initially filed on that form. Form U-A (17 CFR 259.501) is no longer required in such cases, and this revision permits the use of the more flexible signature and verification provisions of Form U-1 in the preparation of amendments. For the purpose of implementing this revision, the Commission today adopted certain amendments to paragraphs (b) and (c) of Rule U-20 and to Form U-A. These are of such nature that it appears improbable their adoption will be objectionable to any person. The Commission, therefore, finds that the preliminary notice and public procedure provided for in sections 4 (a) and (b) of the Administrative Procedure Act are unnecessary.

Copies of the revised Form U-1 and Form U-A may be obtained by any interested person upon request. The text of the amended paragraphs (b) and (c) of Rule U-20 and of the amended Rule U-22 are as follows:

§ 250.20 Prescribed forms and amendments. * * *

(b) *Amendments.* Amendments to any such document, other than amendments to applications or declarations filed on Form U-1 (§ 259.101 of this chapter), shall comply with the requirements of Form U-A (§ 259.501 of this chapter).

(c) *Form U-1 (§ 259.101 of this chapter).* Applications and amendments thereto under section 6 (b), 9 (c) (3) and 10 of the act and declarations and amendments thereto pursuant to sections 7, 12 (b), 12 (c), 12 (d) or 12 (f) of the act or any rule of the Commission thereunder, shall be filed on Form U-1.

§ 250.22 *Applications and declarations—(a) Joinder.* As far as practicable combined or joint applications or

declarations shall be filed with respect to the same or related transactions or where related questions of law or fact are involved, and the Commission will dispose of the matter simultaneously or otherwise as may be appropriate.

(b) *Incorporation by reference.* If any information required to be filed in any application or declaration is contained in any document previously or concurrently filed with the Commission pursuant to any act administered by it, the application or declaration may incorporate such information by exact and specific reference to the filing in which it was physically filed. The Commission may refuse to permit incorporation by reference in any instance where, in its opinion, such incorporation is confusing, misleading or inadequate.

(c) *Verification.* All applications and declarations shall be appropriately verified by an authorized officer of the applicant or declarant having knowledge of the facts, except as otherwise specifically provided in the applicable form.

(d) *Formal specifications.* All applications, declarations, certificates and statements, and any amendments thereto, shall be filed in triplicate. One copy shall be signed but the other two copies may have facsimile or typed signatures. Applications and declarations, amendments thereto, and where practicable, all papers filed as a part thereof shall be on good quality, unglazed, white paper, 8½" x 13" in size. However, tables, charts, maps, financial statements and other documents may be on larger paper if folded to that size in so far as practicable. Such documents shall be bound on the left side in such manner as to leave the reading matter legible, and shall be printed, lithographed, mimeographed, typewritten, or prepared by any process which, in the opinion of the Commission, produces copies suitable for permanent records. Irrespective of the process used all copies of such material shall be clear, easily readable and suitable for repeated photocopying. Debits and credits in financial statements shall be clearly distinguishable as such on photocopies.

The foregoing action has been taken pursuant to the Public Utility Holding Company Act of 1935, particularly sections 15 and 20 (a) thereof.

The revision of Forms U-1 and U-A and the amendments to Rules U-20 and U-22 shall become effective for all initial filings filed on and after September 15, 1954, except that any applicant or declarant which so desires may, prior thereto, file applications or declarations or amendments thereto on the forms adopted herein.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t. Interpretations or applies sec. 15, 49 Stat. 828, 15 U. S. C. 79c)

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

AUGUST 9, 1954.

[F. R. Doc. 54-6377; Filed, Aug. 17, 1954; 8:48 a. m.]

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

SUBPART B—FORMS FOR APPLICATIONS AND DECLARATIONS

SUBPART F—FORMS FOR AMENDMENT APPLICATIONS AND DECLARATIONS

The following forms¹ have been amended: Form U-1 (§ 259.101); Form U-A (§ 259.501).

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

AUGUST 9, 1954.

[F. R. Doc. 54-6378; Filed, Aug. 17, 1954; 8:48 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Docket No. R-128; Order No. 175]

MISCELLANEOUS AMENDMENTS TO CHAPTER

In the matter of amendment of Part 1, Rules of Practice and Procedure; Parts 4, 5, 6, 9, 24, and 25 of Subchapter B, Regulations Under the Federal Power Act Relating to Applications for Licenses, Permits, and Amendments, Surrender or Termination of License, Transfer of License, or Lease of Project Property, Declarations of Intention and Applications for Vacation of Withdrawal and for Determination Permitting Restoration to Entry and Part 131 of Subchapter D, Approved Forms, Federal Power Act; Docket No. R-128.

The Commission has under consideration in this proceeding the amendment of its rules of practice and procedure and its regulations relating to applications under Part I of the Federal Power Act, more specifically the amendment of Part 1 of Subchapter A, Parts 4, 5, 6, 9, 24, and 25 of Subchapter B, and Part 131 of Subchapter D, Chapter I of Title 18, Code of Federal Regulations.

General public notice of the proposed rule making in the above-entitled matter was given by publication of notice in the FEDERAL REGISTER on November 17, 1953 (18 F. R. 7274) and mailing notices to interested parties, including State and Federal regulatory agencies. A supplemental notice was published in the FEDERAL REGISTER on January 6, 1954 (19 F. R. 72) and similarly mailed to such interested persons.

In response to the original and supplemental notices numerous suggestions and comments were submitted by interested persons respecting the changes in the Commission's rules therein proposed. All such suggestions and comments have been carefully considered and, to the extent deemed pertinent and desirable, have been embodied in the amendments

¹ Filed as part of original document.

herein adopted. Also, several additional minor simplifying and clarifying amendments to the Commission's rules of practice and procedure have been incorporated herein.

The Commission finds:

(1) Adoption and promulgation of the proposed amendments, as revised and added to, will effect needed changes in the Commission's rules of practice and procedure and in the requirements for form and filing of applications for licenses and other authorizations under Part I of the Federal Power Act.

(2) It appears also that the additional amendments of which no notice was heretofore given represent matters of practice and procedure which do not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

(3) The amendments as hereinafter adopted are necessary and appropriate to carry out the provisions of the Federal Power Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly section 309 thereof (49 Stat. 858; 16 U. S. C. 825h), orders:

(A) Part 1, entitled "Rules of Practice and Procedure," of Subchapter A, General Rules, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended to prescribe therein (in lieu of existing sections or the indicated portions thereof) amended §§ 1.1 (f) (4), 1.4 (c), 1.14 (a) (2), 1.17 (a), (b), 1.20 (h), (k), 1.26 (c) (5), 1.30 (c) (1), 1.30 (d) (5), 1.31 (a), (b), 1.34 (c), and 1.35, to read as provided in the accompanying attachment which is made a part hereof by reference.

(B) Parts 4, 5, 6, 9, 24, and 25 of Subchapter B, Regulations under the Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, be and the same are hereby amended to prescribe therein (in lieu of existing sections or the indicated portions thereof) amended §§ 4.30, 4.31, 4.32, 4.33, 4.40, 4.40 (g), (h), 4.41, Exhibits A, B, E, F, H, I, J, K, L, M, and N, §§ 4.42, 4.50, 4.60, 4.70, 4.81, 4.82, 4.82 (g), (k), Exhibits A, B, H and I, §§ 4.83, 4.84, 4.85, 5.1, 5.4 (new), 6.2, 6.5, 9.3, 16.1, 16.2, 24.1, and 25.1, to read as provided in the accompanying attachment, which is made a part hereof by reference, and to eliminate § 4.75 which is hereby revoked.

(C) Part 131, entitled "Forms" of Subchapter D, Approved Forms, Federal Power Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended to prescribe therein (in lieu of existing sections or indicated portions thereof) amended §§ 131.2, 131.3, 131.5, 131.6 and note appended thereto, 131.10, 131.20, and 131.30, to read as provided in the accompanying attachment which is made a part hereof by reference.

(D) The new and amended rules and regulations herein prescribed be and they are hereby made effective from and after the date of their publication in the FEDERAL REGISTER.

(E) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

Adopted: August 4, 1954.

Issued: August 12, 1954.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

PART 1—RULES OF PRACTICE AND PROCEDURE

1. Amend § 1.1 (f) (4) to read:

(4) "Secretary" means and shall include the Secretary, the Acting Secretary, or the Office of the Secretary of the Commission.

2. Amend § 1.4 (c) by adding the following proviso at the end thereof.

(c) *Appearances of former officers barred for one year.* * * * : *Provided, however,* That this section shall not be construed as barring any such person from appearing before the Commission in behalf of any other branch of the Federal Government or in behalf of any State, municipality, or other public agency.

3. Amend § 1.14 (a) by deleting subparagraph (2) and substituting therefor:

(2) *Acceptance for filing.* There will be accepted for filing only such applications, pleadings, and other papers as conform to the requirements of this part, and any other applicable rule, regulation, or order of the Commission or applicable statute; applications, pleadings or other papers tendered for filing which fail so to conform may be refused acceptance for filing and may be returned by the Secretary with an indication of the deficiencies of the tendered filing and the reasons for nonacceptance and return. Acceptance for filing shall not waive any failure to comply with the rules, and such failure may be cause for striking all or any part of such filing.

4. Amend § 1.17 by deleting paragraphs (a) and (b) and substituting therefor:

(a) *By the Commission.* Applications, formal complaints, petitions, other than intervening petitions, orders and all forms of Commission action shall be served by the Secretary by mail, except when service by other method shall be specifically required by the Commission, by mailing a copy thereof to the person, partnership, corporation, trust, association, or other organized group to be served, addressed to the person or persons designated in the initial pleadings, at his or its principal office or place of business. When service is not accomplished by mail, it may be effected by any one duly authorized by the Commission, (1) by delivering a copy of the document to the person to be served, or to the president, secretary, attorney or other executive officer or a director of a corporation to be served, or to the representative of the trust, association or other organized group to be served, or (2) by leaving a copy thereof at the principal office or place of business of such person, partnership, corporation, trust, association or other organized

group to be served. The return post office receipt for said document or other paper when served by registered mail, or the verified return by the person accomplishing service, setting forth the manner of said service, shall be proof of such service.

(b) *By parties.* Applications and petitions for amendment or modification of orders, answers, protests, intervening petitions, supplements or amendments thereto or to applications, complaints or petitions, motions, briefs, notices, and all other papers, except depositions, filed in proceedings pending before the Commission upon its docket, when filed or tendered to the Commission for filing, shall show service thereof upon all participants to the proceeding. Such service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each participant.

5. Amend § 1.20 (h) by deleting the proviso in the first sentence and substituting:

(h) *Prepared expert testimony.* * * * *Provided,* That copies of such prepared testimony shall have been served upon all parties to the proceeding or their attorneys of record, including staff counsel of record, at least 5 days in advance of the session of the hearing at which such testimony is offered, unless all parties in attendance at the session of the hearing at which such testimony is offered and staff counsel shall agree that all or any part of the 5 days' prior service be waived: *Provided, further,* That the Commission or the presiding officer, absent such agreement, may permit the introduction of such written testimony after having given all parties and staff counsel present a reasonable opportunity (not less than 24 hours) to examine it.

6. Amend § 1.20 (k) by changing the final period to a comma and adding: "or upon motion to the Commission or the presiding officer as provided for in § 1.12."

7. Amend § 1.26 (c) (5) by deleting the last sentence and substituting therefor: "In addition, unless otherwise directed by the Commission or the presiding officer, two copies of each exhibit of documentary character shall be furnished for the use of the Commission."

8. Amend § 1.30 (c) (1) by deleting the first sentence and substituting therefor:

(1) In lieu of any intermediate decision (initial by presiding officer, recommended by presiding officer or designated responsible officer, or tentative by the Commission), any party or staff counsel in any proceeding may request that the Commission forthwith render the final decision; and if all other parties and staff counsel join or concur in such request, it shall be deemed to have been granted unless the Commission denies such request within 10 days next following its submission or filing.

9. Amend § 1.30 (d) by deleting subparagraph (5) and substituting therefor:

(5) Decisions by the Commission in proceedings in which the intermediate decision procedure has been omitted in

accordance with paragraph (c) (1) and (3) of this section.

10. Amend § 1.30 (i) by deleting the last sentence and substituting therefor: "Such service shall be by mail or by delivery to the parties or their attorneys, as may be appropriate, in accordance with § 1.17."

11. Amend § 1.31 (a) by adding the following final sentence: "Exceptions shall conform to the requirements of §§ 1.15, 1.16 and 1.17, but need not be verified under oath."

12. Amend § 1.31 (b) by deleting the last sentence and substituting therefor: "Supporting reasons for the exceptions, may, if desired, be submitted in a separate document."

13. Amend § 1.34 by adding the following final paragraph:

(c) *Action on.* Unless the Commission acts upon the application for rehearing within thirty days after it is filed, such application shall be deemed to have been denied.

14. Amend § 1.35 by changing final period to a comma and adding: "except that five conformed copies of such notice shall be filed in lieu of the fourteen conformed copies required by § 1.15 (b)."

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

1. Revise § 4.30 to read:

§ 4.30 *Who may file.* An application for license may be filed by any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the act: *Provided, however,* That if a preliminary permit has been issued, no action on applications by others than the permittee covering in whole or in part the same reach of stream or streams shall be taken that might infringe on the rights of the permittee under sections 5 and 7 of the Federal Power Act.

2. Revise § 4.31 to read:

§ 4.31 *Acceptance for filing or rejection of applications.* When an application which conforms to the requirements of § 1.15 of this chapter is received, it will be given a filing number, notice of receipt thereof and filing number given thereto will be furnished applicant, and notices will be given in accordance with the requirements of section 4 of the act (49 Stat. 839; 16 U. S. C. 797), § 1.37 of this chapter, and the Wildlife Resources Act of 1946 (60 Stat. 1080). Notice will also be given to the appropriate office of the Department of the Interior as to the public lands affected, if any, so that withdrawals from entry may be recorded, unless such action has been taken in connection with a preliminary permit. An application may be acceptable for filing for processing prior to final Commission action thereon, provided it contains the information required under § 4.40 (a), (b), (c), (d), (e), (f), and (h), together with Exhibits A, B, E, G, J, K, L, M, and O, required under § 4.41. Such application may include as Exhibit K, a project area map with such information with respect to lands affected as is readily available

without a detailed survey, and as Exhibit L, the tentative design of the project works proposed. An application which fails to meet these requirements will be rejected by the Secretary as provided by § 1.14 of this chapter. However, the applicant may be required to furnish the balance of the information required under §§ 4.40 and 4.41 at such time as the Secretary directs and failure to furnish same will constitute grounds for rejection of the application by the Secretary as provided by § 1.14 of this chapter. The Commission may require as a condition of license that the licensee furnish additional or revised exhibits by a specified time and failure to furnish such information within the time specified or an extension thereof granted by the Commission shall constitute a violation of the license and cause for action under section 26 of the Federal Power Act. In case any information, documents or exhibits required to be filed with an application are already on file with the Commission, in current form and substance, the same may be incorporated in the application by reference.

3. Amend § 4.32 to read:

§ 4.32 *Hearing on application.* A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest. The hearing shall be limited to the issues specified by order or orders of the Commission.

4. Amend § 4.33 to read:

§ 4.33 *Issuance and acknowledgment of acceptance.* When the Commission shall have issued a license or an amendment thereof, the same shall be forwarded to the applicant for acknowledgment of acceptance. Unless an application for rehearing is filed, or unless the order is stayed by the Commission, the order issuing the license or an amendment thereof shall become final thirty (30) days from date of issuance and the acknowledgment of acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance of the license or the amendment.

5. Amend the introductory paragraph of § 4.40 to read:

§ 4.40 *Contents.* Each application for license for a complete project of more than 100 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to § 131.2 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and five conformed copies of the application and all accompanying documents shall be submitted with one additional conformed copy for each interested State Commission.

6. Amend § 4.40 (g) to read:

(g) The lands and reservations of the United States which will be affected by the proposed project.

7. Amend § 4.40 (h) to read:

(h) A description of the proposed initial and ultimate schemes of develop-

ment including installed capacities contemplated in each scheme.

8. Amend the first paragraph of § 4.41 and Exhibits A, B, E, F, H, I, J, K, L, M, and N described therein to read:

§ 4.41 *Required exhibits.* There shall be filed as part of the application for license the following exhibits: *Provided*, That any exhibit not incorporated as a part of the application shall be certified in conformity with § 131.4 of this chapter:

Exhibit A. If applicant is a corporation: One copy of charter or certificate and articles of incorporation, with all the amendments thereto, duly certified by the secretary of state of the State where organized, or other proper authority, and the required number of additional uncertified copies; one certified and the required number of additional uncertified copies of the by-laws; and six copies of the certificate of organization with one additional copy for each interested State commission in conformity with § 131.3 of this chapter. If the project is located in another State than that in which the corporation is organized, a certificate and the required additional copies shall be submitted from the secretary of state or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality as defined in the Federal Power Act: One copy of its charter or other organization papers, duly certified by the secretary of state of the State in which it is located, or other proper authority, and the required number of additional uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by applicant that he is a citizen of the United States, and the required number of additional copies thereof.

If the applicant is an association: One verified copy and the required number of additional copies of its articles of association. If there are no articles of association, that fact shall be stated over the signature of each member of the association and the required additional copies of the statement submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, and an original and the required number of additional copies submitted.

Exhibit B. Copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant, properly attested, and the required additional copies, authorizing the filing of application.

Exhibit E. The nature, extent, and ownership of water rights which the applicant proposes to use in the development of the project covered by application, together with satisfactory evidence that the applicant has proceeded as far as practicable in perfecting its rights to use sufficient water for proper operation of the project works. A certificate from the proper State agency setting forth the extent and validity of the applicant's water rights shall be appended if practicable. In case the approval or permission of one or more State agencies is required by State law as a condition precedent to the applicant's right to take or use the water for the operation of the project works, duly certified evidence of such approval or permission, or a showing of cause why such evidence cannot be reasonably submitted shall also be filed. When a State certificate is involved, one certified copy and the required additional uncertified copies shall be submitted.

Exhibit F. Full details as to lands owned by applicant, and as to applicant's plans for acquiring title to or the right to occupy and use lands other than those owned by the applicant or by the United States, necessary or essential for carrying out the project covered by the application. If the applicant, at the time of filing application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use lands owned by others, the statement should show with respect to each separate right of occupancy and use—

- (1) From whom acquired.
- (2) The date acquired.
- (3) Nature and extent of the right acquired.
- (4) Whether perpetual or limited term.
- (5) If of limited term, when such term expires.
- (6) For each parcel acquired, the area inside of the project boundary and the area outside of the project boundary, and a reference to Exhibit K.

Exhibit H. Statement of the proposed operation of the project works during times of low, normal and flood flows of the stream, including a statement of the minimum flow proposed to be released during periods of low water and to the extent possible full exposition of any proposed use of the project for the conservation and utilization in the public interest of the available water resources for the purposes of power, navigation, irrigation, reclamation, flood control, recreation, wildlife, and municipal water supply. Statement as to whether in relation to existing and proposed future projects in the same or related watersheds, the fullest practicable utilization of the water, storage possibilities, and head available will be made possible. Furnish operating rule for reservoirs with draw-down and usable storage, state criteria for determining spillway capacity.

Exhibit I. Estimate of the dependable capacity and average annual energy output to be generated by the project (dependable capacity for purposes of this section is equal to the amount of capacity from an alternative additional source which would be required to meet the load during the critical flow period for the system if the proposed hydro-project were not constructed). Specify the period of critical stream flow used in determining the dependable capacity and describe the load into which the power generated by the project will be utilized. Furnish the following engineering data: A flow duration curve indicating the period of record and gaging stations used in deriving this curve, a tail-water rating curve, a curve showing estimated plant capability versus head, and an outline of plan for future proposed hydro-projects on the stream involved and their approximate location and ultimate installed capacity. When pertinent, state assumptions used for evaporation, leakage, and head losses.

Exhibit J. General map covering the entire project area, showing on a single sheet and to an appropriate scale the location of the following:

- (1) Principal structures and other important features of the project, including such roads, railways, tramways, and bridges as it is proposed shall become part of the project works and be placed under the license.
- (2) All transmission lines, substations, switchyards, and telephone lines, which it is proposed shall become a part of the project works and be placed under license, as well as general layout of the transmission system, if any, with which the project may be connected, indicating prominently by appropriate symbol the portion or portions of the transmission lines or system covered by application for license.
- (3) State and county lines, reservations of the United States, towns, streams, stream gaging stations, railroads, power plants, irrigation systems and other features in the vicinity of the proposed development, in-

formation concerning which will aid in arriving at a general comprehension of the project.

(4) Reference to the detail map (Exhibit K) indicating by outline the portion shown on each sheet.

(5) If all features cannot be shown with sufficient distinctness on one sheet, two general maps may be furnished, one for the power plant and appurtenant works, and one for the transmission system. (See specifications for drawings § 4.42.)

Exhibit K. Detail map covering entire project area. Scale shall be such as to show clearly, but without unnecessary multiplicity of sheets, the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to transmission and telephone lines, roads, and railways. Elevations shall be tied to Government bench marks whenever available, and shall be referred to mean sea level except that in the case of projects in navigable waters having a datum accepted for local use by the Office of the Chief of Engineers, Department of the Army, such local datum shall be used. If more than one sheet is used the sheets shall be numbered consecutively, and each shall bear a small diagram showing the entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet, each so placed or limited as to avoid crowding or confusion. Except to the extent and in such particulars as the requirements may be expressly waived or modified by the Commission the detail map to be filed as this exhibit shall conform to the specifications for drawings, § 4.42, and the following requirements:

(1) It shall show the project area and the project boundary.

(i) The project boundary for reservoirs may be shown by metes and bounds, or by a contour, or if the project lands are covered by the public land survey by lines along or parallel to lines of the public land survey. Where a flowage easement or right of use involving other than a conveyance in fee for a reservoir applies to a whole tract of land and is not otherwise defined, the project boundary may enclose the entire tract.

(ii) The project boundary for continuous structures, such as transmission lines, telephone and control lines, conduits, roads, etc., may be described by center or offset lines of survey specifying distances of the project boundary therefrom.

(iii) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(iv) If the project boundary is located on lands covered by the public land survey there shall be shown a reference line from the initial point of the project boundary survey by distances and bearings to an established corner if one can be identified within a distance of 2 miles. At each intersection of the project boundary with an identified line of the public land survey, there shall be shown the station number

on the boundary survey, and the bearing and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed one mile. The station number of the boundary survey shall be shown at points of entering and leaving lands of the United States or lands in which the United States has an interest.

(v) The project boundary, if described other than by a contour, shall be accurately plotted on the map with courses and distances fully and legibly shown either along the plotted boundary or in tabular form on the map. The project boundary if described by a contour, shall be accurately plotted on the map with such data as completely and accurately fixes its location and permits its recovery in the field.

(vi) If a contour project boundary is located on lands covered by the public land survey, a permanent monument shall be established at each intersection of the boundary with an identified line of the public land survey. The map shall have the location of all such monuments with the bearing distance from each monument to nearest identified corner in each direction if such distance does not exceed one mile.

(vii) Wherever a Federal survey monument will be destroyed or rendered unusable by the proposed development, at least two permanent, marked witness monuments shall be established at accessible points. The map shall show a description of the monument destroyed or rendered unusable and location of the witness monuments with the connecting courses and distances to the original monument. Similarly where Federal bench marks are destroyed or rendered unusable, witness bench marks shall be established at accessible points. The map shall show the location and elevation of the original and witness bench marks with connecting courses and distances.

(viii) There shall be shown the status as to ownership, and the boundary lines and area of each parcel of land within, or partly within, the project area, designating separately lands owned by the applicant, lands to be acquired by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands, full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right and shall give appropriate reference to Exhibit F for further details.

(ix) Each map shall have thereon a statement by the person who makes or supervises the survey that the survey was accurately made and is correctly shown on the map. Each map shall have thereon a statement that the person who makes or supervises the survey has been employed by the applicant to make the survey.

(2) The location shall be accurately shown of all project works, such as—

(i) Dams.

(ii) Reservoirs. Show the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.

(iii) Water conduits. Show center line, grade, and elevation of bottom at each change of grade, and designate lengths of each type of conduit, i. e., flume, ditch tunnel, pipe, etc.

(iv) Powerhouses, substations, and switchyards.

(v) Transmission lines and appurtenances, telephone lines, roads, railways, trails, tramways and bridges.

(vi) Navigation structures.

(vii) Channel approaches to navigation structures. Indicate elevation of bottom for distance of not less than 1,000 feet above and below the structures.

(3) Show contour lines with contour intervals of not more than 10 feet for the entire project area, except such portions as will be occupied only by such project works as are enumerated in (2) (v), or as will be included in reservoirs below the minimum elevation to which the water may be drawn down. Profiles of tunnel lines may be substituted for contours along such lines. (See specifications for drawings in § 4.42.)

Exhibit L. General design drawings showing plans, elevations, and sections of all principal structures and appurtenant works or other features of the project. These drawings shall be in sufficient detail and shall be accompanied by sufficient information relating to controlling factors (such as character of foundations and explorations thereof, materials and types of construction, important elevations, gradation of filter and riprap material, design and ultimate strengths for concrete and steel, stress and/or stability analysis for important structures, water levels, spillway rating curves, etc.) to enable the Commission to have a full understanding of the project and to check safety, adequacy, and desirability in the development of the resources involved.

Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple. Details are desired only as necessary to show features of importance in determining safety, adequacy, and suitability of design. Working drawings are not desired as part of application, but should be prepared for purposes of construction and retained as a record of the work when completed. In this exhibit shall be included—

(1) Dams and appurtenances, such as spillways, flashways, outlet works, etc.

(2) Navigation structures and approaches thereto, including locks, lock gates, operating machinery, etc.

(3) Conduits including forebays, intake works, surge tanks, and other pressure relief devices, etc.

(4) Powerhouses and substations (see specifications as in § 4.42).

Exhibit M. General descriptions of mechanical, electrical, and transmission equipment and their appurtenances in sufficient detail to enable the Commission to have a full understanding of the project, to determine the installed capacity in horsepower and kilowatts, and to determine the safety of the project works and their adequacy and suitability for the development and utilization of the resources involved, also proposed name plate ratings for generators and turbines, and when required by the Commission or the Secretary performance data for generators and turbines and general specifications of mechanical, electrical, and transmission equipment.

Exhibit N. Estimate of the cost of developing the project including the following items:

Land and land rights;
Power plant structures and improvements;
Reservoirs, dams and waterways;
Water wheels, turbines and generators;
Accessory electric equipment;
Miscellaneous power plant equipment;
Roads, railroads, and bridges (permanent facilities); and
Transmission facilities.

When required by the Commission or the Secretary, under each item show quantities, unit costs and total costs; indirect construction costs such as construction equipment, camp and commissary, etc., if the work is not to be done under contract; or if under contract include the indirect costs among the various cost items above; overhead construction costs such as engineering, super-

vision of construction, legal expense, taxes and interest during construction and administrative and general expense, and a contingent item, if necessary.

When required by the Commission or the Secretary, furnish an estimate of the annual cost including the following:

- Rate of return or interest;
- Local, State and Federal taxes;
- Depreciation;
- Insurance; and
- Operation, maintenance and general or administrative expense.

When required by the Commission or the Secretary, furnish information as to the method used in evaluating the power output from the project or the cost of obtaining an equivalent amount of power from an alternate source expressed in terms of dollars per kilowatt year of capacity and mills per kilowatt hour of average annual energy.

9. Amend § 4.42 to read:

§ 4.42 Specifications for drawings.¹

All maps and other drawings required in connection with licenses and preliminary permits shall conform to the following specifications:

(a) They shall be original black-ink drawings on tracing linen, cut to uniform size not smaller than 24 by 36 inches and not larger than 28 by 40 inches, the latter size being preferred, and shall be so drawn and lettered as to be legible when reduced by photography to 10½ inches in small dimension. Lithographed official maps issued by Federal or State agencies may be used to furnish supplemental data when desired and when so used, one copy for permanent record shall be mounted on linen. Process tracings will be accepted if legible and of durable quality. If not of durable quality, process tracings will be returned, and ink tracings required.

(b) Each drawing shall have a clear border of one-half inch on three sides and 2½ inches on one of the shorter sides, which shall be the left-hand border.

(c) Each drawing shall have a numerical scale and a graphical scale, the latter not less than 6 inches in length.

(d) Each map shall have true and magnetic meridians indicated thereon.

(e) There shall be provided a space 5 inches high by 7 inches wide in the lower right corner of each drawing, the upper half of which shall bear the title, scale, etc., and the lower half shall be left clear.

(f) The maps shall show State, county and town lines, and boundaries of reservations of the United States.

(g) If the project affects lands covered by the public-land survey the maps shall show the location of all lines of such survey crossing the project area, and all official subdivisions of sections including lots and irregular tracts, correctly designated as on the latest governing official plats of survey, copies of which can be obtained from the Bureau of Land Management, Washington, D. C., or examined in the local land office. If the project affects unsurveyed public lands or reservations, the protraction of townships and section lines shall be

shown; such protractions whenever available to be those recognized by the agency of the United States having jurisdiction over the lands.

(h) The tracing of each drawing and a print therefrom for each copy of the application shall be filed with the Commission.

(i) All drawings shall be rolled, not folded, for mailing.

CROSS REFERENCE: For Bureau of Land Management regulations relating to surveys, see 43 CFR Part 260.

10. Amend first paragraph of § 4.50 by changing "quadruplicate" to read "sex-tuple" and delete the sentence which reads "Exhibits shall be certified in accordance with § 131.4 of this chapter."

11. Amend § 4.60 by changing "three copies" to read "five copies."

12. Amend first paragraph of § 4.70 by changing "quadruplicate" to read "sex-tuple."

13. Section 4.75 Application for license for electric lines (11,000 volts or less) in national forests is hereby revoked.

14. Amend § 4.81 to read:

§ 4.81 Acceptance for filing or rejection of applications. When an application which conforms to the requirements of § 1.15 of this chapter is received, it will be given a filing number; receipt thereof and filing number given thereto will be furnished applicant, and notices will be given in accordance with the requirements of section 4 of the act (49 Stat. 830; 16 U. S. C. 797) and § 1.37 of this chapter. Notice will also be given to the appropriate office of the Department of the Interior as to the public lands affected, if any, so that withdrawals from entry may be recorded. An application may be acceptable for filing for processing prior to final Commission action thereon, provided it contains the information required under § 4.82 (a), (b), (c), (d), (e), (f), (g), and (k), together with Exhibits A, B, C, D, H, and I. An application which fails to meet these requirements will be rejected by the Secretary as provided by § 1.14 of this chapter. However, the applicant may be required to furnish the balance of the information required under this section and § 4.82 at such time as the Secretary directs, and failure to furnish same will constitute grounds for rejection of the application by the Secretary as provided by § 1.14 of this chapter. In case any information, documents or exhibits required to be filed with an application are already on file with the Commission, in current form and substance, the same may be incorporated in the application by reference.

15. Amend the introductory paragraph of § 4.82 to read:

§ 4.82 Contents of application. Each application for preliminary permit shall be submitted as prescribed in § 131.10 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the original and five conformed copies of the application and all accompanying documents shall be submitted, with one additional con-

formed copy for each interested State Commission.

16. Amend § 4.82 (g) to read:

(g) A general description of the project and the proposed scheme of development including an estimate of the proposed installed capacity, and the average annual output.

17. Amend § 4.82 (k) and Exhibits A, B, H, and I, therein to read:

(k) (Required exhibits.) There shall be filed as part of the application the following exhibits: *Provided*, That any exhibit not incorporated as a part of the application shall be certified in conformity with § 131.4 of this chapter.

Exhibit A. If the applicant is a corporation: One copy of charter or certificate, and articles of incorporation, with all amendments thereto, duly certified by the secretary of state of the State where organized, or other proper authority, and the required additional uncertified copies; one copy of the by-laws, duly certified, and the required additional uncertified copies; and a certificate of organization as provided in § 131.3 of this chapter with the required additional copy for each interested State commission.

If the project is located in another State than that in which the corporation is organized, a certificate and the required additional copies thereof shall be submitted from the secretary of state or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality as defined in the Federal Power Act: One copy of its charter or other organization papers, duly certified by the secretary of state of the State in which it is located, or other proper authority, and the required additional uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by each applicant that he is a citizen of the United States and the required additional copies thereof. (See § 131.10 of this chapter.)

If the applicant is an association: The association shall submit a verified copy of its articles of association, and the required additional copies thereof. If there are no articles of association, that fact shall be stated over the signature of each member of the association and an original and the required additional copies shall be submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, together with the required additional copies. (See § 131.10 of this chapter.)

Exhibit B. A copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant authorizing the filing of application, one copy properly attested, and the required additional copies.

Exhibit H. A general map showing the nature of the proposed project, its principal features and their location, and the location of the project as a whole with reference to some well-known town or stream. On this map shall be placed a line indicating the approximate project boundary of the area to be occupied by the principal project works, such as, dams, reservoirs, forebays, waterways, and powerhouses, but excluding transmission lines, and where necessary in order to determine the location of such structures on

¹ Applicants should apply to the Commission for sample map of project area. Applications must conform to requirements of § 1.5 of this chapter.

the ground, there shall be shown on the map their relative positions with respect to permanent monuments or objects that can be readily recognized from descriptions thereof noted on the map. (See specifications for drawings, § 4.42.)

Exhibit I. This exhibit shall be submitted only if public lands or reservations are affected and shall be a map of the proposed project showing principal project works in a manner similar to the preceding exhibit H, except that such map shall show and shall be on a scale to present effectively a tentative project boundary which shall be the line enclosing all quarter-quarter sections, lots, and other smallest legal subdivisions of public-land survey which may be occupied or used in whole or in part by the project. It shall also show the status of lands, indicating separately lands patented, lands entered or otherwise encumbered in any unperfected claim under the public-land laws, unreserved public lands, and lands of each and every reservation affected. (See specifications for drawings, § 4.42.) If desired a single map may be submitted for exhibits H and I, provided it shows all the information required for both.)

18. Amend § 4.83 to read:

§ 4.83 *Hearing on application.* A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest. The hearing shall be limited to the issues specified by order or orders of the Commission.

19. Amend § 4.84 to read:

§ 4.84 *Amendments.* Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for an amendment embraces sites or areas not covered by the original permit, notice of such application will be given in the manner required for the original application. Unless otherwise specified, an original and five conformed copies of the application and all accompanying documents shall be submitted, with one additional copy for each interested State commission.

20. Amend § 4.85 to read:

§ 4.85 *Issuance and acknowledgment of acceptance.* When the Commission shall have issued a preliminary permit or an amendment thereof, the same shall be forwarded to the applicant for acknowledgment of acceptance. Unless application for rehearing is filed, or unless the order is stayed by the Commission, the order issuing the permit shall become final thirty (30) days from date of issuance and the acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance of the permit or the amendment.

PART 5—APPLICATION FOR AMENDMENT OF LICENSE

1. Amend § 5.1 by changing "quadruplicate" to read "sextuple" and changing "the Commission's rules" to read "this chapter".

2. Insert a new section to read:

§ 5.4 *Issuance and acknowledgment of acceptance.* Section 4.33 of this chapter is applicable.

PART 6—SURRENDER OR TERMINATION OF LICENSE

1. Amend § 6.2 to read:

§ 6.2 *Surrender of license.* Licenses may be surrendered only upon the fulfillment by the licensee of such obligations under the license as the Commission may prescribe, and, if the project works authorized under the license have been constructed in whole or in part, upon such conditions with respect to the disposition of such works as may be determined by the Commission. Where project works have been constructed on lands of the United States the licensee will be required to restore the lands to a condition satisfactory to the Department having supervision over such lands and annual charges will continue until such restoration has been satisfactorily completed.

2. Amend § 6.5 to read:

§ 6.5 *Annual charges.* Annual charges arising under a license surrendered or terminated shall continue until the effective date set forth in the Commission's order with respect to such surrender or termination.

PART 9—TRANSFER OF LICENSE OR LEASE OF PROJECT PROPERTY

Amend § 9.3 to read:

§ 9.3 *Transfer.* (a) Approval by the Commission of transfer of a license is contingent upon the transfer of title to the properties under license, delivery of all license instruments, and a showing that such transfer is in the public interest. The transferee shall be subject to all the conditions of the license and to all the provisions and conditions of the act, as though such transferee were the original licensee and shall be responsible for the payment of annual charges which accrue prior to the date of transfer.

(b) When the Commission shall have approved the transfer of the license, its order of approval shall be forwarded to the transferee for acknowledgment of acceptance. Unless application for rehearing is filed, or unless the order is stayed by the Commission, the order shall become final thirty (30) days from date of issuance and the acknowledgment of acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance accompanied by a certified copy of the deed of conveyance or other instrument evidencing transfer of the property under license, together with evidence of the recording thereof.

PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

1. Amend § 16.1 to read:

§ 16.1 *Contents.* Each application for a new or annual license for a project already under license which is about to expire shall be submitted at least 3 months prior to the expiration of license and shall set forth in appropriate de-

tail the following information in the order indicated. Unless otherwise specified, an original and five conformed copies of the application, duly subscribed and verified under oath, and all accompanying documents, together with one additional conformed copy for each interested State commission, shall be submitted.

- (a) The exact name of the applicant.
- (b) The license number of the project.
- (c) The date on which the license expires.
- (d) If licensee is a corporation, list of the officers and directors.
- (e) The name, title, and post-office address of the person to whom correspondence in regard to the application shall be addressed.

2. Amend § 16.2 to read:

§ 16.2 *Required exhibits.* There shall be filed with the application, and as a part thereof revised exhibits to reflect changes in project as described in the license.

PART 24—DECLARATION OF INTENTION

3. Amend § 24.1 to read:

§ 24.1 *Filing.* An original and five conformed copies of each declaration of intention under the provisions of section 23 (b) of the act shall be filed. The declaration shall give the name and post-office address of the person to whom correspondence in regard to it shall be addressed, and shall be accompanied by:

(a) A brief description of the proposed project and its purposes, including such data as maximum height of the dams, a storage capacity curve of the reservoir or reservoirs showing the maximum, average, and minimum operating pool levels, the initial and ultimate installed capacity of the project, the rated horsepower and head on the turbines, and a curve of turbine discharge versus output at average and minimum operating heads.

(b) (1) A general map (one tracing and three prints) of any convenient size and scale, showing the stream or streams to be utilized and the approximate location and the general plan of the project.

(2) Also a detailed map of the proposed project area showing all Federal lands, and lands owned by States, if any, occupied by the project.

(3) A profile of the river within the vicinity of the project showing the location of the proposed project and any existing improvements in the river.

(4) A duration curve and hydrograph for the natural and proposed regulated flows at the dam site. Furnish references to the published stream flow records used and submit copies of any unpublished records used in preparation of these curves.

(c) (1) A definite statement of the proposed method of utilizing storage or pondage seasonally, weekly and daily, during periods of low and normal flows after the plant is in operation and the system load has grown to the extent that

the capacity of the plant is required to meet the load. For example, furnish:

(i) Hydrographs covering a 10-day low water period showing the natural flow of the stream and the effect thereon caused by operations of the proposed power plant;

(ii) Similar hydrographs covering a 10-day period during which the discharge of the stream approximates average recorded yearly flow, and

(iii) Similar hydrographs covering a low water year using average monthly flows.

(2) A system load curve, both daily and monthly, and the position on the load curve that the proposed project would have occupied had it been in operation.

(3) A proposed annual rule of operation for the storage reservoir or reservoirs.

PART 25—APPLICATION FOR VACATION OF WITHDRAWAL AND FOR DETERMINATION PERMITTING RESTORATION TO ENTRY

Amend § 25.1 to read:

§ 25.1 *Contents of application.* An application for vacation of a reservation effected by the filing of an application for preliminary permit or license, or for a determination permitting restoration to entry under the provisions of section 24 of the act, of such lands, or lands reserved or classified as power sites, may be filed directly with the Commission at its offices in Washington, D. C., at any of its regional or field representatives' offices, or at local land offices, for forwarding to the Commission. Such application shall contain the following data: (a) Full name of applicant; (b) post-office address; (c) description of land by legal subdivisions, including section, township, range, meridian, county, State, and river basin (both main and tributary) in which the land is located; (d) public land act under which entry is intended to be made if land is restored to entry; (e) the use to which it is proposed to put the land, and a statement as to its suitability for the intended use.

PART 131—FORMS

1. § 131.2 delete the parenthetical instruction indicating the number of copies to be filed. Change item 9. in the form set out in the section to read as follows:

9. The proposed initial and ultimate scheme of development for the project is as follows: (See § 4.40 (h) of this chapter.)

2. In § 131.3 delete the parenthetical instruction indicating the number of copies to be filed.

3. In § 131.5 delete the parenthetical instruction indicating the number of copies to be filed. Change item 3. in the form set out in the section to read:

3. The transmission line will carry about ____ kwh of hydroelectric energy in an average water year from _____, the source of supply, to _____, the point of delivery; and _____ kwh of non-project energy in the same (the opposite) direction. The project energy will be used for the following purposes:

4a. In § 131.6 revise item (2) of the form to read:

(2) A concise general description of the project and of the principal project works is as follows:

(Give the name or other designation of the project and disregard such of the following items as are not applicable. Give approximate size and material of which dam, conduits, flumes, pipes and powerhouse are constructed, estimated head to be developed, estimated flow available in stream, proposed flow through plant, and approximate capacity of water-wheel and generator.)

b. In item 4 (c) of the form set out in § 131.6 delete the word "other".

5. At the end of § 131.6 revise the Note referring to Order No. 106 to read:

NOTE: The following requirements for the project map to be filed as Exhibit K are prescribed:

There shall be submitted pursuant to § 4.60 and § 131.6 of this chapter with each application for license for a minor project having installed waterwheel capacity of 100 horsepower or less, a map, designated as Exhibit K, showing the portion of the stream developed, the location of all essential project works (dams, reservoirs, conduits, powerhouses, tailraces, access roads, and transmission lines), and the area occupied by all project works as limited by a project boundary, and indicating State, county, meridian, township, range, section, and the smallest legal subdivision or numbered lot or tract. The map shall show the ownership, whether Government or private, for each parcel of land affected by the project. The map shall also indicate whether or not the affected Government land is included in any reservation such as a national forest, Indian reservation, etc.

Exhibit K shall conform to the following specifications and shall show the following information:

(1) The exhibit shall be an ink drawing on tracing linen, not smaller than 8 inches by 10½ inches, accompanied by four prints thereof drawn to an appropriate scale of one inch equals not more than 1,000 feet.

(2) The project boundary shall be stated separately for each facility, and shown on the map. The number of feet on each side of the surveyed center lines of the conduits, roads, powerhouse unit, tailrace, and transmission lines shall be at least 10 feet. The distances of the project boundary from the survey center lines need not be identical on both sides of the center lines of the structures nor for all parts of the project, and, in the vicinity of the powerhouse, they shall be large enough to allow at least 10 feet on each side of the powerhouse and to include all appurtenant project structures. Unequal offsets or changes in offsets with points of change should be definitely described on the map. The project boundary inclosing the dam and reservoir should be a surveyed line with stated courses and distances, which line shall be not less than 20 feet horizontal measurement from the ends and from the axis on the downstream side of the dam and not less than 10 feet outside of a contour around the reservoir established by the highest point on the dam and abutment. The area of the enclosure in acres should be given. The project area and boundary at the powerhouse, dam, and reservoir should, if necessary for clarity, be shown in an insert sketch to a larger scale than that used for the rest of the project works.

(3) If practicable, there shall be shown one or more ties by distance and bearing from a definite point or points on the project boundary which point or points can be identified on the ground, to established corners of the public land survey or to a mineral monument or other fixed recognizable object if the land is unsurveyed.

(4) If the project affects unsurveyed Government lands, the protraction of township and section lines shall be shown; such pro-

tractions, whenever available, to be those recognized by the agency of the United States having jurisdiction over the lands.

(5) The map shall bear the following certificate dated and signed by the applicant: "This map is a part of the application for a license made by the undersigned this _____ day of _____, 19____."

(Name of applicant)

5. In § 131.10 delete the parenthetical instruction indicating the number of copies to be filed. Change the parenthetical instruction included in item 8 of the form set out in the section to read:

(Here give a concise general description of the project and the proposed scheme of development including an estimate of the installed capacity and the average annual output.)

6a. In § 131.20 change the words "authorized the giving of" in items (6) and (7) of the form to read "given". Change the words "approval of" in item (7) of the form to read "approval to". In footnote 2 (designated 5 in Code of Federal Regulations to this section change the second sentence to read:

If the Commission acts favorably upon the application, it will issue to the applicants an order approving the transfer of the license.

b. In the same footnote 2 to § 131.20 delete from the fifth sentence: "(e. g. acquisition of water rights under state laws from the transferor.)"

c. Also in the same footnote 2 to § 131.20 delete the last sentence.

7. In § 131.30 delete the parenthetical instruction indicating the number of copies to be filed.

(Sec. 309, 49 Stat. 858; 16 U. S. C. 825h)

[F. R. Doc. 54-6373; Filed, Aug. 17, 1954; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

CONFIDENTIALITY OF INFORMATION CONTAINED IN NEW-DRUG APPLICATIONS

Under the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371) and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.37 *Confidentiality of information contained in new-drug applications.*

(a) The Federal Food, Drug, and Cosmetic Act provides, in section 505 (b), that any person may file with the Secretary of Health, Education, and Welfare an application with respect to any new drug, which shall include, among other things, a full list of the articles used as components and a full statement of the composition of such drug. These requirements apply to all components or ingredients of a new drug, whether or