

made for promulgating these regulations are in need of reconsideration, and

(2) Proposed changes to the mitigation, monitoring and research requirements contained in these regulations or in the current Letter of Authorization.

#### **§216.259 Modifications to Letters of Authorization.**

(a) Except as provided in paragraph (b) of this section, no substantive modification (including withdrawal or suspension) to a Letter of Authorization issued pursuant to §§216.106 shall be made until after notification and an opportunity for public comment has been provided. For purposes of this paragraph, a renewal of a Letter of Authorization under §216.258, without modification (except for the period of validity), is not considered a substantive modification.

(b) If the Assistant Administrator determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in §216.250(b), a Letter of Authorization issued pursuant to §§216.106 and 216.257 may be substantively modified without prior notification and an opportunity for public comment. Notification will be published in the FEDERAL REGISTER within 30 days subsequent to the action.

### **PARTS 217–220 [RESERVED]**

## **PART 221—PRESCRIPTIONS IN FERC HYDROPOWER LICENSES**

### **Subpart A—General Provisions**

Sec.

- 221.1 What is the purpose of this part, and to what license proceedings does it apply?  
 221.2 What terms are used in this part?  
 221.3 How are time periods computed?  
 221.4 What deadlines apply to pending applications?

### **Subpart B—Hearing Process**

#### **REPRESENTATIVES**

- 221.10 Who may represent a party, and what requirements apply to a representative?

#### **DOCUMENT FILING AND SERVICE**

- 221.11 What are the form and content requirements for documents under this subpart?  
 221.12 Where and how must documents be filed?  
 221.13 What are the requirements for service of documents?

#### **INITIATION OF HEARING PROCESS**

- 221.20 What supporting information must NMFS provide with its preliminary prescriptions?  
 221.21 How do I request a hearing?  
 221.22 How do I file a notice of intervention and response?  
 221.23 When will hearing requests be consolidated?  
 221.24 How will NMFS respond to any hearing requests?  
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#### **GENERAL PROVISIONS RELATED TO HEARINGS**

- 221.30 What will the Department of Commerce's designated ALJ office do with a case referral?  
 221.31 What are the powers of the ALJ?  
 221.32 What happens if the ALJ becomes unavailable?  
 221.33 Under what circumstances may the ALJ be disqualified?  
 221.34 What is the law governing ex parte communications?  
 221.35 What are the requirements for motions?

#### **PREHEARING CONFERENCES AND DISCOVERY**

- 221.40 What are the requirements for prehearing conferences?  
 221.41 How may parties obtain discovery of information needed for the case?  
 221.42 When must a party supplement or amend information it has previously provided?  
 221.43 What are the requirements for written interrogatories?  
 221.44 What are the requirements for depositions?  
 221.45 What are the requirements for requests for documents or tangible things or entry on land?  
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#### **HEARING, BRIEFING, AND DECISION**

- 221.50 When and where will the hearing be held?  
 221.51 What are the parties' rights during the hearing?  
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