

(c) *Commission order.* If the Commission determines it is in the public interest, the Commission will issue an order accelerating the expiration date of the license to not less than five years and 90 days from the date of the Commission order.

**§ 16.5 Site access for a competing applicant.**

(a) *Access.* If a potential applicant for a new license, subsequent license, or nonpower license for a project has complied with the first stage consultation provisions of § 16.8(b)(1) and has notified the existing licensee in writing of the need for and extent of the access required, the existing licensee must allow the potential applicant to enter upon or into designated land, buildings, or other property in the project area at a reasonable time and under reasonable conditions, including, but not limited to, reasonable liability conditions, conditions for compensation to the existing licensee for all reasonable costs incurred in providing access, including energy generation lost as a result of modification of project operations that may be necessary to provide access, and in a manner that will not adversely affect the environment, for the purposes of:

- (1) Conducting a study or gathering information required by a resource agency under § 16.8 or by the Commission pursuant to § 4.32 of this chapter;
- (2) Conducting a study or gathering information not covered by paragraph (a)(1) but necessary to prepare an application for new license, subsequent license, or nonpower license; or
- (3) Holding a site visit for a resource agency under § 16.8.

(b)(1) *Disputes.* Except as specified by paragraph (b)(2), disputes regarding the timing and conditions of access for the purposes specified in paragraphs (a) (1), (2), or (3) of this section and the need for the studies or information specified in paragraph (a)(2) may be referred to the Director of the Office of Energy Projects for resolution in the manner specified in § 16.8(b)(5) prior to the providing of access.

(2) Disputes regarding the amount of compensation to be paid the existing licensee for access may be referred to the Director of the Office of Energy

Projects for resolution in the manner specified in § 16.8(b)(5) after the access has been provided.

**Subpart B—Applications for Projects Subject to Sections 14 and 15 of the Federal Power Act**

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

(a) *Applicability.* This section applies to a licensee of an existing project subject to sections 14 and 15 of the Federal Power Act.

(b) *Requirement to notify.* In order to notify the Commission under section 15 of the Federal Power Act whether a licensee intends to file or not to file an application for new license, the licensee must file with the Commission an original and fourteen copies of a letter, that contains the following information:

- (1) The licensee's name and address.
- (2) The project number.
- (3) The license expiration date.
- (4) An unequivocal statement of the licensee's intention to file or not to file an application for a new license.
- (5) The type of principal project works licensed, such as dam and reservoir, powerhouse, or transmission lines.
- (6) Whether the application is for a power or nonpower license.
- (7) The location of the project by state, county and stream, and, when appropriate, by city or nearby city.
- (8) The installed plant capacity.
- (9) The location or locations of all the sites where the information required under § 16.7 is available to the public.
- (10) The names and mailing addresses of:
  - (i) Every county in which any part of the project is located, and in which any Federal facility that is used by the project is located;
  - (ii) Every city, town, or similar local political subdivision:
    - (A) In which any part of the project is located and any Federal facility that is used by the project is located, or
    - (B) That has a population of 5,000 or more people and is located within 15 miles of the project dam,