

Federal Energy Regulatory Commission

§ 12.3

Subpart C—Emergency Action Plans

- 12.20 General requirements.
- 12.21 Exemptions.
- 12.22 Contents of emergency action plan.
- 12.23 Time for filing emergency action plan.
- 12.24 Review and updating of plans.
- 12.25 Posting and readiness.

Subpart D—Inspection by Independent Consultant

- 12.30 Applicability.
- 12.31 Definitions.
- 12.32 General inspection requirement.
- 12.33 Exemption.
- 12.34 Approval of independent consultant.
- 12.35 Specific inspection requirements.
- 12.36 Emergency corrective measures.
- 12.37 Report of the independent consultant.
- 12.38 Time for inspections and reports.
- 12.39 Taking corrective measures after the report.

Subpart E—Other Responsibilities of Applicant or Licensee

- 12.40 Quality control programs.
- 12.41 Monitoring instruments.
- 12.42 Warning and safety devices.
- 12.43 Power and communication lines and gas pipelines.
- 12.44 Testing spillway gates.

AUTHORITY: Federal Power Act, as amended, 16 U.S.C. 792-828c (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 142 (1978).

SOURCE: Order 122, 46 FR 9036, Jan. 28, 1981, unless otherwise noted.

Subpart A—General Provisions

§ 12.1 Applicability.

(a) Except as otherwise provided in this part or ordered by the Commission or its authorized representative, the provisions of this part apply to:

(1) Any project licensed under Part I of the Federal Power Act;

(2) Any unlicensed constructed project for which the Commission has determined that an application for license must be filed under Part I of the Act; and

(3) Any project exempted from licensing under Part I of the Federal Power Act, pursuant to subparts J or K of part 4 of this chapter, to the extent that the Commission has conditioned the exemption on compliance with any particular provisions of this part.

(b) The provisions of this part apply to a project that uses a Government

dam only with respect to those project works, lands, and waters specifically licensed by the Commission.

§ 12.2 Rules of construction.

(a) If any term, condition, article, or other provision in a project license is similar to any provision of this part, the licensee must comply with the relevant provision of this part, unless the Commission or the Director of the Office of Hydropower Licensing determines that compliance with the relevant provision of the license will better protect life, health, or property.

(b) A licensee may request from the Director of the Office of Hydropower Licensing a ruling on the applicability to its actions of any provision of its license that is similar to a provision of this part. A ruling by the Director may be appealed under § 385.207 of this chapter.

[Order 122, 46 FR 9036, Jan. 28, 1981, as amended by Order 225, 47 FR 19056, May 3, 1982; 49 FR 29370, July 20, 1984]

§ 12.3 Definitions.

(a) *General rule.* For purposes of this part, terms defined in section 3 of the Federal Power Act, 16 U.S.C. 796, have the same meaning as they have under the Act.

(b) *Definitions.* The following definitions apply for the purposes of this part:

(1) *Applicant* means any person, state, or municipality that has applied for a license for an unlicensed, constructed project and any owner of an unlicensed, constructed project for which the Commission has determined that an application for license must be filed.

(2) *Owner* means any person, state, or municipality, or combination thereof, that has a real property interests in a water power project sufficient to operate and maintain the project works.

(3) *Authorized Commission representative* means the Director of the Office of Hydropower Licensing, the Director of the Division of Inspections, the Regional Engineer, or any other member of the Commission staff whom the Commission may specifically designate.

(4) *Condition affecting the safety of a project or project works* means any condition, event, or action at the project