

Electric Power Commission of Ontario. That application had been denied by the Federal Power Commission in December of 1950, and referred by it to the Congress pursuant to section 7 (b) of the Federal Power Act (16 U.S.C. 800 (b) ) which provides that

"Whenever, in the judgment of the Commission, the development of any water resources for public purposes should be undertaken by the United States itself, the Commission shall not approve any application for any project affecting such development, but shall cause to be made such examinations, surveys, reports, plans, and estimates of the cost of the proposed development as it may find necessary, and shall submit its findings to Congress with such recommendations as it may find appropriate concerning such development."

The Power Authority appealed the decision to the Court of Appeals for the District of Columbia but after the Congress failed to act the matter was remanded by the court to the Commission pursuant to the joint request for such action by the Commission and the Authority. Hearings on the application have been completed, and oral argument will be heard shortly. Since the International Joint Commission has already approved construction of power works by a United States entity to be designated by the appropriate United States authorities, the granting of a license to the New York State Power Authority will, in the absence of any attempt at judicial review, be the final act necessary preliminary to starting the actual construction of the power project and the Seaway.

The theory behind both S. 589 and H.J. Res. 104 apparently is that the Seaway and power project has now reached the stage where it is likely to be constructed, and that it would be appropriate for