

and procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before December 21, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12020-000 Illinois]

Marseilles Hydro Power LLC; Notice of Rejection of Notices of Intent To File Competing Applications and Waiver of Section 4.36

December 11, 2001.

Pursuant to the notice of acceptance of application for the Marseilles Hydroelectric Project, issued August 16, 2001 by the Federal Energy Regulatory Commission (Commission), the following filings have been received: (1) Marseilles Land and Water Company (MLWC) September 18, 2001 filing for waiver of the requirements of § 4.36 of the Commission's regulations establishing deadlines for the filing of applications with an initial preliminary permit application; and (2) the three October 15, 2001 notices of intent to file competing development applications filed by MLWC, Fountainhead Properties LLC, and City of Oglesby, Illinois, respectively.

Background

On May 14, 2001, Marseilles Hydro Power LLC (MHP) filed its application for license for the Marseilles Hydroelectric Project, FERC No. 12020, pursuant to the notice of intent it had filed in response to the Commission's notice of filing of an application for preliminary permit, FERC Project No.

11863, by MLWC. The Commission issued a public notice that MHP's application for license for Project No. 12020 had been accepted for filing on August 16, 2001. The above mentioned subsequent filings were filed with the Commission.

Commission Conclusions

The Commission has previously addressed the situation of when an application for license may be filed in competition with an initial permit application.¹ The Commission has clearly specified that license applications filed in competition with an initial permit application are to be filed in response to the notice of the initial preliminary permit application, not subsequent notices of a competing license application as claimed by MLWC.

Therefore, the Commission rejects the pleadings of (1) MLWC's filing for waiver of the requirements of § 4.36; and (2) the three October 15, 2001 notices of intent to file competing development applications filed by MLWC, Fountainhead Properties LLC, and City of Oglesby, Illinois, respectively.

This notice constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of this issuance of this notice, pursuant to 18 CFR 385.713.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02-117-000]

Nautilus Pipeline Company, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

December 11, 2001.

Take notice that on December 3, 2001, Nautilus Pipeline Company, L.L.C. (Nautilus) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets to become effective on January 1, 2002:

First Revised Sheet No. 24
First Revised Sheet No. 257

Nautilus states that the purpose of this filing is to provide existing and new shippers an opportunity, under certain

specified circumstances, to release all or a part of production from a lease that was previously dedicated to Nautilus.

Nautilus states that a copy of this filing has been served upon its customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or § 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link.

Linwood A. Watson, Jr.,

Acting Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-267-002]

Northern Border Pipeline Co.; Notice of Compliance Filing

December 11, 2001.

Take notice that on November 28, 2001, Northern Border Pipeline Company (Northern Border) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets effective April 1, 2001:

Second Revised Sheet No. 177
Fourth Revised Sheet No. 250A
Fifth Revised Sheet No. 251
Fifth Revised Sheet No. 253
Fourth Revised Sheet No. 266

Northern Border states that the purpose of this filing is to comply with the Commission's order dated November 8, 2001 in Docket No. RP01-267-001 (97 FERC ¶ 61,162).

¹ Order No. 413, FERC Stats. & Regs. Preambles 1982-1985, section 30,632 (March 20, 1985); and *Tropicana*, 65 FERC section 61,904 (1993).