

On February 14, 2002, the Secretary, in accordance with the NWP, transmitted his recommendation (including the Yucca Mountain Final EIS) to the President for approval of the Yucca Mountain site for development of a geologic repository. The President considered the site qualified for application to the NRC for a construction authorization and recommended the site to the U.S. Congress. On July 23, 2002, the President signed into law a joint congressional resolution designating the Yucca Mountain site for development as a geologic repository for the disposal of spent nuclear fuel and high-level radioactive waste.

In 2006, DOE modified its approach to repository design and operational plans. On October 13, 2006, DOE announced that it would prepare a supplement to the Yucca Mountain Final EIS to evaluate potential environmental impacts of the modified repository design and operational plans.

On June 3, 2008, the Department submitted an application to the NRC seeking authorization to construct a geologic repository at Yucca Mountain in Nye County, Nevada. DOE's application was accompanied by the Yucca Mountain Final EIS. On June 16, 2008, DOE submitted the Repository SEIS to the NRC. On July 11, 2008, the Environmental Protection Agency announced in the **Federal Register** the availability of the Repository SEIS (73 FR 39958).

In accord with Section 114(f)(4) of the NWP, the NRC shall adopt, to the extent practicable, any environmental impact statement prepared by DOE in connection with the proposed repository. The NRC staff reviewed DOE's Yucca Mountain Final EIS and Repository SEIS, and found that it is practicable to adopt, with further supplementation, these environmental impact statements. The NRC staff concluded that these environmental impact statements did not address adequately all of the repository-related impacts on groundwater, or from surface discharges of groundwater, and therefore requested that DOE prepare a supplement to the Yucca Mountain Final EIS and the Repository SEIS. Based on a review of the NRC staff evaluation, the Department has decided to prepare the requested supplement.

The requested supplement will analyze further the repository-related impacts on groundwater, and from surface discharges of groundwater. More specifically, the supplement will describe the extent of the volcanic-alluvial aquifer, particularly those parts that could become contaminated, and

how water (and potential contaminants) can leave the flow system. In addition, the supplement will provide an analysis of the cumulative amount of radiological and non-radiological contaminants that can be reasonably expected to enter the aquifer from the repository, and the amount that could reasonably remain over time. This information will be used to estimate contamination in the groundwater, given potential accumulation of radiological and non-radiological contaminants.

The supplement also will provide a discussion of the impacts on soils and surface materials from the processes involved in surface discharges of contaminated groundwater. A description of locations of potential natural discharge of contaminated groundwater for present and expected future wetter periods will be included, as will a description of the physical processes at surface discharge locations that can affect accumulation, concentration, and potential remobilization of groundwater-borne contaminants. This information will be used to develop estimates of the amount of contaminants that could be deposited at or near the surface, and potential environmental impacts.

#### **Schedule**

The Department intends to issue the Draft Supplement in the spring of 2009, at which time its availability will be announced in the **Federal Register** and in media in Nevada. A public comment period will start upon publication of the Environmental Protection Agency's Notice of Availability in the **Federal Register**. DOE will hold a public hearing during the comment period. The Department will consider and respond to comments received on the draft supplement in preparing the final supplement.

#### **Public Reading Rooms**

Documents referenced in this Notice of Intent and related information are available at the following locations: Nye County Department of Natural Resources and Federal Facilities, 1210 E. Basin Road, Suite #6, Pahrump, NV 89060 (775) 727-7727; Pahrump Community Library, 701 East Street, Pahrump, NV 89041 (775) 727-5930; Beatty Library District, 400 N. 4th Street, Beatty, NV 89003 (775) 553-2257; Amargosa Valley Library District, 829 East Farm Road, Amargosa, NV 89020 (775) 372-5340; University of Nevada, Reno, The University of Nevada Libraries, Business and Government Information Center, M/S 322, 1664 N. Virginia Street, Reno, NV 89557, (775)

784-6500, Ext. 309; Yucca Mountain Repository Assessment Office, 135 South Jackson Street, Independence, CA 93526 (760) 878-0030; National Nuclear Agency Administration Nevada Site Office, Public Reading Room, Frank H. Rogers Building, 755 C East Flamingo Road, Suite 103, Las Vegas, NV 89119 (702) 794-5117; and the U.S. Department of Energy Headquarters Office Public Reading Room, 1000 Independence Avenue, SW., Room 1E-190 (ME-74) FORS, Washington, DC 20585, 202-586-3142.

Issued in Washington, DC, on October 21, 2008.

**Edward F. Sproat, III,**

*Director, Office of Civilian Radioactive Waste Management.*

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## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

**[Project No. 13102-000; Project No. 13105-000]**

#### **Birch Power Company; Brookfield Power Company; Notice of Preliminary Permit Applications Accepted for Filing and Soliciting Comment, Motions To Intervene, and Competing Applications**

October 17, 2008.

On February 1, 2008, Birch Power Company (Birch Power) and BPUS Generation Development LLC (BPUS) filed applications, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Demopolis Lock and Dam Hydroelectric Project, to be located at the existing U.S. Army Corp of Engineers' (Corps) Demopolis Lock and Dam on the Tombigbee River in Marengo County, Alabama.

The proposed projects would use the existing Corps Demopolis Lock and Dam and consists of:

For Birch Power—(1) A proposed powerhouse with two generating units having a total capacity of 23.7 MW; (2) two proposed 90-foot-long, 18-foot-diameter steel penstocks; (3) a proposed one-mile-long transmission line; and (4) appurtenant facilities. The project would have an annual generation of 155 GWh, and would be sold to a local utility.

For BPUS—(1) A proposed powerhouse with three generating units having a total capacity of 37.5 MW; (2) a proposed intake channel and tailrace channel; (3) a proposed 3.7-mile-long transmission line; and (4) appurtenant

facilities. The project would have an annual generation of 120 GWh, and would be sold to a local utility.

**Applicant Contact:** For Birch Power—Mr. Ted Sorenson, P.E., Sorenson Engineering, 5203 South 11th East, Idaho Falls, ID 83404, *Phone:* 208-522-8069; for BPUS—Mr. Jeffrey M. Auser, P.E., BPUS Generation Development LLC, 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088, *Phone:* 315-413-2821. FERC Contact: Henry Woo, 202-502-8872.

**Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications:** 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "eFiling" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13102 or P-13105) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[P-13282-000]

#### Renaissance Ketchikan Group LLC; Notice of Application for Preliminary Permit Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

October 17, 2008.

On August 20, 2008, Renaissance Ketchikan Group (RKG) LLC filed an application, pursuant to section 4(f) of the Federal Power Act (FPA), to study the feasibility of RKG Hydroelectric

Project. The proposed project would be located on the Ward Cove, Ward Creek, and Connell Lake in Ketchikan Borough, Alaska. RKG owns all of the lands to be occupied by the proposed project and the majority of required infrastructure is in place. No lands of the United States are within the proposed project boundary.

The proposed project would use: (1) The existing Connell Lake Dam, (2) an existing penstock, (3) an existing building would be remodeled to become the powerhouse, (4) a switchyard, and (5) appurtenant facilities. The proposed project would have a total installed capacity of 865 kilowatts and an average annual generation of 7.46 gigawatt-hours of power, which RKG would initially utilize onsite and later sell to Ketchikan Public Utility.

**Applicant Contact:** Jerry Jenkins, Manager, 3695 S. Jojoba Way, Chandler, AZ 85248, (480) 786-1455.

**FERC Contact:** Jake Tung, (202) 502-8757.

**Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications:** 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>. More information about this project can be viewed or printed on the "eLibrary" link of the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13282) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**  
Secretary.

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BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

October 17, 2008.

Take notice that the Commission received the following electric corporate filings:

**Docket Numbers:** EC09-5-000.

**Applicants:** Carr Street Generating Station, L.P., Bear Swamp Power Company LLC, Brookfield Energy Marketing Inc., Brookfield Energy Marketing U.S. LLC, Brookfield Power Piney & Deep Creek LLC, Brookfield Renewable Energy Marketing U.S. LLC, Erie Boulevard Hydropower, L.P., Great Lakes Hydro America, LLC, Hawks Nest Hydro LLC, Rumford Falls Hydro LLC, Brookfield Asset Management Inc., Great Lakes Holding Inc., Brookfield Renewable Power Holdings Inc., Brookfield Renewable Power, Inc.

**Description:** Application for authorization under Section 203 for indirect disposition of jurisdictional assets etc re Carr Street Generating Station, LP *et al.*

**Filed Date:** 10/14/2008.

**Accession Number:** 20081016-0050.

**Comment Date:** 5 p.m. Eastern Time on Tuesday, November 4, 2008.

Take notice that the Commission received the following exempt wholesale generator filings:

**Docket Numbers:** EG09-4-000.

**Applicants:** Red Hills Wind Project, L.L.C.

**Description:** Notice of Self-Certification of Exempt Wholesale Generator Status of Red Hills Wind Project, L.L.C.

**Filed Date:** 10/16/2008.

**Accession Number:** 20081016-5020.

**Comment Date:** 5 p.m. Eastern Time on Thursday, November 6, 2008.

Take notice that the Commission received the following electric rate filings:

**Docket Numbers:** ER08-1356-002.

**Applicants:** Maine Yankee Atomic Power Company.

**Description:** Maine Yankee Atomic Power Company submits Third Revised Rate Schedule FERC 1 effective 11/1/08.

**Filed Date:** 10/16/2008.

**Accession Number:** 20081016-0249.

**Comment Date:** 5 p.m. Eastern Time on Monday, October 27, 2008.

**Docket Numbers:** ER08-1371-00.2

**Applicants:** Southwest Power Pool, Inc.

**Description:** Southwest Power Pool, Inc. submits correction to its 8/22/08 filing with the clean and redlined 2nd Sub 3rd Revised Second Revised Sheet 221 etc.