

violated the Federal Power Act and prior Commission orders through seating a non-independent governance board and failure to adequately pursue payments from market participants. Mirant requested fast track processing for this complaint.

Copies of the filing were served upon the ISO, its counsel, the California Public Utilities Commission, and other interested parties.

*Comment date:* February 26, 2001, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be filed on or before February 26, 2001.

### Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-3805 Filed 2-14-01; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2689-021]

### N.E.W. Hydro, Inc.; Notice of Availability of Draft Environmental Assessment and Soliciting Comments

February 9, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order 486, 52 FR 47897), the Commission's Office of Energy Projects has reviewed an application to modify Article 401 of the license for the Oconto Falls Project, FERC No. 2689-021. Article 401

requires the licensee to operate the project in a run-of-river mode (ROR) with a reservoir operating range of 701.92 ± 0.3 feet NGVD. The licensee requests that Article 401 be amended to only require the minimum reservoir operating elevation of 701.62 NGVD, currently allowed by Article 401, with no maximum operating limit. The Oconto Falls Project is located in Oconto Falls, on the Oconto River, Oconto County, Wisconsin. A Draft Environmental Assessment (DEA) was prepared for the amendment request. The DEA finds the licensee's request to amend Article 401 by eliminating the maximum operating elevation, with staff's recommendations, would not constitute a major federal action significantly affecting the quality of the human environment.

The DEA was written by staff in the Office of Energy Projects, Federal Energy Regulatory Commission. Copies of the DEA can be viewed in the Public Reference Room, Room 2-A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426. The DEA may also be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (please call (202) 208-2222 for assistance).

Comments on the DEA must be filed with the Commission within 40 days from the date of this notice. Comments should be addressed to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please reference the number, P-2689-021, on any comments filed. Comments and protests 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 at <http://www.ferc.fed.us/efi/doorbell.htm>.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-3811 Filed 2-14-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

February 9, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Minor License.

b. *Project No.:* 3516-008.

c. *Date Filed:* October 3, 2000.

d. *Applicant:* City of Hart, Michigan.

e. *Name of Project:* Hart Hydroelectric Project.

f. *Location:* On the South Branch of the Pentwater River, in Oceana County, near Hart, Michigan. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Scott Huebler, City Manager, City of Hart, 407 State Street, Hart, Michigan 49420, (231) 873-2488.

i. *FERC Contact:* Steve Kartalia, (202) 219-2942 or

[stephen.kartalia@FERC.fed.us](mailto:stephen.kartalia@FERC.fed.us).

j. *Deadline for filing motions to intervene or protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments and protests 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 at <http://www.ferc.fed.us/efi/doorbell.htm>.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The existing Hart Hydroelectric Project consists of: (1) A 580-foot-long earthen dam; (2) a 40-foot-long concrete-lined spillway; (3) a 240-acre reservoir; (4) a powerhouse containing 2 S. Morgan Smith vertical shaft turbines and 2 generators, with a total hydraulic capacity of 135 cubic feet per second and an installed generating capacity of 320 kilowatts; (5) a 1-mile-long transmission line that connects the project with the Hart Diesel Plant; and (5) appurtenant facilities. The applicant estimates that the total average annual generation is between 350,000 and 400,000 kilowatthours. The project operates in a run-of-river mode and all generated power is distributed to customers of the City of Hart Electric Department via the City's transmission and distribution system.