

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. P-10828-007]

**Occoquan River Project; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, and Terms and Conditions**

March 24, 2009.

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

- a. *Type of Application:* Surrender of License.
- b. *Project No.:* 10828-007.
- c. *Date Filed:* January 15, 2009.
- d. *Applicant:* Fairfax Water.
- e. *Name of Project:* Occoquan River Project.
- f. *Location:* Occoquan River in Prince William and Fairfax Counties, Virginia.
- g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a-825r.
- h. *Contact:* Mr. Greg Prelewicz, Chief, Source Water Protection and Planning, Fairfax Water, 8560 Arlington Boulevard, Fairfax, VA 22032, (703) 289-6318, [gprelewicz@fairfaxwater.org](mailto:gprelewicz@fairfaxwater.org).
- i. *FERC Contact:* Mr. Jeremy Jessup, (202) 502-6779, [Jeremy.Jessup@ferc.gov](mailto:Jeremy.Jessup@ferc.gov).
- j. *Deadline for filing motions to intervene and protests, comments, recommendations, and preliminary terms and conditions, is 60 days from the issuance of this notice; reply comments are due 105 days from the issuance date of this notice. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.*
- k. *Description of Request:* The applicant proposes to surrender the license for the Occoquan River Project. In addition, the applicant proposes to decommission and keep both the upper and lower dams for continued use in water supply storage. Further, the applicant proposes to decommission the powerhouse, generating units, and penstock at the upper dam. The existing powerhouse intake structure and the draft tube pit will be backfilled with concrete. The applicant proposes to construct a new, gated, reinforced concrete tower within the footprint of the demolished portion of the powerhouse at the upper dam. The applicant also proposes to remove all generating units located in a pump station near the lower dam. The penstock for the lower dam is to remain

in place. The applicant consulted with federal, state, and local agencies, and other parties with potential interest, in the license surrender.

1. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," or "TERMS AND CONDITIONS"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene or protests should relate to project works

which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. *As provided for in 18 CFR 4.34(b)(5)(i), a license applicant must file, no later than 60 days following the date of issuance of this notice of acceptance and ready for environmental analysis:* (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

q. *e-Filing:* Comments, motions to intervene, protests, or terms and conditions 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.gov> under the "e Filing" link.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-7083 Filed 3-30-09; 8:45 am]

**BILLING CODE****DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Combined Notice of Filings #1**

March 24, 2009.

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

*Docket Numbers:* ER08-54-012.  
*Applicants:* ISO New England Inc.; New England Power Pool.

*Description:* Report of ISO New England Inc. regarding the implementation of market rule changes to permit non-generating resources to participate in the Regulation market.

*Filed Date:* 3/19/2009.

*Accession Number:* 20090319-5062.

*Comment Date:* 5 p.m. Eastern Time on Thursday, April 9, 2009.

*Docket Numbers:* ER09–863–000.

*Applicants:* SMART Papers Holdings, LLC.

*Description:* Smart Papers Holdings, LLC submits Petition for Acceptance of FERC Electric Tariff, Original Volume 1, Waivers and Blanket Authority.

*Filed Date:* 3/23/2009.

*Accession Number:* 20090324–0001.

*Comment Date:* 5 p.m. Eastern Time on Monday, April 13, 2009.

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

*Docket Numbers:* ES07–34–001; ES08–29–002.

*Applicants:* System Energy Resources, Inc.

*Description:* Application of System Energy Resources, Inc., for Modification of Authority Under Federal Power Act Section 204(a).

*Filed Date:* 3/23/2009.

*Accession Number:* 20090323–5135.

*Comment Date:* 5 p.m. Eastern Time on Monday, April 13, 2009.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. E9–7069 Filed 3–30–09; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP08–6–002; CP09–56–000]

#### Midcontinent Express Pipeline LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed MEP Amendment and Expansion Projects and Request for Comments on Environmental Issues

March 24, 2009.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the proposed Midcontinent Express Pipeline LLC (MEP) Amendment and Expansion Projects (MEP Amendment and Expansion) involving construction and operation of facilities by Midcontinent Express Pipeline LLC in Lamar and Cass Counties, Texas; Union Parish, Louisiana; and Hinds County, Mississippi.<sup>1</sup> This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice supersedes the “Notice of Intent to Prepare an Environmental Assessment for the Proposed MEP Amendment Project and Request for

<sup>1</sup> On December 30, 2008, MEP filed its amended application for CP08–6–000 with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations. The Commission issued its Notice of Amendment on January 12, 2009. On January 29, 2009, MEP filed its application for CP09–56–000 with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations. The Commission issued its Notice of Application on February 11, 2009.

Comments on Environmental Issues” issued on February 11, 2009 in Docket No. CP08–6–002 for the MEP Amendment Project. The Commission staff plans to address the environmental impacts of both the MEP Amendment Project (Docket No. CP08–6–002) and the MEP Expansion Project (Docket No. CP09–56–000) under a single EA document. This notice summarizes and describes currently identified environmental issues for both projects.

This notice announces the opening of the scoping process we<sup>2</sup> will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on April 23, 2009.

This notice is being sent to affected landowners; Federal, State, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, you may be contacted by a MEP representative about survey permission and/or the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the natural gas company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” is available for viewing on the FERC Web site (<http://www.ferc.gov>). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (<http://www.ferc.gov>).

#### Summary of the Proposed Project

MEP proposes expansion and/or equipment modifications at the

<sup>2</sup> “We”, “us”, and “our” refer to the environmental staff of the Office of Energy Projects (OEP).