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**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. E8-23062 Filed 9-30-08; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. DI08-15-000]

#### Independence Power, LLC; Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

September 25, 2008.

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

- a. *Application Type*: Declaration of Intention.
- b. *Docket No.*: DI08-15-000.
- c. *Date Filed*: September 11, 2008.
- d. *Applicant*: Independence Power, LLC.
- e. *Name of Project*: Fourth of July Creek Hydroelectric Project.
- f. *Location*: The proposed Fourth of July Creek Hydroelectric Project will be located on Fourth of July Creek, near the town of Seward, Kenai Peninsula Borough, Alaska, affecting T. 1 S, R. 1 E, Seward Meridian.
- g. *Filed Pursuant to*: Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).
- h. *Applicant Contact*: Joel Groves, #310, 1503 W. 33rd Avenue, Anchorage, AK 99503; telephone: (907) 258-2420; Fax: (907) 258-2419; e-mail: [www.joel@polarconsult.net](mailto:www.joel@polarconsult.net).
- i. *FERC Contact*: Any questions on this notice should be addressed to Henry Ecton, (202) 502-8768, or E-mail address: [henry.ecton@ferc.gov](mailto:henry.ecton@ferc.gov).
- j. *Deadline for filing comments, protests, and/or motions*: October 27, 2008.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and/or interventions may be filed electronically via the Internet in lieu of paper. Any questions, please contact the Secretary's Office. 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.”

Please include the docket number (DI08-15-000) on any comments, protests, and/or motions filed.

k. *Description of Project*: The proposed Fourth of July Creek Hydropower Project will include: (1) A proposed 10-foot-high, 80-foot-wide diversion structure; (2) a buried desander box, directing water into a 48-inch-diameter, 4600-foot-long penstock; (3) a 50-foot-long by 80-foot-wide powerhouse, containing two 1.85 MW impulse turbines and synchronous generators; (4) a tailrace emptying into the Fourth of July Creek; (5) an approximately 8,000-foot-long transmission line, connecting to the Seward Electric distribution grid; and (6) appurtenant facilities. The proposed project will not be connected to an interstate grid, and will not occupy any tribal or federal lands.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the Application*: Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Web at <http://www.ferc.gov> using the “eLibrary” link, select “Docket#” and follow the instructions. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3372, or TTY, contact (202) 502-8659.

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*—Any filings must bear in all capital letters the title “COMMENTS”, “PROTESTS”, AND/OR “MOTIONS TO INTERVENE”, as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E8-23068 Filed 9-30-08; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13116-000]

#### Mississippi River 14 Hydro, LLC; Notice of Competing Preliminary Permit Application Accepted for Filing, and Soliciting Comments, and Motions To Intervene

September 25, 2008.

On February 15, 2008, Mississippi River 14 Hydro, LLC and BPUS Generation Development, LLC each filed a competing application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Mississippi River Lock and Dam No. 14 Hydroelectric Project, to be located at the U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 14, on the Mississippi River in Rock Island County and Scott County, Illinois.

Mississippi River 14 Hydro, LLC's proposed project would utilize the existing U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 14 and would consist of: (1) A proposed powerhouse containing three generating units with an installed capacity of 26-megawatts; (2) a switchyard; (3) a proposed 1-mile, 69-kV transmission line; and (4) appurtenant facilities. The proposed Mississippi River Lock and

Dam 14 Hydroelectric Project would have an estimated annual generation of approximately 139-gigawatt-hours, which would be sold to a local utility.

**Applicant Contact:** For Mississippi River 14 Hydro, LLC, Mr. Brent L. Smith, COO, Symbiotics, LLC, P.O. Box 535, Rigby, ID 83442, *phone:* (208) 745-0834.

**FERC Contact:** Patricia W. Gillis, (202) 502-8735.

**Competing Application:** This application competes with Project No. 13115-000 filed February 15, 2008. Competing applications were required to be filed on or before July 10, 2008.

**Deadline for filing comments, motions to intervene:** 60 days from the issuance of this notice. Comments and motions to intervene 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 Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13116-000) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E8-23067 Filed 9-30-08; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12775-001]

#### City of Spearfish, South Dakota; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedural Schedule for Relicensing

September 24, 2008.

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

a. *Type of Application:* Major Project.

b. *Project No.:* P-12775-001.

c. *Date filed:* September 10, 2008.

d. *Applicant:* City of Spearfish, South Dakota.

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

f. *Location:* On Spearfish Creek in Lawrence County, South Dakota. The project occupies about 57.3 acres of United States lands within the Black Hills National Forest administered by the U.S. Forest Service.

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

h. *Applicant Contact:* Ms. Cheryl Johnson, Public Works Administrator, City of Spearfish, 625 Fifth Street, Spearfish, SD 57783; (605) 642-1333; or e-mail at [cherylj@city.spearfish.sd.us](mailto:cherylj@city.spearfish.sd.us).

i. *FERC Contact:* Steve Hocking at (202) 502-8753; or e-mail at [steve.hocking@ferc.gov](mailto:steve.hocking@ferc.gov).

j. *Cooperating agencies:* We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of an environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of an environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for filing additional study requests and requests for cooperating agency status:* November 10, 2008.

*All documents (original and eight copies) should be filed with:* Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

m. The application is not ready for environmental analysis at this time.

n. The existing Spearfish Project consists of: (1) A 130-foot-long, 4-foot-high concrete gravity dam; (2) a 0.32-acre reservoir; (3) a gatehouse next to the dam that contains four 2-foot-high, 4-foot-wide steel intake gates; (4) a 4.5-mile-long, 6.5-foot-wide, 9-foot-high concrete-lined rock tunnel; (5) a forebay pond; (6) two 1,200-foot-long, 48-inch diameter, wood stave pipelines; (7) four 36-inch-diameter, 54-foot-high standpipe surge towers; (8) two 4,700-foot-long, 30- to 34-inch diameter steel penstocks; (9) a reinforced concrete powerhouse containing two Pelton turbines and two, 2,000-kilowatt generators; and (10) appurtenant facilities.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may 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. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

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, contact FERC Online Support.

p. *Procedural schedule:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
FERC issues any deficiency letter.	October 10, 2008.
FERC issues acceptance notice and Scoping Document 1 (SD1).	December 1, 2008.
FERC holds scoping meetings.	January, 2009.
All stakeholders: Interventions and protests due.	January 30, 2009.
All stakeholders: Comments on SD1 due.	February 13, 2009.
FERC issues ready for environmental analysis notice and SD2.	March 2, 2009.
All Stakeholders: Terms and conditions due.	May 1, 2009.
FERC issues single environmental assess (EA) (no draft EA).	August 3, 2009.