

[Project Nos. 2056-013, et al.]

Hydroelectric Applications [Northern States Power Co., et al.]; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. Type of Application: Amendment of License.

b. Project No.: 2056-013.

c. Date Filed: November 14, 1994.

d. Applicant: Northern States Power Company (NSPC).

e. Name of Project: St. Anthony Falls Project.

f. Location: On the Mississippi River, within the City of Minneapolis, Hennepin County, Minnesota.

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

h. Applicant Contact: Jack J. Schutz, P.E., Senior Environmental Engineer, Northern States Power Company, 414 Nicollet Mall, Minneapolis, MN 55401-1927, (612) 330-5621.

i. FERC Contact: Mohamad Fayyad, (202) 219-2665.

j. Comment Date: April 6, 1995.

k. Description of Amendment: NSPC proposes to delete an authorized redevelopment of a powerhouse at its Lower Dam development. The powerhouse was authorized by a Commission order amending license issued on November 14, 1990, with an installed capacity of 16 MW.¹ Since NSPC decided not to rebuild the powerhouse the entire Lower Dam development must be deleted from the license for the St. Anthony Falls Project; start of construction deadline for rebuilding the powerhouse was November 13, 1994.

l. This notice also consists of the following standard paragraphs: B, C2, and D2.

2 a. Type of Application: Amendment of License.

b. Project No.: P-472-014.

c. Date Filed: November 25, 1994.

d. Applicant: PacifiCorp.

e. Name of Project: Oneida.

f. Location: On the Bear River in Franklin County, Idaho.

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

h. Applicant Contact:

Stanley A. deSousa, Director of Hydro Resources, PacifiCorp, 920 SW Sixth Avenue, Suite 610, Portland, Oregon 97204, (503) 464-5343

Thomas H. Nelson, Stoel Rives Boley Jones & Grey, 900 SW Fifth Avenue, Suite 2300, Portland, Oregon 97204-1268, (503) 294-9281

i. FERC Contact: Regina Saizan, (202) 219-2673.

j. Comment Date: April 6, 1995.

k. Description of Project: The licensee requests that its license be amended to extend the expiration date of the license from June 30, 2000 to October 1, 2001.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

3 a. Type of Application: Minor License.

b. Project No.: P-11519-000.

c. Date Filed: February 10, 1995.

d. Applicant: Wisconsin Edison Corporation.

e. Name of Project: Stoughton Hydro Project.

f. Location: On the Yahara River in Dane County, near Dunkirk, Wisconsin.

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

h. Applicant Contact: Mr. Peter H. Burno, 1343 Veek Road, Stoughton, WI 53589, (608) 873-8656.

i. FERC Contact: Ed Lee (202) 219-2809.

j. Comment Date: 60 days from the filing date in paragraph c.

k. Description of Project: The existing project would consist of: (1) An existing dam and intake structure; (2) an existing 82-acre reservoir; (3) a powerhouse containing two generating units for a total installed capacity of 192 Kw; (4) a 300-foot-long transmission line; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 450 Mwh for the project. All lands and project works are owned by the City of Stoughton, Wisconsin.

l. With this notice, we are initiating consultation with the Wisconsin State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to § 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 filing date and serve a copy of the request on the applicant.

4 a. Type of Application: Minor License.

b. Project No.: P-11520-000.

c. Date Filed: February 10, 1995.

d. Applicant: Wisconsin Edison Corporation.

e. Name of Project: Stebbinsville Hydro Project.

f. Location: On the Yahara River in Rock County, near Porter, Wisconsin.

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

h. Applicant Contact: Mr. Peter H. Burno, 1343 Veek Road, Stoughton, WI 53589, (608) 873-8656.

i. FERC Contact: Ed Lee (202) 219-2809.

j. Comment Date: 60 days from the filing date in paragraph c.

k. Description of Project: The existing project would consist of: (1) An existing dam and intake structure; (2) an existing 80-acre reservoir; (3) a powerhouse containing a single 375-kW generating unit; (4) a 40-foot-long transmission line; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 1,500 MWh for the project. All lands and project works are owned by the applicant.

l. With this notice, we are initiating consultation with the Wisconsin State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to § 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 filing date and serve a copy of the request on the applicant.

5 a. Type of Application: Major Relicense.

b. Project No.: 2705-003.

c. Date filed: September 30, 1992.

d. Applicant: Seattle City Light.

e. Name of Project: Newhalem Creek.

f. Location: On Newhalem Creek in Whatcom County, Washington, wholly within the Ross Lake National Recreation Area.

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

h. Applicant Contact: Gary Zarker, Superintendent, Seattle City Light, 1015 Third Avenue, Seattle, WA 98104-1198, (206) 684-3200.

i. FERC Contact: James Hunter at (202) 219-2839.

j. Deadline Date: See attached paragraph D10. The Commission's due date for filing a final amendment of this application is 60 days from issuance of this notice.

¹ 53 FERC ¶ 62,155 (1990).

k. Status of Environmental Analysis: The application is ready for environmental analysis at this time—see attached paragraph D10.

l. Description of Project: The existing project consists of: (1) A 45-foot-long, 10-foot-high concrete overflow dam, crest elevation 1,012 feet, across Newhalem Creek with a combination sluiceway and intake structure; (2) water conveyance facilities including a 5-foot-square, 54.5-foot-long, vertical rock shaft, a 6-foot by 7-foot, 2,452-foot-long rock tunnel, and a 33-inch-diameter, 925-foot-long penstock; (3) a 30-foot-wide, 56-foot-long, wood-framed powerhouse containing a generating unit with an installed capacity of 2.3 MW; (4) two timber flumes that discharge into a 350-foot-long tailrace returning project flows to the Skagit River; (5) a 4,387-foot-long, 7.2-kV transmission line tying into the Gorge powerhouse of Project No. 553; (6) about 2.5 miles of access roads to the diversion and powerhouse; and (7) appurtenant facilities.

m. Purpose of Project: The average annual generation of the Newhalem Creek project is 18 GWh. Power generated at the project is delivered to customers within the applicant's service area.

n. This notice also consists of the following standard paragraph: D10.

o. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., Room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Seattle City Light's offices at 1015 Third Avenue, Seattle, Washington.

6 a. Type of Application: Exemption 5 MW or less.

b. Project No.: 11316-002.

c. Date filed: January 31, 1995.

d. Applicant: Iliamna-Newhalen-Nondalton Electric Cooperative, Inc.

e. Name of Project: Tazimina.

f. Location: On the Tazimina River, near Iliamna, Newhalen, and Nondalton, Section 24, Range 32 West, Township 3 South, Seward Meridian, in Southcentral Alaska.

g. Filed Pursuant to: Section 2407 of the Energy Policy Act of 1992 and the Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Brent Petrie, General Manager, INNEC, P.O. Box 210, Iliamna, Alaska 99606, (907) 571-1259.

i. FERC Contact: Héctor M. Pérez at (202) 219-2843.

j. Comment Date: May 2, 1995.

k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D5.

l. The proposed project would consist of: (1) A 2-foot-high and 100-foot-long channel control sill consisting of precast 4-foot-long concrete blocks with a trapezoidal section; (2) an intake structure about 50 feet downstream and on the opposite side of the concrete sill; (3) a 5-foot-diameter, 430-foot-long welded steel penstock; (4) a powerhouse with two 350-Kw units; (5) a 6.7-mile-long transmission line; and (6) other appurtenances.

m. This notice also consists standard paragraphs B1 and D5.

n. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., Room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at the address shown in item h above.

Standard Paragraphs

B. 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.

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS

AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

C2. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of the particular application to which the filing refers. Any of these documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. A copy of a notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. 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 must also be sent to the Applicant's representatives.

D5. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (May 2, 1995 for Project No. 11316-002). All reply comments must be filed with the Commission within 105 days from the

date of this notice. (June 16, 1995 for Project No. 11316-002).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (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, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. 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.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (May 2, 1995 for Project No. 2705-003). All reply

comments must be filed with the Commission within 105 days from the date of this notice (June 16, 1995 for Project No. 2705-003).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (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 submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: March 6, 1995, Washington, DC.

Lois D. Cashell,
Secretary.

[FR Doc. 95-5967 Filed 3-9-95; 8:45 am]
BILLING CODE 6717-01-P

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of November 14 Through November 18, 1994

During the week of November 14 through November 18, 1994, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list

of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Brenda Wolfenbarger, 11/16/94, VFA-0007

Brenda Wolfenbarger (Wolfenbarger) filed an Appeal under the Freedom of Information Act of a September 30, 1994 Determination Letter issued to her by the Department of Energy's (DOE's) Oak Ridge Operations Office (Oak Ridge). Wolfenbarger had requested all medical and personnel records held by Oak Ridge concerning her father, who had worked for a contractor at Oak Ridge during the 1940's. On Appeal, Wolfenbarger contended that the DOE's search for responsive documents was inadequate. After considering her Appeal, the DOE found that Oak Ridge's search for responsive documents was adequate and therefore denied her Appeal.

Robert Heitmann, 11/16/94, VFA-0005

Robert Heitmann filed an Appeal from a denial by the FOI and Privacy Acts Branch, Reference and Information Management Division, at the Department of Energy Headquarters (DOEHQ) of a Request for Information which he had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that one office had not adequately searched for responsive documents, and that the records of the searches of two other offices were contradictory. The matter was therefore remanded for a new search of these three offices.

Requests for Exception

Leonard Wall Oil Co., 11/18/94, LEE-0155

Leonard Wall Oil Company (Leonard Wall) filed an Application for Exception requesting permanent relief from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that Leonard Wall was not experiencing a serious hardship, gross inequity or an unfair distribution of burdens as a result of the requirement that it file Form EIA-782B. On September 26, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. No Notice of Objection to the Proposed Decision and Order was filed within the prescribed time period. Therefore, the DOE issued the Proposed Decision and Order in final form, denying Leonard Wall's Application for Exception.

Shuster Oil Co., Inc., 11/17/94, LEE-0142