

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.

r. **Filing and Service of Responsive Documents**—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "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, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. **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.

**Magalie R. Salas,**  
Secretary.

[FR Doc. 02-23208 Filed 9-11-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Temporary License Amendment and Soliciting Comments, Motions To Intervene, and Protests

September 6, 2002.

Take notice that the following application has been filed with the

Commission and is available for public inspection:

a. *Application Type*: Request for temporary license amendment to deviate from: (1) The High Rock reservoir and Badin Lake drawdown schedule; and (2) the obligation beginning March 6, 2003 to refill High Rock Reservoir to within five feet of full pool by May 15, 2003.

b. *Project No.*: 2197-056.

c. *Date Filed*: August 29, 2002.

d. *Applicant*: Alcoa Power Generating Inc.

e. *Name of Project*: Yadkin River.

f. *Location*: The project is located on the Yadkin/Pee Dee River, in Montgomery, Stanley, Davidson, Rowan, and Davie Counties, North Carolina.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r) and sections 799 and 801.

h. *Applicant Contact*: Julian Polk, Alcoa Power Generating Inc., 293 NC 740 Highway, PO Box 576, Badin, NC 28009-0576, (704) 422-5617.

i. *FERC Contact*: Any questions on this notice should be addressed to Mr. T.J. LoVullo at (202) 502-8900, or e-mail address: [thomas.lovullo@ferc.gov](mailto:thomas.lovullo@ferc.gov).

j. *Deadline for filing comments and or motions*: October 7, 2002.

*All documents (original and eight copies) should be filed with*: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P-2197) on any comments or motions filed.

k. *Description of Request*: As the result of collaborative efforts between Alcoa Power Generating Inc. (APGI), Carolina Power and Light (CP&L), the North Carolina Department of the Environment and Natural Resources, the South Carolina Department of Natural Resources, and the South Carolina Department of Health and Environmental Control, the licensee filed a request for an emergency temporary amendment to its license requirements. The purpose of this emergency amendment request is to adopt special management practices for the Yadkin Project to respond to the public health and safety concerns that have arisen as a result of the extraordinary drought in the Yadkin/Pee Dee basin. The new, temporary operating protocol, developed by the above parties and filed by APGI with the Commission, proposes to coordinate the operation of the Yadkin Project with CP&L's Yadkin/Pee Dee River Project (collectively, the licensees) to discharge a target volume of 900 cubic feet per second of water for downstream water

uses. APGI proposes to implement the protocol which calls for, in part, to coordinate operation with CP&L to proportionally draw down the licensees' reservoirs in order to minimize drought impacts and equalize the burden on people, fish, and wildlife dependent upon the reservoirs.

The operating guides for the Yadkin Project require specific reservoir levels as well as refilling requirements in the spring. In order to meet the downstream water needs, APGI requested an emergency temporary license variance of the reservoir elevation requirements and the requirement to refill High Rock reservoir to within five feet of full by May 15, 2003 in the event that adherence to the newly developed protocol prevents the licensee from being able to achieve the refill.

Based on the need to respond to the public health and safety concerns that have arisen as a result of the extraordinary drought in the Yadkin/Pee Dee basin, APGI's request for variances to its operational requirements, as identified in its August 29, 2002 filing, may be implemented while the Commission completes its review of APGI's request.

l. *Location 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 web at <http://www.ferc.gov> using the "FERRIS" link, select "General Search" and enter "P-2197" in the "Docket Number" box to access the document. For assistance call 202-502-8222 or for TTY, (202) 208-1659. 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—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. 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.

q. Comments, protests and interventions 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.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 02-23209 Filed 9-11-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

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

September 6, 2002.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12317-000.

c. *Date filed:* July 30, 2002.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name and Location of Project:* The Maxwell L&D Hydroelectric Project would be located on the Monongahela River in Fayette County, Pennsylvania. The project would utilize the U.S. Army Corps of Engineers' existing Maxwells Lock and Dam.

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

g. *Applicant Contact:* Mr. Raymond Helter, Universal Electric Power

Corporation, 1145 Highbrook Street, Akron, OH 44301, (330) 535-7115.

h. *FERC Contact:* James Hunter, (202) 502-6086.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

*All documents (original and eight copies) should be filed with:* Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions 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 under the “e-Filing” link. The Commission strongly encourages electronic filings. Please include the project number (P-12317-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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.

j. *Description of Project:* The proposed project, using the existing Maxwell Locks and Dam, would consist of: (1) Four 132-inch-diameter, 50-foot-long steel penstocks leading from the pool to the turbine assembly, (2) a powerhouse containing four generating units with a total installed capacity of 7.5 megawatts, (3) a 500-foot-long, 14.7-kilovolt transmission line connecting to an existing power line, and (4) appurtenant facilities. The project would have an average annual generation of 47 gigawatthours.

k. This filing 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 “FERRIS” link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (202) 502-8222 or for TTY, (202) 208-1659. A copy is also available for inspection and reproduction at the address in item g. above.

l. *Competing Preliminary Permit—*Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the

specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. *Competing Development Application—*Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. *Notice of intent—*A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. *Proposed Scope of Studies under Permit—*A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. *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