

Aquaculture Association were signatories to the Settlement Agreement.

The final EA contains the staff's analysis of the potential environmental effects of the proposed project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the final EA are available for review in Public Reference Room 2-A of the Commission's offices at 888 First Street, NE., Washington, DC. The final EA may also be viewed on the Commission's Internet Web site (<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. Additional information about the project is available from the Commission's Office of External Affairs, at (202) 502-6088, or on the Commission's Web site using the eLibrary link. For assistance with eLibrary, contact FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676; for TTY contact (202) 502-8659.

For further information, contact Kenneth Hogan at (202) 502-8434 or by e-mail at kenneth.hogan@ferc.gov.

Kimberly D. Bose,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10854-080-MI]

Upper Peninsula Power Company; Notice of Availability of Environmental Assessment

July 2, 2008.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed Upper Peninsula Power Company's proposed shoreline management plan for the Cataract Hydroelectric Project, located on the Middle Branch of the Escanaba River in Marquette County, Michigan, and has prepared an Environmental Assessment (EA).

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's Web site at <http://www.ferc.gov> using the

"eLibrary" link. Enter the docket number (P-10854) excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659.

Any comments on the EA should be filed by August 1, 2008, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1-A, Washington, DC 20426. Please reference the project name and project number (P-10854) on all comments. Comments may be filed electronically via 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 under the "eFiling" link. For further information, contact Jon Cofrancesco at (202) 502-8951.

Kimberly D. Bose,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP06-5-009]

Empire Pipeline, Inc. and Empire State Pipeline; Notice of Intent To Prepare an Environmental Assessment for the Amended Empire Connector Project and Request for Comments on Environmental Issues

July 2, 2008.

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 amended portion of the Empire Connector Project involving construction and operation of facilities by Empire Pipeline, Inc. (EPI) and Empire State Pipeline (Empire), a subsidiary of National Fuel Gas Company, in Ontario County, New York.¹ These amended facilities would consist of about 1 mile of 24-inch-diameter pipeline. 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.

If you are a landowner receiving this notice, you may be contacted by a

pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline 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 pipeline 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?" was attached to the project notice EPI provided to landowners. 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

EPI and Empire's Empire Connector Project (project) which expands Empire's pipeline system in New York was approved by the FERC on December 21, 2006, and is a part of the Northeast-07 Project (NE-07 Project)² and is currently under construction. Through its recent easement negotiations about the crossing of the New York State Thruway (Thruway) with the New York State Department of Transportation (NYSDOT), Empire learned that a portion of the approved route between approximate mileposts (MPs) 4.0 and 4.8 along Crowley Road lies within the NYSDOT property and is part of the Thruway easement. The NYSDOT's policy prohibiting lateral occupancy of limited access highways by utilities (other than communication utilities) applies to this location. Empire has developed the proposed alternative pipeline route to avoid construction within the easement. Empire seeks authority to construct and operate:

- About 1 mile of 24-inch-diameter pipeline between MPs 3.8 and 4.8 of the project.

The location of the project facilities is shown in Appendix 1.²

Land Requirements for Construction

Construction of the proposed facilities would require about 11.0 acres of land. Following construction, about 5.3 acres would be maintained within the

¹ EPI and Empire's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

² The notice of availability for the final supplemental environmental impact statement for the NE-07 Project was issued October 13, 2006. It will be incorporated by reference into the EA for this amendment project.

permanent right-of-way. The remaining 6.7 acres of land would be restored and allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

In the EA we³ will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and Soils
- Land Use
- Water Resources, Fisheries, and Wetlands
- Cultural Resources
- Vegetation and Wildlife
- Endangered and Threatened Species
- Hazardous Waste
- Public Safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the

instructions in the public participation section beginning on page 3.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by EPI and Empire. This preliminary list of issues may be changed based on your comments and our analysis.

- About 0.6 acre and 0.3 acre of agricultural land would be impacted by construction and operation of the proposed project, respectively.
- About 1.1 acres of forest would be impacted by construction of the project, respectively.
- About 1.7 acres and 0.9 acre of residential property would be affected by construction and operation of the project, respectively.
- About 0.9 acre and 0.6 acre of wetland would be impacted by construction and operation of the project, respectively.
- One irrigation water supply well would be within 150 feet of the proposed alternative pipeline alignment.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC, on or before August 1, 2008.

For your convenience, there are three methods in which you can use to submit your comments to the Commission. In all instances please reference the project docket number CP06-5-009 with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202-502-8258 or efiling@ferc.gov.

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's Internet Web site at <http://www.ferc.gov> under the link to *Documents and Filings*. A *Quick Comment* is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the *eFiling*

feature, which is located on the Commission's internet Web site at <http://www.ferc.gov> under the link to *Documents and Filings*. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on "*Sign up*" or "*eRegister*." You will be asked to select the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing;" or

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426; label one copy of the comments for the attention of Gas Branch 2, PJ11.2.

We may mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, or "intervenor". To become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenor's have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electronically submitted using the Commission's eFiling system at <http://www.ferc.gov>. Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with email addresses may be served electronically; others must be served a hard copy of the filing.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do

³ "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

not need intervenor status to have your environmental comments considered.

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities. By this notice we are also asking governmental agencies, especially those in Appendix 2, to express their interest in becoming cooperating agencies for the preparation of the EA.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to <http://www.ferc.gov/esubscribenow.htm>.

Finally, public meetings or site visits will be posted on the Commission's calendar located at <http://www.ferc.gov/EventCalendar/EventsList.aspx> along with other related information.

Kimberly D. Bose,

Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.: 2277-023]

Union Electric Company, dba AmerenUE; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

July 2, 2008.

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

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

b. *Project No.:* 2277-023.

c. *Date Filed:* June 24, 2008.

d. *Applicant:* Union Electric Company, dba AmerenUE.

e. *Name of Project:* Taum Sauk Pumped Storage Project.

f. *Location:* The project is located on the East Fork Black River and Taum Sauk Creek, in Reynolds, Iron, St. Francois, and Washington counties, near the Town of Lesterville, Missouri. The project does not occupy any federal lands.

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

h. *Applicant Contact:* Michael O. Lobbig, P.E., Managing Supervisor, Hydro Licensing, AmerenUE, 1901 Chouteau Avenue, St. Louis, MO 63103; mlobbig@ameren.com.

i. *FERC Contact:* Allan Creamer, Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426; 202-502-8365; allan.creamer@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 the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).

k. Pursuant to 18 CFR Section 4.32(b)(7) 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: August 25, 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. This application is not ready for environmental analysis at this time.

n. The 408-megawatt (MW) Taum Sauk Project consists of the following principal features: (1) A roller compacted concrete dam, with (i) a crest elevation of 1,601.0 feet mean sea level (msl), (ii) 3.5-foot-high parapet walls to an elevation of 1,604.5 feet msl, and (iii) a 700-foot-long overflow release structure with a crest elevation of 1,599.0 feet msl; (2) a 54.5-acre upper reservoir, having a total useable volume of 4,360 acre-feet; (3) a 390-foot-long ogee-shaped concrete-gravity dam, with (i) a 26-foot-long gated sluice, (ii) a steel-lined conduit having a capacity of 2,500 cubic feet per second (cfs), (iii) a 16-inch, spiral-welded pipe having a capacity of 50 cfs, and (iv) a crest elevation of 750 msl; (4) a 363-acre lower reservoir, with normal maximum and minimum operating elevations of 749.5 and 736 feet msl and a total usable storage of 3,869 acre-feet; (5) a tunnel and penstock, having a total volume of 82.5 acre-feet, that consists of (i) a 451-foot-long lined and unlined vertical shaft, (ii) a two-section, 6,572-foot-long tunnel, and (iii) a short penstock that bifurcates into the powerhouse, (5) a concrete powerhouse equipped with two reversible pump generating units, each rated at 204 MW; (6) a 5,500-foot-long tailrace channel; (7) a sediment trap (about 400 feet in length, with a crest elevation of about 748.0 msl); and (8) transmission and other

appurtenant facilities. The project has an average annual generation of just over 497 gigawatt-hours (2000-2005).

AmerenUE is rebuilding the project's upper reservoir. However, AmerenUE proposes no changes to the existing pump-storage operation of the project, at