

f. *Location*: At the U.S. Army Corps of Engineers' W. Kerr Scott Dam on the Yadkin River near Wilkesboro, Wilkes County, North Carolina.

g. *Filed Pursuant to*: 18 CFR 5.3 of the Commission's Regulations

h. *Potential Applicant Contact*: Kevin Edwards, Manager, Wilkesboro Hydroelectric Company, LLC, P.O. Box 143, Mayodan, NC 27027; (336) 589-6138; e-mail—[ph@piedmonthhydropower.com](mailto:ph@piedmonthhydropower.com).

i. *FERC Contact*: Allyson Conner (202) 502-6082 or by e-mail at [allyson.conner@ferc.gov](mailto:allyson.conner@ferc.gov).

j. Wilkesboro filed its request to use the Traditional Licensing Process on October 1, 2008. Wilkesboro filed public notice of its request on October 23, 2008. In a letter dated December 16, 2008, the Director of the Office of Energy Projects approved Wilkesboro's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service and National Marine Fisheries Service (NMFS) under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; (b) NMFS under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the North Carolina State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. Wilkesboro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's Regulations.

m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's 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. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.

n. Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filings and issuances related to this or other pending projects.

For assistance, contact FERC Online Support.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E8-30400 Filed 12-22-08; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP09-18-000]

#### **Dominion Transmission, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Dominion Hub III Project and Request for Comments on Environmental Issues**

December 16, 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 Dominion Hub III Project (Dominion Hub III) involving construction and operation of facilities by Dominion Transmission, Inc. (DTI) in Green County, Pennsylvania, and Wetzel County, West Virginia.<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 announces the opening of the scoping process we 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 January 15, 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 DTI representative about survey permission and/or the acquisition of an easement to construct, operate, and maintain the

<sup>1</sup> On October 31, 2008, DTI filed its application 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 November 13, 2008.

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**

DTI propose to create the capability for an additional 224,000 dekatherms (dt) per day of natural gas to enter the DTI pipeline system supplies to meet the growing gas demands of the Northeast and Mid-Atlantic markets. The completion of the project would provide DTI customers access to natural gas from the Rocky Mountain area. DTI is proposing to:

- Install about 9.78 miles of 24-inch diameter natural gas loop<sup>2</sup> pipeline (TL-492 Ext. 4, in Greene County, Pennsylvania). The pipeline begins near Bluff, Pennsylvania, and extends northeast through Wayne, Center, and Franklin Townships to Cargo Avenue, south of Waynesburg, Pennsylvania. TL-492 Ext. 4 is an extension of TL-492 which is currently under construction;
- install a 24-inch diameter valve assembly with blow-offs at each end of TL-492 Ext. 4 in Greene County, Pennsylvania;
- install a 24-inch diameter pig receiver at the northeast end of TL-492 Ext. 4, near Cargo Avenue in Greene County, Pennsylvania; and
- rewheel the turbine at the Mockingbird Hill Compressor Station in Wetzel County, West Virginia.

The general location of the project facilities is shown in Appendix 1.<sup>3</sup>

<sup>2</sup> A pipeline loop is constructed parallel to an existing pipeline to increase capacity.

<sup>3</sup> The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's Web site at the "eLibrary" link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

If approved, DTI proposes to commence construction of the proposed facilities in April 2010.

#### Land Requirements for Construction

Construction of the pipeline would temporarily impact about 101.4 acres and 22 additional temporary work spaces. Permanent land requirements for construction of the proposed pipeline would impact about 57.0 acres. Approximately 0.28 acres of land would be utilized at the kick-off, and approximately 0.28 acres of land would be utilized at the end point for permanent above-ground valve assemblies and pig receiver. All construction activities associated with rewheeling the turbine would be located within the compressor station building. Therefore, no ground disturbance would be associated with rewheeling.

DTI is proposing to utilize two existing access roads and existing right-of-way for the proposed project. A total of 1.1 acres would be temporarily disturbed by the utilization of the access roads during construction activities since the roads might require upgrades including grading and the addition of gravel.

#### 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 we<sup>4</sup> 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.
- Air quality and noise.
- Endangered and threatened species.
- 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 below.

With this NOI, we are asking Federal, State, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Additional agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this NOI.

#### 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 DTI. This preliminary list of issues may be changed based on your comments and our analysis.

- A potentially significant archeological site may be affected.
- Potential impacts may occur to Indiana Bat Habitat.
- Potential impacts on air quality and potential noise emissions may occur.

#### Public Participation

You can make a difference by providing us with your specific comments or concerns about Dominion Hub III. 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 January 15, 2009.

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 CP09-18-000 with your submission. The docket number can be found on the front of this notice. 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](mailto: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.

#### 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.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the

<sup>4</sup> "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

Information Request (Appendix 2). 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 "intervenor," which is an official party to the proceeding. Intervenor play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the "e-filing" link on the Commission's Web site.

#### 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](mailto: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.

[FR Doc. E8-30393 Filed 12-22-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP09-32-000]

#### SWEPI LP, EnCana Oil & Gas (USA) Inc.; Notice of Petition for Declaratory Order

December 16, 2008.

Take notice that on December 10, 2008, SWEPI LP and EnCana Oil & Gas (USA) Inc. (jointly "Petitioners") under Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2007), filed a petition for a declaratory order requesting that the Commission disclaim jurisdiction over the pipeline construction project, referred to as the Magnolia Project located in Louisiana, because such facilities perform a gathering function exempt from the Commission's jurisdiction under section 1(b) of the Natural Gas Act.

Any person desiring to intervene or to protest this filing 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). 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. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is 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.

Comment Date: 5 p.m. Eastern Time December 24, 2008.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E8-30395 Filed 12-22-08; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP03-75-004 and CP05-361-002]

#### Freeport LNG Development, L.P.; Notice of Petition to Amend

December 16, 2008. Take notice that on December 9, 2008, Freeport LNG Development, L.P. (Freeport LNG), 333 Clay Street, Suite 5050, Houston, Texas 77002, filed in Docket Nos. CP03-75-004 and CP05-361-002, a petition to amend the orders issued June 18, 2004 in Docket No. CP03-75-000 and September 26, 2006 in Docket No. CP05-361-001, pursuant to section 3 of the Natural Gas Act for authorization to construct and operate a boil-off gas liquefaction system and a liquefied natural gas truck delivery system at its Quintana Island terminal, located in Brazoria County, Texas.

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 "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, contact (202) 502-8659.

Any initial questions regarding Freeport LNG's proposal in this petition should be directed to William Henry, Freeport LNG Development, L.P., 333 Clay Street, Suite 5050, Houston, Texas 77002, (713) 980-2888 or Lisa M. Tonery, Fulbright & Jaworski L.L.P., 666 Fifth Avenue, New York, New York 10103, (212) 318-3009, [ltonery@fulbright.com](mailto:ltonery@fulbright.com).

The Commission staff will determine if this amendment will have an effect on the schedule for the environmental review of this project. If necessary, a revised Notice of Schedule for Environmental Review will be issued within 90 days of this Notice.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of