

that the construction and operation of the Northeast Gateway LNG terminal may adversely affect, but is not likely to jeopardize, the continued existence of northern right, humpback, and fin whales, and is not likely to adversely affect sperm, sei, or blue whales. Currently, NMFS is consulting with NMFS NER on to determine whether the modified activities with the inclusion of Algonquin Pipeline Lateral O&M activities would have any adverse impact to listed species.

#### NEPA

MARAD and the USCG released a Final EIS/Environmental Impact Report (EIR) for the proposed Northeast Gateway Port and Pipeline Lateral. A notice of availability was published by MARAD on October 26, 2006 (71 FR 62657). The Final EIS/EIR provides detailed information on the proposed project facilities, construction methods and analysis of potential impacts on marine mammal.

NMFS was a cooperating agency (as defined by the Council on Environmental Quality (40 CFR 1501.6)) in the preparation of the Draft and Final EISs. NMFS has reviewed the Final EIS and has adopted it. Therefore, the preparation of another EIS or EA is not warranted.

#### Preliminary Determinations

NMFS has preliminarily determined that the impact of operation of the Northeast Gateway LNG Port facility and the Algonquin Pipeline Lateral O&M activities may result, at worst, in a temporary modification in behavior of small numbers of certain species of marine mammals that may be in close proximity to the Northeast Gateway LNG facility and associated pipeline during its operation, maintenance, and repair. These activities are expected to result in some local short-term displacement and will have no more than a negligible impact on the affected species or stocks of marine mammals.

This preliminary determination is supported by proposed mitigation, monitoring, and reporting measures described in this document on this action.

As a result of the described proposed mitigation and monitoring measures, no take by injury or death would be requested, anticipated or authorized, and the potential for temporary or permanent hearing impairment is very unlikely due to the relatively low noise levels (and consequently small zone of impact).

While the number of marine mammals that may be harassed will depend on the distribution and

abundance of marine mammals in the vicinity of the LNG Port facility and the Pipeline Lateral, the estimated numbers of marine mammals to be harassed is small relative to the affected species or stock sizes. Please see Estimate of Take by Harassment section below for the calculation of these take numbers.

#### Proposed Authorization

NMFS proposes to issue an IHA to Northeast Gateway and Algonquin for conducting LNG Port facility and Pipeline Lateral operations and maintenance in Massachusetts Bay, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

#### Information Solicited

NMFS requests interested persons to submit comments and information concerning this proposed IHA and Northeast Gateway and Algonquin's application for incidental take regulations (see **ADDRESSES**). NMFS requests interested persons to submit comments, information, and suggestions concerning both the request and the structure and content of future regulations to allow this taking. NMFS will consider this information in developing proposed regulations to govern the taking.

Dated: February 26, 2009.

#### James H Lecky,

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. E9-4799 Filed 3-5-09; 8:45 am]

**BILLING CODE 3510-22-S**

### COMMISSION OF FINE ARTS

#### Notice of Meeting

*Established By Congress 17 May 1910:*  
National Building Museum, 401 F Street, NW., Suite 312, Washington, DC 20001-2728, 202-504-2200, 202-504-2195 fax.

*BAC: 6330-01.*

#### Commission of Fine Arts

The next meeting of the U.S. Commission of Fine Arts is scheduled for 19 March 2009, at 10 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington DC, 20001-2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: <http://www.cfa.gov>. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed

to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: February 23, 2009 in Washington, DC.

**Thomas Luebke,**

*Secretary.*

[FR Doc. E9-4578 Filed 3-5-09; 8:45 am]

**BILLING CODE 6330-01-M**

### DEPARTMENT OF DEFENSE

#### Office of the Secretary

#### Meeting of the Defense Department Advisory Committee on Women in the Services (DACOWITS)

**AGENCY:** Department of Defense.

**ACTION:** Notice.

**SUMMARY:** Pursuant to Section 10(a), Public Law 92-463, as amended, notice is hereby given of a forthcoming meeting of the Defense Department Advisory Committee on Women in the Services (DACOWITS). The purpose of the Committee meeting is to receive briefings and hear panels on women's roles in deployment, review 2009 topics, and develop protocols. The meeting is open to the public, subject to the availability of space.

**DATES:** March 23-24, 2009, 8:30 a.m.-5 p.m.

**ADDRESSES:** Double Tree Hotel Crystal City National Airport, 300 Army Navy Drive, Arlington, VA 22202.

#### FOR FURTHER INFORMATION CONTACT:

MSgt Robert Bowling, USAF, DACOWITS, 4000 Defense Pentagon, Room 2C548A, Washington, DC 20301-4000. [Robert.bowling@osd.mil](mailto:Robert.bowling@osd.mil); Telephone (703) 697-2122; Fax (703) 614-6233.

#### SUPPLEMENTARY INFORMATION:

#### Meeting Agenda

*Monday, March 23, 2009 8:30 a.m.-5 p.m.*

- Welcome and announcements
- Women's roles in deployment panels
- Briefings
- Public Forum

*Tuesday, March 24, 2009 8:30 a.m.-5 p.m.*

- Review research questions
- Develop Protocol questions
- Discuss 2009 topics and schedule

Interested persons may submit a written statement for consideration by

the Defense Department Advisory Committee on Women in the Services. Individuals submitting a written statement must submit their statement to the Point of Contact listed above at the address detailed above NLT 5 p.m., Thursday, March 19, 2009. If a written statement is not received by Thursday, March 19, 2009, prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Department Advisory Committee on Women in the Services until its next open meeting. The Designated Federal Officer will review all timely submissions with the Defense Department Advisory Committee on Women in the Services Chairperson and ensure they are provided to the members of the Defense Department Advisory Committee on Women in the Services.

If members of the public are interested in making an oral statement, a written statement must be submitted as above. After reviewing the written comments, the Chairperson and the Designated Federal Officer will determine who of the requesting persons will be able to make an oral presentation of their issue during an open portion of this meeting or at a future meeting. Determination of who will be making an oral presentation will depend on time available and if the topics are relevant to the Committee's activities. Two minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted only on Monday, March 23, 2009 from 4:30 p.m. to 5 p.m. before the full Committee. Number of oral presentations to be made will depend on the number of requests received from members of the public.

February 27, 2009.

**Patricia L. Toppings,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

[FR Doc. E9-4775 Filed 3-5-09; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF ENERGY

[OE Docket No. EA-260-C]

### Application To Export Electric Energy; EPCOR Energy Marketing (US) Inc.

**AGENCY:** Office of Electricity Delivery and Energy Reliability, DOE.

**ACTION:** Notice of application.

**SUMMARY:** EPCOR Energy Marketing (US) Inc. (EPCOR) has applied to renew its authority to transmit electric energy from the United States to Canada

pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests, or requests to intervene must be submitted on or before April 6, 2009.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability, Mail Code: OE-20, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX 202-586-8008).

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell (Program Office) 202-586-9624 or Michael Skinker (Program Attorney) 202-586-2793.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On April 8, 2002, the Department of Energy (DOE) issued Order No. EA-260 authorizing EPCOR Merchant and Capital (US) Inc. to transmit electric energy from the United States to Canada as a power marketer using international transmission facilities located at the United States border with Canada. On October 13, 2004, DOE issued Order No. EA-260-A which renewed that authorization for a five-year period. On November 21, 2006, DOE issued Order No. EA-260-B which amended the previous authorization to reflect a name change to EPCOR Energy Marketing (US) Inc. EPCOR's Order will expire on April 8, 2009. On February 9, 2009, EPCOR filed an application with DOE to renew the export authority contained in Order No. EA-260-A for an additional five-year term.

The electric energy which EPCOR proposes to export to Canada would be surplus energy purchased from electric utilities, Federal power marketing agencies, and other entities within the United States. EPCOR will arrange for the delivery of exports to Canada over the international transmission facilities owned by Basin Electric Power Cooperative, Bonneville Power Administration, Eastern Maine Electric Cooperative, International Transmission Co., Joint Owners of the Highgate Project, Long Sault, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Inc., Minnkota Power Cooperative, Inc., New York Power Authority, Niagara Mohawk Power Corp., Northern States Power Company, Vermont Electric Power Company, and Vermont Electric Transmission Co.

The construction, operation, maintenance, and connection of each of the international transmission facilities to be utilized by EPCOR has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

**Procedural Matters:** Any person desiring to become a party to these proceedings or to be heard by filing comments or protests to this application should file a petition to intervene, comment, or protest at the address provided above in accordance with 385.211 or 385.214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with DOE on or before the date listed above.

Comments on the EPCOR application to export electric energy to Canada should be clearly marked with Docket No. EA-260-C. Additional copies are to be filed directly with Ken Tsukishima, Director, Commodity Portfolio Management, EPCOR Energy Marketing (US) Inc., EPCOR Place, 505-2nd Street SW., 8th Floor, Calgary, Alberta T2P 1N8, Canada and Lisa H. Tucker, Esq., William M. Keyser, Esq., K&L Gates LLP, 1601 K Street, NW., Washington, DC 20006. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at [http://www.oe.energy.gov/permits\\_pending.htm](http://www.oe.energy.gov/permits_pending.htm), or by emailing Odessa Hopkins at [Odessa.Hopkins@hq.doe.gov](mailto:Odessa.Hopkins@hq.doe.gov).

Issued in Washington, DC, on March 2, 2009.

**Anthony J. Como,**

*Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.*

[FR Doc. E9-4773 Filed 3-5-09; 8:45 am]

**BILLING CODE 6450-01-P**