

Any comments should be filed within 45 days<sup>1</sup> from the date of this notice and should be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix Project No. 12429-001 to all comments. Comments 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. For a simpler method of submitting text-only comments, click on "Quick Comment."

For further information, contact Dianne Rodman by telephone at 202-502-6077 or by e-mail at [dianne.rodman@ferc.gov](mailto:dianne.rodman@ferc.gov).

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP09-110-000; CP07-4-002]

#### Mississippi Hub, LLC; Notice of Filing

April 15, 2009.

On April 7, 2009, Mississippi Hub, LLC (MS Hub), pursuant to section 7(c) of the Natural Gas Act (NGA), for authorization to expand the MS HUB Gas Storage Project (Expansion) previously certificated in CP07-4-000, *et al.* on February 15, 2007, as amended, in Covington, Jefferson Davis, and Simpson Counties, Mississippi. MS Hub proposes to increase the total capacity of each of its two authorized caverns by 2.38 Billion cubic feet (Bcf) (1.5 Bcf working gas and 0.88 Bcf cushion gas); increase the maximum injection and withdrawal rate of the storage facility; add four 7,700 horsepower (hp) compressor units in lieu of three 5,000 hp compressor units previously authorized; and, construct 14.2 miles of 24-inch diameter pipeline and 22.6 miles of 30-inch diameter pipeline interconnects. MS Hub requests a finding that after the Expansion, the storage project's operation will not exercise market power so that market-

based rates may continue to be charged for these services.

Questions concerning this application may be directed to William Rapp, Liberty Gas Storage, 101 Ash Street, San Diego, CA 92101, at (619) 699-5050.

On September 15, 2008, the Commission staff granted MS Hub's request to utilize the Pre-filing Process and assigned Docket No. PF08-29-000 to staff activities involving the Expansion. Now, as of the filing of this application on April 7, 2009, the Pre-filing Process for this project has ended. From this time forward, these proceedings will be conducted in the Dockets noted in the caption to this Notice.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission strongly encourages electronic filings of comments, 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 on May 14, 2009.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-9174 Filed 4-21-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EL09-46-000; QF09-321-001]

#### East Bay Municipal Utility District; Notice of Filing

April 15, 2009.

Take notice that on April 3, 2009, East Bay Municipal Utility District (EBMUD) filed a petition for declaratory order, requesting a limited waiver of the filing requirement for its qualifying cogeneration facility, for the period of March 17, 2006 to April 3, 2009, pursuant to section 292.203(b)(2) of the

<sup>1</sup> Although the typical comment period for an EA is 30 days, the comment period in this instance is 45 days to allow the U.S. Fish and Wildlife Service and others to respond to Commission staff's preliminary section 10(j) determination, as discussed in section 5.4.1 of the EA.

Commission's regulations, 18 CFR 292.203(b)(2).

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, 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 comment date. On or before the comment date, it is not necessary to 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 on April 30, 2009.

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

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 7269-026]

#### **James B. Boyd and Janet A. Boyd; Notice of Termination of License by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene**

April 15, 2009.

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Termination of license by implied surrender.

b. *Project No.:* 7269-026.

c. *Date Initiated:* March 13, 2009.

d. *Licensee:* The licensee is James B. Boyd and Janet A. Boyd.

e. *Name and Location of Project:* The Jim Boyd Project is located on the Umatilla River, in Umatilla County, Oregon.

f. *Filed Pursuant to:* 18 CFR 6.4.

g. *Licensee Contact Information:* Janet A. Boyd, (Dennis B. Logan), 7661 Paterson Ferry Road, Irrigon, OR 97844.

h. *FERC Contact:* William Guey-Lee, (202) 502-6064.

i. *Deadline for filing comments, protests, and motions to intervene:* June 1, 2009.

All documents (original and eight copies) should be filed with the 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 "eFiling" link. The Commission strongly encourages electronic filings. Please include the project number (P-7269-026) on any documents or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors 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 intervenor 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 Existing Facilities:* The project consists of a 3.5-foot-high concrete diversion weir; a canal intake structure equipped with trash racks, fish screens, and flowbays; a 5,350-foot-long power canal; a penstock headworks; four 60-inch-diameter, 280-foot-long penstocks; a powerhouse containing four, 300-kW propeller turbine-generating units; and a .25-mile-long, 12.47-kilovolt transmission line, and appurtenant facilities.

k. *Description of Proceeding:* 18 CFR 6.4 of the Commission's regulations provides, among other things, that it is deemed to be the intent of a licensee to surrender a license, if the licensee abandons a project for a period of three years.

The project was issued a minor license in 1984 to Mrs. Boyd and her husband, James B. Boyd. The project has not operated since June 2002 when its power purchase agreement expired.

Sometime prior to that, Mr. Boyd passed away, and Mrs. Boyd sold the project to Mr. Logan without prior Commission approval. After the project was sold, Mr. Logan, who had been a project representative on behalf of the licensees, became the contact person for Commission staff. On December 24, 2002, Commission staff from the Commission's Portland Regional Office (Regional Office) directed Mr. Logan to file an application for approval to transfer the license from Ms. Boyd to him. He failed to do so.

The Regional Office conducted inspections of the project on June 20, 2003; April 27, 2004; June 22, 2006; and August 30, 2006. Compliance issues (in addition to power generation shutdown and unauthorized transfer of project property) were discovered, including the failure to control vegetation growth (in the April 27, 2004 inspection), which was temporarily corrected, and the failure to remove concrete panels from the dam to expedite fish passage during period of power operations shutdown, and the failure to correct an oil leak from the project's hydraulic hoses (in the June 22 and August 30, 2006 inspections).

Following its June 22, 2006 inspection, on July 7, 2006, the Regional Office sent Mr. Logan a follow-up letter, noting once again that the project had been transferred without Commission approval, and had not been operated since June 2002. The Regional Office also noted that the removal of the dam's concrete panels was needed to expedite fish passage; that the inspection and repair of the project's hydraulic hoses, supply lines, and connections were needed for operation of the project's diversion gates; and that Mr. Logan should file proof of the completion of these maintenance requirements.

On August 21, 2006, Mr. Logan responded, providing a schedule to put the project back into operation by the Fall of 2007. On September 21, 2006, the Regional Office acknowledged the removal of the concrete panels and inspection of the hoses and supply line, and required Mr. Logan to file monthly progress reports on the repairs and modifications necessary to bring the project back on line by the end of 2007. According to Mr. Logan, activities required to restart operation include installation of a new transmission line, purchase of new underground cable, certification of the project as green power, and repairs to the housing facility and turbines.

The project has not operated since 2002, when PacifiCorp terminated its power sales contract with the licensee. The efforts of Mrs. Boyd and Mr. Logan