

l. *Locations 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 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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. 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. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

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.

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

[FR Doc. E9-16430 Filed 7-10-09; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 12924-001; Project No. 12922-001; Project No. 12919-001; Project No. 12935-001]**

#### **Newton Bend, FFP Project 33, LLC; Milliken Bend, FFP Project 35, LLC; Cat Island, FFP Project 36, LLC; Arsenault Island, FFP Project 56, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process Procedures**

July 2, 2009.

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process (TLP).

b. *Project Nos.:* P-12924, P-12922, P-12919, and P-12935.

c. *Dated Filed:* January 15, 2009 (P-12924, P-12922, and P-12919) and June 1, 2009 (P-12935).

d. *Submitted By:* Free Flow Power Corporation and the subsidiary limited liability corporations (listed above and collectively referred to below as "Free Flow Power").

e. *Name of Projects:* Free Flow Power Mississippi River TLP Projects (Newton Bend, Milliken Bend, Cat Island, and Arsenault Island).

f. *Locations:* On the Mississippi River, in Warren (P-12924 and P-12922), Claiborne (P-12924) and Issaquena (P-12919) Counties in Mississippi; Tensas (P-12924), Madison (P-12924 and P-12922), and East Carroll (P-12922 and 12919) Counties in Louisiana; St. Clair County (P-12935), Illinois; and St. Louis City County (P-12935), Missouri. No federal lands are occupied by the project works or located within the project boundary.

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

h. *Potential Applicant Contact:* Ms. Ramya Swaminathan, Vice President, Free Flow Power, 33 Commercial Street, Gloucester, MA 01930, (978) 226-1531, [rsaminathan@free-flow-power.com](mailto:rsaminathan@free-flow-power.com).

i. *FERC Contact:* Stephen Bowler at (202) 502-6861 or [stephen.bowler@ferc.gov](mailto:stephen.bowler@ferc.gov) and Sarah Florentino at (202) 502-6863 or [sarah.florentino@ferc.gov](mailto:sarah.florentino@ferc.gov).

j. On January 15, 2009, Free Flow Power filed a Notice of Intent (NOI) to file license applications for original licenses and a Pre-Application Document (PAD) for the 55 hydrokinetic projects proposed for locations in the Mississippi River from St. Louis, Missouri, to New Orleans, Louisiana. They also requested the use of the Traditional Licensing Process (TLP) for 51 of the 55 proposed sites, later changed to 48 of 55 sites. FERC Project Nos. 12924, 12922, and 12919 were part of the January 15, 2009 TLP request, but the newspapers published in the counties in which the projects would be located did not publish the notices. By letter filed on June 1, 2009, Free Flow Power added Project No. 12935 to the list of proposed sites for which the TLP was requested. On May 21, 2009, Free Flow Power filed records of notices published in local newspapers near the four sites between April 1, 2009, and April 8, 2009. No comments were filed in response to the notices.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the State Historic Preservation Officers of Illinois, Louisiana, Mississippi, and Missouri, 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. With this notice, we are designating Free Flow Power Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 106 of the National Historic Preservation Act.

m. Free Flow Power Corporation filed a PAD, including a proposed process plan and schedule, with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. 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.

Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-16438 Filed 7-10-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13451-000]

#### McGinnis, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

July 2, 2009.

On April 29, 2009, McGinnis, Inc. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Greenup Hydrokinetic Project, located on the Ohio River, in Greenup County, Kentucky, and Scioto County, Ohio. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) A 100 to 300-foot-long by 20 to 52-foot-wide barge spudded down to the riverbed; (2) 10 6-8-foot-long by 6-8-foot-diameter turbine-generators mounted in line along the side of the barge; (3) one armored, high-voltage cable transmitting the generated power to the existing transmission line located adjacent to the proposed project area; and (4) appurtenant facilities. The proposed project would generate about 1,533 megawatt-hours.

*Applicant Contact:* Bruce D. McGinnis, Sr., McGinnis, Inc., P.O. Box 534, 502 Second St. Ext., South Point, OH 45680, phone: (740) 377-4391.

*FERC Contact:* Sergiu Serban, 202-502-6211.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically

via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13451) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. E9-16440 Filed 7-10-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13123-002]

#### Eagle Crest Energy Company; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

July 7, 2009.

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

- a. *Type of Application:* Major License.
- b. *Project No.:* P-13123-002.
- c. *Date filed:* June 23, 2009.
- d. *Applicant:* Eagle Crest Energy Company.
- e. *Name of Project:* Eagle Mountain Pumped Storage Project.
- f. *Location:* The Project would be located in two depleted mining pits in the Eagle Mountain Mine in Riverside County, California, near the Town of Desert Center, California, and would occupy Federal lands administered by the U.S. Bureau of Land Management and private lands owned by Kaiser Eagle Mountain, LLC.

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

h. *Applicant Contact:* Stephen Lowe, One El Paseo West Building, Suite 204, 74-199 El Paseo Drive, Palm Desert, CA 92260.

i. *FERC Contact:* Kim A. Nguyen, 888 First Street, NE., Room 61-01, Washington, DC 20426, 202-502-6105, [Kim.nguyen@ferc.gov](mailto:Kim.nguyen@ferc.gov).

j. *Cooperating agencies:* Federal, State, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document 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 § 4.32(b)(7) of 18 CFR 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 21, 2009. The deadline for the applicant's response to any such request is 30 days after the filing of the request.

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/docs-filing/ferconline.asp>) under the "e-filing" link. For a simpler method of submitting text only comments, click on "Quick Comment."

m. The application has not been accepted for filing and is not ready for environmental analysis at this time.

n. *The project would consist of:* (1) An 191-acre upper reservoir impounded by two diversion dams with a total storage capacity of 20,000 acre-feet; (2) an 163-acre lower reservoir with a total storage capacity of 21,900 acre-feet; (3) a 29-foot-diameter by 4,000-foot-long low pressure upper tunnel; (4) a surge tank with a 33-foot-diameter by 1,348-foot-long tunnel shaft; (5) a 29-foot-diameter by 1,560-foot-long high pressure lower tunnel; (6) a 33-foot-diameter by 6,835-