

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. All filings with the Commission must include on the first page, the project name (ORPC Eastport Tidal Energy Project) and number (P-12680-003), and bear the heading "Comments on the proposed ORPC Eastport Tidal Energy Project." Any individual or entity interested in submitting comments on the pre-filing materials must do so by September 8, 2009.

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.

l. With this notice, we are approving ORPC's request to be designated as the non-federal representative for section 7 of the Endangered Species Act (ESA) and its request to initiate consultation under section 106 of the National Historic Preservation Act; and recommending that it begin informal consultation with: (a) The U.S. Fish and Wildlife Service and the National Marine Fisheries Service as required by section 7 of ESA; and (b) the New York State Historic Preservation Officer, as required by section 106, NHPA, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

m. This notice does not constitute the Commission's approval of ORPC's request to use the Pilot Project Licensing Procedures. Upon its review of the project's overall characteristics relative to the pilot project criteria, the draft license application contents, and any comments filed, the Commission will determine whether there is adequate information to conclude the pre-filing process.

n. The proposed ORPC Eastport Tidal Energy Project would consist of: (1) A single 1-megawatt (MW) hydrokinetic device in Cobscook Bay during Phase 1; (2) four additional 1-MW hydrokinetic devices in Western Passage during Phase 2; (3) underwater bundled cables from each device that would interconnect with a control room and station located on shore, one at Western Passage and one at Cobscook Bay; (4) a transmission line connecting the shore stations to the Eastport electrical grid; and (5) appurtenant facilities for operating and maintaining the project. The estimated annual generation of the proposed project during Phase 1 is 2,760 megawatt-hours (MWh) and 15,000 MWh during Phase 2.

o. A copy of the draft license application and all pre-filing materials are 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.

p. Pre-filing process schedule. The pre-filing process will be conducted pursuant to the following tentative schedule. Revisions to the schedule may be made as appropriate.

Milestone	Date
Comments on pre-filing materials due.	September 8, 2009.
Issuance of meeting notice (if needed).	September 23, 2009.
Public meeting/technical conference (if needed).	October 23, 2009.
Issuance of notice concluding pre-filing process and ILP waiver request determination.	October 8, 2009 (if no meeting is needed) November 9, 2009 (if meeting is needed).

q. 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.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. E9-19614 Filed 8-14-09; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 516-459]

#### South Carolina Electric & Gas Company; Notice of Settlement Agreement and Soliciting Comments

August 7, 2009.

Take notice that the following Settlement Agreement (Settlement) has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Settlement Agreement.

b. *Project No.:* P-516-459.

c. *Date filed:* July 31, 2009.

d. *Applicant:* South Carolina Electric & Gas Company (SC Electric & Gas).

e. *Name of Project:* Saluda Hydroelectric Project.

f. *Location:* On the Saluda River in Richland, Lexington, Saluda, and Newberry counties, South Carolina. The project does not occupy any federal lands.

g. *Filed Pursuant to:* Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

h. *Applicant Contact:* Mr. James M. Landreth, Vice President, Fossil/Hydro Operations South Carolina Electric & Gas Company, 111 Research Drive, Columbia, South Carolina 29203; or Mr. William R. Argentieri, Manager-Civil Engineering, South Carolina Electric & Gas Company, 111 Research Drive, Columbia, South Carolina 29203, (803) 217-9162.

i. *FERC Contact:* Lee Emery at (202) 502-8379, or e-mail at [lee.emery@ferc.gov](mailto:lee.emery@ferc.gov).

j. *Deadline for Filing Comments:* The deadline for filing comments on the Settlement Agreement is 53 days from the date of this notice (September 29, 2009). The deadline for filing reply comments is 98 days from the date of this notice (November 13, 2009). 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.

The Commission's Rules of Practice require all participants filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if a participant 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.

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 of 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."

k. SC Electric & Gas filed a comprehensive settlement agreement (Agreement) on behalf of itself, American Rivers, American Whitewater, Capitol City Lake Murray Country, Catawba Indian Nation, City of Columbia Fire and Rescue, City of Columbia Parks and Recreation, Coastal Conservation League, Lake Murray Association, Lake Murray Docks, Lake Murray Homeowners Coalition, Lake Murray Power Squadron, Lake Watch, Lake Murray Chamber of Commerce, Midlands Striper Club, Riverbanks Zoo

and Garden, South Carolina Department of Natural Resources, the South Carolina Wildlife Federation, and the South Carolina Department of Archives and History. The purpose of the Agreement is to resolve, as well as to provide procedures for resolving, among the signatories, issues associated with issuance of a new license for the project, including Lake Murray lake levels and downstream minimum flows in the lower Saluda River. Major issues covered in the settlement include: (1) Public safety measures associated with the release of flows to the Saluda River downstream from the Saluda dam; (2) six measures to protect of aquatic resources, including trout and sturgeon, in the lower Saluda river; (3) minimum and recreation flow releases from the Saluda dam to the lower Saluda River; (4) a low-flow operating protocol, except for the lake level that would trigger implementation of the protocol; (5) upgrading unit runners to improve water quality in the downstream reaches; (6) leasing lands for waterfowl habitat; and (7) recreational improvements at existing sites around Lake Murray and along the lower Saluda River, as well as set-aside lands for future recreation sites.

SC Electric & Gas requests that the Commission: (1) Incorporate the obligations and agreements, as illustrated in Appendix A of the Agreement, without material modification into the terms and conditions of the new license; and (2) issue a new license for a term of 50 years.

1. A copy of the Settlement Agreement 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 "e-Library" 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 item h above.

You may register online at <http://www.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.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. E9-19612 Filed 8-14-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13403-000]

#### Clean River Power MR-4, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

August 6, 2009.

On March 25, 2009, Clean River Power MR-4, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Luke's Chute Lock and Dam Water Power Project, to be located at the State of Ohio's Luke's Chute Lock and Dam on the Muskingum River in Washington County, Ohio.

The proposed Luke's Chute Lock and Dam Project would consist of: (1) The existing 19.7-foot-high, 546-foot-long concrete dam; (2) the existing 490-acre reservoir with a 3,345 acre-foot storage capacity; (3) a new 150-foot-long, 120-foot-wide intake structure; (4) a 200-foot-long, 120-foot-wide power canal; (5) a new powerhouse containing three proposed generating units with a total installed capacity of 3.9 megawatts; (6) a new 150-foot-long tailrace; (7) a new switchyard containing a single three-phase step-up transformer; and (8) a new 1,500-foot-long, 34.5-kilovolt overhead transmission line. The project would have an estimated average annual generation of 15,600 megawatt-hours.

*Applicant Contact:* Mr. Alan Skelly, 8425 Beechmont Avenue, Cincinnati, OH 45255, phone (513) 375-9242.

*FERC Contact:* Michael Spencer, (202) 502-6093.

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 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-13403) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. E9-19611 Filed 8-14-09; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13411-000]

#### Clean River Power MR-6, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

August 6, 2009.

On March 25, 2009, Clean River Power MR-6, LLC filed an application, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Rokeby Lock and Dam Water Power Project, to be located at the State of Ohio's Rokeby lock and dam on the Muskingum River in Morgan County, Ohio.

The proposed Rokeby Lock and Dam Project would consist of: (1) The existing 20-foot-high, 525-foot-long concrete dam; (2) the existing 615-acre reservoir with a 4,576 acre-foot storage capacity; (3) a new 150-foot-long, 140-foot-wide intake structure; (4) a 150-foot-long, 140-foot-wide power canal; (5) a new powerhouse containing six proposed generating units with a total installed capacity of 2.8 megawatts; (6) a new 100-foot-long tailrace; (7) a new switchyard containing a single three-phase step-up transformer; and (8) a new 1,200-foot-long, 34.5-kilovolt overhead transmission line. The project would have an estimated average annual generation of 11,400 megawatt-hours.

*Applicant Contact:* Mr. Alan Skelly, 8425 Beechmont Avenue, Cincinnati, OH 45255, phone (513) 375-9242.

*FERC Contact:* Michael Spencer, (202) 502-6093.

*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