

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 email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on August 20, 2012.

Dated: July 31, 2012.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2012-19276 Filed 8-6-12; 8:45 am]  
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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. EL12-94-000]

**Kentucky Municipal Power Agency; Notice of Filing**

Take notice that on July 30, 2012, Kentucky Municipal Power Agency filed a Proposed Revenue Requirement for reactive supply service under Midwest Independent Transmission System Operator, Inc. Tariff Schedule 2.3.

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.

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Comment Date: 5 p.m. Eastern Time on August 20, 2012.

Dated: July 31, 2012.

**Kimberly D. Bose,**  
Secretary.

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**Notice Rejecting Request for Rehearing**

	Project Nos.
Northland Power Mississippi River LLC .....	14072-001, 14073-002, 14075-002, 14076-002, 14077-002, 14078-002, 14080-002, 14081-002, 14082-002, 14089-002, 14090-002, 14091-002, 14092-002, 14093-002, 14094-002, 14095-002, 14096-002, 14097-002, 14098-002, 14099-002
FFP Project 19 LLC .....	12842-005
FFP Project 23 LLC .....	12843-005

	Project Nos.
FFP Project 24 LLC .....	12844-005
FFP Project 14 LLC .....	12845-005
FFP Project 6 LLC .....	12848-004
FFP Project 7 LLC .....	12851-004
FFP Project 12 LLC .....	12853-005
FFP Project 13 LLC .....	12854-005
FFP Project 3 LLC .....	12856-005
FFP Project 18 LLC .....	12857-004
FFP Project 16 LLC .....	12858-005
FFP Project 28 LLC .....	12861-005
FFP Project 20 LLC .....	12869-005
FFP Project 32 LLC .....	12921-004
FFP Project 33 LLC .....	12924-004
FFP Project 39 LLC .....	12925-004
FFP Project 30 LLC .....	12927-004

On June 1, 2012, the Commission denied Northland Power Mississippi River LLC's (Northland) request for rehearing of Commission staff orders issuing successive preliminary permits to wholly-owned subsidiaries of Free Flow Power Corporation (Free Flow) to study hydrokinetic projects at sites along the Mississippi River.<sup>1</sup> On July 2, 2012, Northland filed a request for rehearing of the Commission's order denying rehearing.

Rehearing of an order on rehearing lies when the order on rehearing modifies the result reached in the original order in a manner that gives rise to a wholly new objection.<sup>2</sup> The Commission's June 1 rehearing order does not modify the result of the orders issuing successive preliminary permits to Free Flow and denying Northland's competing applications. Therefore, Northland's request for rehearing of the June 1 order is rejected.<sup>3</sup>

This notice constitutes final agency action. Requests for rehearing by the Commission of this rejection notice must be filed within 30 days of the date of issuance of this notice pursuant to 18 CFR 385.713 (2012).

<sup>1</sup> *Northland Power Mississippi River LLC*, 139 FERC ¶ 61,177 (2012).

<sup>2</sup> See *Duke Power*, 114 FERC ¶ 61,148 (2006); *Gustavus Electric Co.*, 111 FERC ¶ 61,424 (2005); *Symbiotic, L.L.C.*, 99 FERC ¶ 61,064 (2002); and *PacificCorp*, 99 FERC ¶ 61,015 (2002). See also *Southern Natural Gas Co. v. FERC*, 877 F.2d 1066, 1072-73 (D.C. Cir. 1999) (citing *Tennessee Gas Pipeline v. FERC*, 871 F.2d 1099-100 (D.C. Cir. 1988)).

<sup>3</sup> Northland also seeks to raise new arguments regarding Free Flow's diligence under its prior permits and the Commission's first-in-time tiebreaker rule. Because these arguments could and should have been raised earlier, they are untimely and may not be raised now. Under section 313(a) of the Federal Power Act, 16 U.S.C. 825(a) (2006), a party may apply for rehearing within thirty days after the issuance of the order from which they are seeking rehearing. However, the thirty-day limit is a jurisdictional one which the Commission has no authority to waive, *E.g., Kings River Conservation Dist.*, 32 FERC ¶ 61,021, at 61,079 (1985).

Dated: August 1, 2012.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2012-19271 Filed 8-6-12; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD12-2-000]

#### Notice of Availability of Draft Revisions; Upland Erosion Control, Revegetation, and Maintenance Plan; Wetland and Waterbody Construction and Mitigation Procedures; Request for Comments

The staff of the Office of Energy Projects is revising its Upland Erosion Control, Revegetation, and Maintenance Plan (Plan) and Wetland and Waterbody Construction and Mitigation Procedures (Procedures), last updated January 17, 2003. In accordance with Order 603,<sup>1</sup> the staff is asking for comments on the draft revisions from the natural gas industry, federal, state and local agencies, environmental consultants, inspectors, construction contractors, and other interested parties with special expertise with respect to environmental issues commonly associated with pipeline projects. Please note that this comment period will close on October 9, 2012.

The Plan and Procedures are referred to at 18 Code of Federal Regulations (CFR) 380.12(i)(5) and 380.12(d)(2), respectively, as well as 18 CFR 157.206(b)(3)(iv). The Plan and Procedures identify the staff's baseline mitigation measures for minimizing erosion and enhancing revegetation in uplands and the extent and duration of project-related disturbance on wetlands and waterbodies. Attached to this notice are full texts of the draft revisions, identifying all proposed changes from the current versions of the Plan and Procedures in tracked changes format<sup>2</sup>. The draft revisions can also be viewed on the Federal Energy Regulatory Commission (FERC or Commission) Web site at <http://www.ferc.gov/industries/gas/enviro/guidelines.asp>.

The staff announced its intention to revise the Plan and Procedures by public notice issued October 31, 2011,

<sup>1</sup> Revision of Existing Regulations Under Part 157 and Related Sections of the Commission's Regulations Under the Natural Gas Act, Commission Order No. 603, Docket No. RM98-9-000, issued April 29, 1999. Noticed in the **Federal Register** on May 14, 1999. 64 FR 26572.

<sup>2</sup> The attachments referenced in this notice will not appear in the **Federal Register**.

in the above referenced docket. The proposed revisions address comments filed in response to the public notice, frequent inquiries for clarification or guidance, and common variance requests. Other modifications provide necessary updates to reflect current laws and industry best management practices.

We will consider all timely comments on the draft revisions before issuing the final versions. For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the docket number (AD12-2-000) with your submission. The Commission encourages electronic filing of comments and has expert eFiling staff available to assist you at (202) 502-8258 or [efiling@ferc.gov](mailto:efiling@ferc.gov). Please include your name and email address so we can include you in future notices regarding our planned revisions.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's Web site at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. An eComment is an easy method for interested persons to submit brief, text-only comments;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's Web site at [www.ferc.gov](http://www.ferc.gov) under the link to Documents and Filings. With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "eRegister." You will be asked to select the type of filing you are making. A comment in response to this notice is considered a "Comment on a Filing"; or

(3) You may file a paper copy of your comments at the following address:

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

All of the information related to the proposed revisions to the Plan and Procedures and submitted comments can be found on the FERC Web site ([www.ferc.gov](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 (i.e., AD12-2). 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 (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 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 [www.ferc.gov/esubscribenow.htm](http://www.ferc.gov/esubscribenow.htm).

#### Information Collection Statement

The Office of Management and Budget (OMB) regulations require OMB approval of certain reporting, record keeping, and public disclosure requirements (collections of information) imposed by an agency<sup>3</sup>. To ensure compliance with OMB's regulations implementing the Paperwork Reduction Act of 1995<sup>4</sup>, the Office of Energy Project's staff is providing notice of potential modifications to information collections from jurisdictional natural gas companies, and is requesting comments on information collection and reporting burden. Burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information to the Commission and any applicable third parties.

Comments in consideration of the collection of information should be submitted following the guidelines described on page 2 of this notice, and should reference OMB Control No. 1902-0060 in addition to Docket No. AD12-2-000. Comments regarding information collection requirements should focus on whether the information will have practical utility; the accuracy of burden estimates (provided below); ways to enhance the quality, utility, and clarity of the information collected; and any suggested methods for minimizing the respondent's burden, including the use of automated information techniques. Following the comment period, the Commission staff will submit the final revised Plan and Procedure documents to OMB for review of the information collection requirements.

The information collection requirements described in the current versions of the Plan and Procedures are approved by OMB via FERC-537, "Gas Pipeline Certificates: Construction, Acquisition, and Abandonment" (OMB Control No. 1902-0060), which is used by the Commission to implement the

<sup>3</sup> 5 CFR Part 1320.

<sup>4</sup> 44 U.S.C. 3507(d).