

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Project No. 2165–049]

Alabama Power Company; Notice
Rejecting Request for Rehearing

On March 31, 2010, the Commission issued a new license to Alabama Power Company (Alabama Power) for the continued operation and maintenance of the Warrior River Hydroelectric Project No. 2165, located on the Black Warrior River and on the Sipsey Fork of the Black Warrior River, in Cullman, Walker, Winston, and Tuscaloosa Counties, Alabama.¹ The Smith Lake Improvement and Stakeholders Association (Lake Association) filed a timely request for rehearing of the order, and on November 15, 2012, the Commission issued an order denying rehearing and providing clarification of the March 31 Order.² On December 17, 2012, the Lake Association filed a timely request for rehearing of the November 15 Order.

Rehearing of an order on rehearing lies when the later order modifies the result reached in the original order in a manner that gives rise to a wholly new objection.³ The November 15 Order does not modify the result of the March 31 Order. Further, the arguments Lake Association makes in its rehearing request were considered and denied in the November 15 Order. Therefore, the request for rehearing by the Lake Association is rejected.

This notice constitutes final agency action. Requests for rehearing by the Commission of this rejection must be filed within 30 days of the date of issuance of this notice pursuant to section 313(a) of the Federal Power Act, 16 U.S.C. 8251 (2006), and section 385.713 of the Commission's regulations, 18 CFR 385.713 (2012).

Dated: January 16, 2013.

Kimberly D. Bose,
Secretary.

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¹ *Alabama Power Co.*, 130 FERC ¶ 62,271 (2010) (March 31 Order).

² *Alabama Power Co.*, 141 FERC ¶ 61,127 (2012) (November 15 Order).

³ See, e.g., *Union Electric Company d/b/a AmerenUE*, 114 FERC ¶ 61,230, at 61,745–46 (2006); *Duke Power*, 114 FERC ¶ 61,148, at P 1 (2006); *Gustavus Electric Co.*, 111 FERC ¶ 61,424, at P 3 (2005); *Symbiotic, L.L.C.*, 99 FERC ¶ 61,064, at 61,300 (2002); and *PacifiCorp*, 99 FERC ¶ 61,015, at 61,052 (2002). See also *Southern Natural Gas Co. v. FERC*, 877 F.2d 1066, 1073 (DC Cir. 1999) (citing *Tennessee Gas Pipeline v. FERC*, 871 F.2d 1109–10 (D.C. Cir. 1988)).

DEPARTMENT OF ENERGY

National Nuclear Security
AdministrationDefense Programs Advisory
Committee

AGENCY: National Nuclear Security Administration, Office of Defense Programs, Department of Energy.

ACTION: Notice of Intent to Establish the Defense Programs Advisory Committee (DPAC).

SUMMARY: Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. 92–463), and in accordance with Title 41, Code of Federal Regulations, § 102–3.65, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Defense Programs Advisory Committee (DPAC) will be established. The DPAC will provide advice and recommendations to the Deputy Administrator for Defense Programs on the stewardship and maintenance of the Nation's nuclear deterrent.

Additionally, the establishment of the Committee has been determined to be essential to the conduct of the Department's business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy by law and agreement. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act and the rules and regulations in implementation of that Act.

SUPPLEMENTARY INFORMATION: The activities of the DPAC will include, but are not limited to:

- Periodic reviews of the diverse, scientific and technical activities of the Office of Defense Programs including:
- Ongoing analysis of the DP mission and its foundation in national strategic policy (including the Nuclear Posture Review, provisions of the New START Treaty and other relevant treaties).
- Potential application of DP capabilities to broader national security issues.
- Analysis of DP management issues, including facility operations and fiscal matters.
- Where appropriate, analysis of issues of broader concern to NNSA.

DPAC is expected to be continuing in nature. The Deputy Administrator for Defense Programs will appoint no more than 15 members. Members will be selected to achieve a balanced committee of scientific and technical experts in fields relevant to the Office of

Defense Programs. All members must possess a “Q” clearance.

The DPAC is expected to meet approximately two to four times per year. It is anticipated that certain DPAC meetings will be closed to the public due to the classified nature of the Committee's discussions. Meetings will be closed in accordance with FACA and its implementing regulations. Subcommittees may be utilized.

FOR FURTHER INFORMATION CONTACT: COL. Mark Visosky at (202) 287–5270.

Issued in Washington, DC on January 15, 2013.

Carol A. Matthews,
Committee Management Officer.

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ENVIRONMENTAL PROTECTION
AGENCY

[EPA–HQ–OPP–2010–0848; FRL–9374–6]

Notice of Intent To Suspend Certain
Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), publishes two notices of intent to suspend issued by EPA. Each Notice of Intent to Suspend was issued following the Agency's issuance of a Data Call-In notice (DCI), which required the registrants of the affected pesticide products containing a certain pesticide active ingredient to take appropriate steps to secure certain data, and following the registrants' failure to submit these data or to take other appropriate steps to secure the required data. The subject data were determined to be required to maintain in effect the existing registrations of the affected products. Failure to comply with the data requirements of a DCI is a basis for suspension of the affected registrations under FIFRA.

DATES: Each Notice of Intent to Suspend included in this **Federal Register** notice will become a final and effective suspension order automatically by operation of law 30 days after the date of the registrant's receipt of the mailed Notice of Intent to Suspend or 30 days after the date of publication of this notice in the **Federal Register** (if the mailed Notice of Intent to Suspend is returned to the Administrator as undeliverable, if delivery is refused, or if the Administrator otherwise is unable to accomplish delivery to the registrant after making reasonable efforts to do so),