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Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the NGA.

Dated: February 21, 2013.

Kimberly D. Bose,
Secretary.

[FR Doc. 2013-04654 Filed 2-27-13; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7783-000]

Piedmont Triad Regional Water Authority; Notice of Termination of Exemption by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene

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

- a. *Type of Proceeding:* Termination of exemption by implied surrender.
- b. *Project No.:* 7783-000.
- c. *Date Initiated:* February 21, 2013.
- d. *Exemptee:* Piedmont Triad Regional Water Authority.

e. *Name and Location of Project:* The Cedar Falls Hydroelectric Project is located on the Deep River in Randolph County, North Carolina.

f. *Filed Pursuant to:* 18 CFR 4.106.

g. *Exemptee Contact Information:* Greg Flory, P.O. Box 1326, Randleman, North Carolina, 27317.

h. *FERC Contact:* Krista Sakallaris (202)502-6302 or Krista.Sakallaris@ferc.gov.

i. Deadline for filing comments, protests, and motions to intervene is 30 days from the issuance of this notice by the Commission. Please file your submittal electronically via the Internet (eFiling) in lieu of paper. Please refer to the instructions on the Commission's Web site under <http://www.ferc.gov/docs-filing/efiling.asp> and filing instructions in the Commission's Regulations at 18 CFR section 385.2001(a)(1)(iii).¹ To assist you with eFilings you should refer to the submission guidelines document at <http://www.ferc.gov/help/submission-guide/user-guide.pdf>. In addition, certain filing requirements have statutory or regulatory formatting and other instructions. You should refer to a list of these "qualified documents" at <http://www.ferc.gov/docs-filing/efiling/filing.pdf>. You must include your name and contact information at the end of your comments. Please include the project number (P-7783-000) on any documents or motions filed. The Commission strongly encourages electronic filings; otherwise, you should submit an original and seven copies of its submittal to the following address: The Secretary, Federal Energy Regulatory Commission, Mail Code: DHAC, PJ-12, 888 First Street NE., Washington, DC 20426.

j. *Description of Existing Facilities:* The inoperative project consists of the following existing facilities: (1) An existing reservoir behind an upstream dam of two existing dams in the project, with a surface area of 2.5 acres and a storage capacity of 9.0 acre-feet; (2) a 125-foot-long, 6-foot-high concrete slab and buttress, upstream dam; (3) a 80-foot-long, 9-foot-high dam 300 feet downstream from the upstream dam and located on the left side of an island that splits Deep River into two streams; (4) the use of 70-feet of an existing 15-foot-wide, 200-foot-long intake canal; (5) a penstock off the right side of the intake canal; (6) a powerhouse with two turbine/generator units operating at a hydraulic head of 16-feet for a total installed capacity of 275 kW; (7) a 50-

foot-long transmission line; (8) and appurtenant facilities.

k. *Description of Proceeding:* The exemptee is in violation of Standard Article 1 of its exemption, which was granted on September 6, 1984 (28 FERC ¶ 62,338). The Commission's regulation, 18 CFR 4.106, provides, among other things, that the Commission reserves the right to revoke an exemption if any term or condition of the exemption is violated. During a May 2006 dam safety inspection, Commission staff found that the project stopped operating sometime after 2003.

Commission staff inspected the project again in March 2009 and in August 2012. The exemptee did not provide a project representative during either of these inspections. The Commission attempted to contact the exemptee, requiring a plan and schedule to resume operation; the exemptee did not respond.

In November 2012, and again in January 2013, the Commission sent letters requiring the exemptee to file a plan and schedule to restore project operation or an application to surrender the project. The letter stated that the Commission would begin an implied surrender process if the plan was not filed. To date, the exemptee has not filed a response and the project remains inoperable.

l. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the Docket number (P-7783-000) excluding the last three digits in the docket number field to access the notice. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1-866-208-3676 or email FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659.

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, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the

¹ <http://www.ferc.gov/legal/fed-sta.asp> Select the link for Code of Federal Regulations and navigate to § 385.2001.

Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular proceeding.

o. *Filing and Service of Responsive Documents*—Any filing must (1) bear in all capital letters the title “COMMENTS”, “PROTEST”, or “MOTION TO INTERVENE,” as applicable; (2) set forth in the heading the project number of the proceeding to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, protests or motions to intervene must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, protests, or motions to intervene should relate to project works which are the subject of the termination of exemption. A copy of any protest or motion to intervene must be served upon each representative of the Exemptee specified in item g above. 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. A copy of all other filings in reference to this notice must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: February 21, 2013.

Kimberly D. Bose,
Secretary.

[FR Doc. 2013-04656 Filed 2-27-13; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8233-001]

L.E. Bell Construction Company, Inc.; Notice of Termination of Exemption by Implied Surrender and Soliciting Comments, Protests, and Motions To Intervene

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

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

b. *Project No.*: 8233-001.

c. *Date Initiated*: February 21, 2013.

d. *Exemptee*: L.E. Bell Construction Company, Inc.

e. *Name and Location of Project*: The Tallapoosa River Hydroelectric Project is located on the Tallapoosa River in Cleburne County, Alabama.

f. *Filed Pursuant to*: 18 CFR 4.106.

g. *Exemptee Contact Information*: Mr. Larry E. Bell and Ms. Lynne B. Pyle, L.E. Bell Construction Company, Inc., 1226 County Road 11, Heflin, AL, 36264.

h. *FERC Contact*: Krista Sakallaris (202)502-6302 or Krista.Sakallaris@ferc.gov.

i. Deadline for filing comments, protests, and motions to intervene is 30 days from the issuance of this notice by the Commission. Please file your submittal electronically via the Internet (eFiling) in lieu of paper. Please refer to the instructions on the Commission's Web site under <http://www.ferc.gov/docs-filing/efiling.asp> and filing instructions in the Commission's Regulations at 18 CFR section 385.2001(a)(1)(iii).¹ To assist you with eFilings you should refer to the submission guidelines document at <http://www.ferc.gov/help/submission-guide/user-guide.pdf>. In addition, certain filing requirements have statutory or regulatory formatting and other instructions. You should refer to a list of these “qualified documents” at <http://www.ferc.gov/docs-filing/efiling/filing.pdf>. You must include your name and contact information at the end of your comments. Please include the project number (P-8233-001) on any documents or motions filed. The Commission strongly encourages electronic filings; otherwise, you should submit an original and seven copies of its submittal to the following address: The Secretary, Federal Energy Regulatory Commission, Mail Code:

DHAC, PJ-12, 888 First Street NE., Washington, DC 20426.

j. *Description of Existing Facilities*: The inoperative project consists of the following existing facilities: (1) A 16-foot-high, 100-foot-long concrete dam; (2) a reservoir with negligible storage capacity at elevation 819 feet m.s.l.; (3) a powerhouse at the base of the dam containing three generating units with a total rated capacity of 400 kW; and (4) a 300-foot-long transmission line tying into the existing Alabama Power Company's system.

k. *Description of Proceeding*: The exemptee is in violation of Standard Article 1 of its exemption, which was granted on May 13, 1985 (31 FERC ¶ 62,201). The Commission's regulation, 18 CFR 4.106, provides, among other things, that the Commission reserves the right to revoke an exemption if any term or condition of the exemption is violated. The project has not operated since 1996 and the reservoir has been drained.

In November 2010 and in May of 2013 the Commission sent the exemptee letters providing details for filing a surrender application and requiring the exemptee to file information regarding their intentions to restore operation to the project. In January 2013, the Commission sent a letter requiring the exemptee to show cause why the Commission should not initial proceedings to terminate the exemption for failure to resume generation at the project. The exemptee has not responded to any of the Commission's correspondence, nor have they filed a surrender application.

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