

licensing process is the default process for preparing an application for a subsequent license, a potential applicant may request to use alternative licensing procedures when it files its NOI.<sup>7</sup> An application for a subsequent license or exemption for the Sugar River II Project No. 10934 must be filed within 18 months of the date of filing the NOI.

Questions concerning the process for filing an NOI should be directed to Michael Watts at 202-502-6123 or [michael.watts@ferc.gov](mailto:michael.watts@ferc.gov).

Dated: May 8, 2019.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EL19-72-000, QF90-73-010]

#### EF Kenilworth LLC; Notice of Petition for Declaratory Order

Take notice that on May 6, 2019, pursuant to section 292.205(c) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 292.205(c)(2018) implementing the Public Utility Regulatory Policies Act of 1978 (PURPA), as amended, EF Kenilworth LLC (Petitioner) filed a petition for declaratory order requesting a waiver of the efficiency and operating standards for its qualifying cogeneration facility located at the Merck Sharp & Dohme Corp. manufacturing and processing facility in Kenilworth, New Jersey for calendar years 2018, 2019 and 2020 due to a decrease in steam consumption by the Kenilworth Facility's thermal host, as more fully explained in the petition.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. 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. Anyone filing a motion

to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website 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 June 5, 2019.

Dated: May 8, 2019.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### PB Energy, Inc.; Soliciting Notices of Intent To File a License Application and Pre-Application Documents

The current license for PB Energy, Inc.'s (PB Energy) Dry Spruce Bay Project No. 1432 was issued on June 11, 1990, for a term of 30 years, ending June 1, 2020.<sup>1</sup> The 75-kilowatt (kW) project is located on an unnamed creek near Port Bailey in the Kodiak Island Borough of Alaska. The project occupies 44 acres of land administered by the Bureau of Land Management.

<sup>1</sup> *Wards Cove Packing Co.*, 51 FERC ¶ 62,228 (1990). The license was transferred to PB Energy in 2010. *Port Bailey Wild Enterprises, LLC PB Energy, Inc.*, 133 FERC ¶ 62,214 (2010).

The principal project works consist of: (1) A 920-foot-long, 50-foot-wide ditch diverting water from an unnamed stream to an upper pond; (2) a 12.59-acre upper pond created by a 200-foot-long, 50-foot-wide, 5-foot-high earthen dam with a spillway and a 200-foot-long overflow ditch; (3) a short metal flume and a 275-foot-long, 12-inch-diameter wood stave pipe conveying water from the upper pond to the lower pond; (4) a 1000-foot-long, 50-foot-wide ditch diverting water from an unnamed stream to the lower pond; (5) a 2.2-acre lower pond created by a 200-foot-long, 50-foot-wide, 5-foot-high earthen dam; (6) a 6,772-foot-long PVC and steel penstock conveying water from the lower pond to the powerhouse; (7) a steel powerhouse with a 75-kilowatt Pelton turbine; (8) a short transmission line; and (9) appurtenant facilities.

At least 24 months before the expiration of a license for a minor water power project in which sections 14 and 15 of the Federal Power Act were waived, the Commission's regulations require the licensee to file with the Commission an application for a subsequent license.<sup>2</sup> Accordingly, the licensee was required to file a subsequent license application by June 1, 2018. On May 30, 2018, PB Energy filed an application for a subsequent license for the Dry Spruce Bay Project. However, on May 1, 2019, Commission staff rejected PB Energy's license application for failing to cure deficiencies and respond to additional information requests.

If the Commission rejects or dismisses a subsequent license application, the licensee may not refile the application after the deadline to file (*i.e.*, June 1, 2018).<sup>3</sup> Because the only timely-filed license application has been dismissed, the Commission is soliciting applications from other potential applicants for the project.

Any party interested in filing a license application for the Dry Spruce Bay Project No. 1432 must first file a notice of intent (NOI)<sup>4</sup> and pre-application document (PAD)<sup>5</sup> pursuant to Part 5 of the Commission's regulations. Although the integrated licensing process (ILP) is the default pre-filing process, section 5.3(b) of the Commission's regulations allows a potential license applicant to request to use the traditional licensing process or alternative procedures when it files its NOI.<sup>6</sup>

<sup>2</sup> 18 CFR 16.20(c) (2018).

<sup>3</sup> 18 CFR 16.9(b)(4) (2018).

<sup>4</sup> 18 CFR 5.5 (2018).

<sup>5</sup> 18 CFR 5.6 (2018).

<sup>6</sup> 18 CFR 5.3(b) (2018).

<sup>7</sup> 18 CFR 5.3(b) (2018).