

restoration inspection of the NEXUS Gas Transmission Project (NEXUS Project) right-of-way in Columbiana, Stark, Summit, Wayne, Medina, Lorain, and Erie Counties, Ohio. The purpose of the inspection is to assess the existing condition of right-of-way restoration along the eastern end of the NEXUS Project and NEXUS Gas Transmission, LLC's (NEXUS) compliance with the restoration conditions of the Commission's August 25, 2017 Order Issuing Certificate. NEXUS representatives will accompany the Office of Energy Projects staff during the inspection and will view the right-of-way from public access points and where landowners have granted NEXUS access outside of the permanent right-of-way easement. Landowners requesting Commission staff inspection of their properties within the above-mentioned counties must contact either the Office of External Affairs at (866) 208-FERC or email [DG2E@ferc.gov](mailto:DG2E@ferc.gov) no later than August 18, 2022 and provide their own transportation during the inspection.

Dated: August 10, 2022.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 3253-015]

#### Mad River Power Associates; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the relicensing application for the Campton Hydroelectric Project No. 3253 (project), located on the Mad River in Grafton County, New Hampshire, and has prepared an Environmental Assessment (EA) for the project. The project occupies approximately 0.08 acre of federal land administered by the U.S. Forest Service.

The EA contains staff's analysis of the potential environmental effects of the project and concludes that licensing the project, with appropriate environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<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), toll-free at (866) 208-3676, or for TTY, (202) 502-8659.

You may register online at <https://ferconline.ferc.gov/eSubscription.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filings, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-3253-015.

For further information, contact Robert Haltner at (202) 502-8612, or by email at [Robert.Haltner@ferc.gov](mailto:Robert.Haltner@ferc.gov).

Dated: August 10, 2022.

**Kimberly D. Bose,**  
Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. UL22-1-000]

#### Consolidated Hydro New York, LLC; Notice of Pending Jurisdictional Inquiry and Soliciting Comments, Protests, and Motions To Intervene

On May 4, 2022, the Federal Energy Regulatory Commission (Commission) received a request from U.S. Department of the Interior's Fish and Wildlife Service (FWS) for a jurisdictional determination for the unlicensed Winnie's Reef Dam. Commission staff's review of Consolidated Hydro New York, LLC's final license application for the Victory Mills Hydroelectric Project (FERC Project No. 7153) found information stating that Winnie's Reef Dam is operated to maintain the water levels of Saratoga Lake. In addition, comments on the license application for the Victory Mills Project and in FWS's jurisdictional request state that Winnie's Reef Dam controls flows downstream in Fish Creek and may provide headwater benefits for both the Victory Mills Project (approximately 5 miles downstream of Winnie's Reef Dam) and the Schuylerville Project No. 8606 (approximately 0.6 miles downstream from Victory Mills Project). As a result, the Commission is beginning a review of the Winnie's Reef Dam to determine whether it is subject to the Commission's mandatory licensing jurisdiction under section 23 of the Federal Power Act (FPA).

Pursuant to section 23(b)(1) of the FPA, 16 U.S.C. 817(1), a non-federal hydroelectric project must be licensed (unless it has a still-valid pre-1920 federal permit) if it: (1) is located on a navigable water of the United States, (2) occupies lands or reservations of the United States, (3) uses the surplus water or water power from a government dam; or (4) is located on a stream over which Congress has Commerce Clause jurisdiction, is constructed or modified on or after August 26, 1935, and affects the interests of interstate or foreign commerce.

Section 4(e) of the FPA authorizes the Commission to issue licenses for hydroelectric project works, including reservoirs. Section 23(b)(1) of the FPA requires (with exceptions not relevant here) a Commission license for the operation of non-federal hydroelectric project works, including reservoirs, that are used to generate electric power on any navigable waters of the United States. Storage reservoirs that are not directly connected to other project

works must be licensed if they are necessary or appropriate in the maintenance and operation of a complete unit of hydropower improvement or development. The Commission makes this finding by examining the facts in each case, considering the reservoir's effect on downstream generation and its storage capacity, location, and purpose, to determine if there are significant generation benefits to a downstream project or projects. The Commission has found, and the D.C. Circuit has affirmed, that a contribution to downstream electric generation of at least two percent amounts to a significant generation benefit.<sup>1</sup>

The Commission is soliciting comments, motions to intervene, and protests in these proceedings. Comments, motions to intervene, and protests must be filed by thirty (30) days from notice or September 9, 2022. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules and Practice and Procedure, 18 CFR 385.210, 211, and 214. In determining the appropriate action to take, the Commission will consider all protests or comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first

page of any filing should include docket number UL22-1-000.

For further information, please contact Jennifer Polardino at (202) 502-6437 or [Jennifer.Polardino@ferc.gov](mailto:Jennifer.Polardino@ferc.gov).

Dated: August 10, 2022.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2022-17591 Filed 8-15-22; 8:45 am]

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## DEPARTMENT OF ENERGY

### Southeastern Power Administration

#### Revision to Power Marketing Policy Georgia—Alabama—South Carolina System of Projects

**AGENCY:** Southeastern Power Administration, DOE.

**ACTION:** Notice of proposed revision to power marketing policy.

**SUMMARY:** Pursuant to its Procedure for Public Participation in the Formulation of Marketing Policy, published in the **Federal Register** on July 6, 1978, Southeastern Power Administration (Southeastern) published on January 14, 2022, a notice of intent to revise its power marketing policy to include provisions regarding renewable energy certificates (RECs) from its Georgia-Alabama-South Carolina System of Projects. The current power marketing policy was published on December 28, 1994, for the Georgia-Alabama-South Carolina System (System) and is reflected in contracts for the sale of system power, which are maintained in Southeastern's headquarters office. The following is the proposed revision to the Georgia-Alabama-South Carolina System Power Marketing Policy to include a procedure for distribution of RECs to Preference Customers. Southeastern solicits written comments in formulating the final marketing policy revision.

**DATES:** A public information and comment forum will be held on October 19, 2022 at 11:00 a.m. by webinar. Persons desiring to attend the forum should notify Southeastern by October 10, 2022, so that a list of forum participants can be prepared. Persons desiring to speak at the forum should specify this in their notification to Southeastern; others may speak if time permits. Written comments are due November 3, 2022, fifteen (15) days after the scheduled comment forum.

**ADDRESSES:** Five copies of written comments should be submitted to: Virgil G. Hobbs III, Administrator, Southeastern Power Administration, Department of Energy, 1166 Athens

Tech Road, Elberton, Georgia 30635-6711, and emailed to [comments@sepa.doe.gov](mailto:comments@sepa.doe.gov). The public information and comment forum for the revision of the Georgia-Alabama-South Carolina System Power marketing policy to include provisions for RECs will be by Microsoft Teams. Please register your intent to attend, including name, address, phone number, and email address, with Southeastern's Legal Assistant, Karen Fitzpatrick at [karen.fitzpatrick@sepa.doe.gov](mailto:karen.fitzpatrick@sepa.doe.gov), to receive updates on the meeting status of the comment forum. Registered attendees will be contacted on October 17, 2022 regarding meeting links and call-in information for the webinar.

#### FOR FURTHER INFORMATION CONTACT:

Leon Jourolmon IV, General Counsel, Southeastern Power Administration, 1166 Athens Tech Road, Elberton, GA 30635. Telephone: (706) 213-3800. Email: [leon.jourolmon@sepa.doe.gov](mailto:leon.jourolmon@sepa.doe.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to its Procedure for "Public Participation in Formulation of Marketing Policy", published a "Notice of Issuance of Final Power Marketing Policy, Georgia-Alabama-South Carolina System of Projects" in the **Federal Register** on December 28, 1994, 59 FR 66957. The policy establishes the marketing area for system power and addresses the utilization of area utility systems for essential purposes. The policy also addresses wholesale rates, resale rates, and conservation measures, but does not address RECs. Under Section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), Southeastern is responsible for the transmission disposition of electric power and energy from reservoir projects operated by the Department of the Army. Furthermore, Southeastern must transmit and dispose of such power and energy in such manner as to encourage the most widespread use at the lowest possible rates consistent with sound business principles. Rate schedules are drawn to recover all costs associated with producing and transmitting the power in accordance with repayment criteria.

Southeastern began the development of a REC distribution process at the request of customers in the Kerr-Philpott System. To expand the REC distribution to additional customers, Southeastern has begun to develop a process for REC distribution in the Georgia-Alabama-South Carolina System (System). The purpose of the distributions is to provide customers with a product that the customers have asked to receive, which will add value to the green, renewable hydropower already delivered. The revisions will not

<sup>1</sup> See *Domtar Maine Corp., Inc. v. FERC*, 347 F.3d 304, 311-12 (D.C. Cir. 2003); *Chippewa and Flambeau Improvement Co. v. FERC*, 325 F.3d 353 (D.C. Cir. 2003).