

referred to as an “economically significant” rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

We are issuing this final priority, requirements, definitions, and selection

criteria only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department’s programs and activities.

**Intergovernmental Review:** This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 12, 2012.

**James H. Shelton, III**,  
Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2012–14731 Filed 6–14–12; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 1175–015; 1290–012]

#### **Appalachian Power Company; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major Licenses.

b. *Project Nos.:* 1175–015 and 1290–012.

c. *Date filed:* January 31, 2012.

d. *Applicant:* Appalachian Power Company.

e. *Name of Project:* London-Marmet and Winfield Hydroelectric Projects.

f. *Location:* The existing projects are located on the Kanawha River. The London/Marmet Project is located in Fayette and Kanawha Counties, West Virginia, and the Winfield Project is located in Kanawha and Putnam Counties, West Virginia. The London/Marmet and Winfield Projects would occupy 11.71 and 8.25 acres, respectively, of federal land managed by the U.S. Army Corp of Engineers.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Harold G. Slone, Manager, Appalachian Power Company, 40 Franklin Road, Roanoke, VA 24011; Telephone (540) 985–2861.

i. *FERC Contact:* Brandi Sangunett, (202) 502–8393 or [brandi.sangunett@ferc.gov](mailto:brandi.sangunett@ferc.gov).

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

Motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions may

be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site <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) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, 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.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *The existing project works consists of the following:*

The London-Marmet Project consists of two developments. The existing London Development utilizes the head created by the Army Corps of Engineers' (Corps) 26-foot-high London Dam located at river mile (RM) 82.8 on the Kanawha River and consists of: (1) A forebay area protected by a log boom; (2) screened intake structures; (3) a concrete powerhouse containing three turbine-generator units with a total installed capacity of 14.4 megawatts (MW); (4) a tailrace 420 feet long; (5) two 0.38-mile-long, 46-kilovolt (kV) transmission lines; and (6) other appurtenances. The development generates about 84,048 megawatt-hours (MWh) annually.

The existing Marmet Development utilizes the head created by the Corps' 34-foot-high Marmet Dam located at RM 67.7 on the Kanawha River and consists of: (1) A forebay area protected by a log

boom; (2) screened intake structures; (3) a concrete powerhouse containing three turbine-generator units with a total installed capacity of 14.4 MW; (4) a tailrace 450 feet long (5) one 0.82-mile-long, 46-kV transmission line and one 0.98-mile-long, 46-kV transmission line; and (6) other appurtenances. The development generates about 82,302 MWh annually. The London/Marmet Project has a total installed capacity of 28.8 MW and generates about 166,350 MWh annually.

The existing Winfield Project utilizes the head created by the Corps' 38-foot-high Winfield Dam located at RM 31.1 on the Kanawha River and consists of: (1) A forebay area protected by a 410-foot-long log boom; (2) screened intake structures; (3) a concrete powerhouse containing three turbine-generator units with a total installed capacity of 14.76 MW; (4) a tailrace 410 feet long; and (5) other appurtenances. The project generates about 114,090 MWh annually.

The above hydroelectric facilities' operation is synchronized with the operation of the Corps' locks at each dam. The developments at each of the two projects operate within allowable pool elevation limits as established by the Corps. The London pool elevation is allowed to fluctuate between 611.0 feet and 614.0 feet National Geodetic Vertical Datum 1929 (NGVD). The Marmet pool elevation is allowed to fluctuate between 589.7 feet and 590.0 feet NGVD. The Winfield pool elevation is allowed to fluctuate between 565.8 feet and 566.0 feet NGVD. All three pools can be drawn down at a maximum rate of 0.5 feet per hour. When stream flow exceeds the maximum turbine discharge, the responsibility for control of the pool elevations passes to the Corps' personnel and the projects operate in run-of-release mode. Appalachian is proposing to modify the maximum pool elevation limit at the London Development from 614.0 feet to 613.7 feet NGVD.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <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. A copy is also available for inspection and reproduction at the address in item h above.

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, contact FERC Online Support.

n. 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, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other 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 for the particular application.

All filings must (1) Bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application 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.

o. *Procedural Schedule:*

The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of Ready for Environmental Analysis .....	June 8, 2012.
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions .....	August 7, 2012.
Commission issues Non-Draft EA .....	October 21, 2012.

Milestone	Target date
Comments on EA .....	November 20, 2012.
Modified terms and conditions .....	January 19, 2013.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in § 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: June 8, 2012.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2012-14616 Filed 6-14-12; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP12-469-000]

#### Northern Natural Gas Company; Notice of Application

Take notice that on May 30, 2012, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP12-469-000, a request for authority, pursuant to Part 157 of the Commission's regulations and section 7(b) of the Natural Gas Act, to abandon by sale to DKM Enterprises, LLC (DKM) certain pipeline facilities (A-line) in Ochiltree, Hansford, Hutchinson, and Carson Counties in Texas, Beaver County in Oklahoma, and Kiowa and Clark Counties in Kansas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. Specifically, Northern Natural Proposes to sell to DKM approximately 126 miles of 24-inch pipeline. Upon transfer of the facilities, DKM intends to dig up and reclaim most of the pipeline for salvage.

Any questions regarding this application should be directed to Michael T. Loeffler, Senior Director of Certificates and External Affairs for Northern, P.O. Box 3330, Omaha, Nebraska 68124, at telephone no. 402-398-7103, and email: [mike.loeffler@nngco.com](mailto:mike.loeffler@nngco.com).

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be

taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, 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 7 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:* June 29, 2012.

Dated: June 8, 2012.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2012-14617 Filed 6-14-12; 8:45 am]

**BILLING CODE 6717-01-P**