

Order issuing the Commission's decision on the application

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 02-8918 Filed 4-11-02; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

April 5, 2002.

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 License.

b. *Project No.:* 7000-015.

c. *Date filed:* January 30, 2002.

d. *Applicant:* Newton Falls Holdings, LLC (NFH).

e. *Name of Project:* Newton Falls Hydroelectric Project.

f. *Location:* The existing project is located on the Oswegatchie River in St. Lawrence County, New York. The project does not affect federal lands.

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

h. *Applicant Contact:* Harold G. Slone, Manager, Newton Falls Holdings, LLC, 1930 West Wesley Road, NW., Atlanta, GA 30327; Telephone (770) 638-1172.

i. *FERC Contact:* Jim Haines, (202) 219-2780 or [james.haines@ferc.gov](mailto:james.haines@ferc.gov)

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's rules of practice require all interveners 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 intervener 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.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. See 18 CFR

385.2001(a)(1)(iii) and the instructions on the Commission's Web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The constructed and operating Newton Falls Hydroelectric Project consists of an upper and a lower development with a combined installed capacity of 2,220 kilowatts (kW). The project produces an average annual generation of 9,500,000 kilowatt-hours. From approximately 1927 until late 2000, the electricity produced by the project was consumed by the adjacent Newton Falls Paper Mill. Since this facility ceased manufacturing operations, almost all electricity produced at the project has been sold to the Niagara Mohawk Power Corporation.

The upper development includes the following constructed facilities: (1) A 40-foot-high, 600-foot-long, concrete gravity dam with 3-foot-high flash boards mounted on the 58-foot-long spillway; (2) a 42-foot-long floodgate structure with four gates; (3) a 650-acre reservoir with a gross storage capacity of 5,930 acre-feet; (4) a reinforced concrete intake structure with a maximum height of 25 feet, equipped with trash racks having 2-inch spacing; (5) a 9-foot-diameter, 1,200-foot-long, wood stave penstock supported on timber cradles and mud sills; (6) a riveted steel surge tank; (7) a 49-foot-long, 26-foot-wide, and 45-foot-high, reinforced concrete and brick powerhouse, containing three vertical Francis turbines with a combined maximum hydraulic capacity of 464 cubic feet per second (cfs) and a net head of 46 feet, directly connected to three generator units having a total installed capacity of 1,540 kilowatts (kW); (8) a 375-foot-long, 60 Hertz transmission line; and (9) appurtenant facilities.

The lower development includes the following constructed facilities: (1) A 28-foot-high, 350-foot-long, concrete gravity dam with 3-foot-high flash boards mounted on the 120-foot-long spillway; (2) a 9-acre impoundment with a gross storage capacity of 115 acre-feet; (3) a 15-foot-high, reinforced concrete intake structure, equipped with trash racks having 2-inch spacing; (4) a 60-foot-long by 40-foot-wide, reinforced concrete powerhouse located immediately downstream of the dam, containing one vertical Francis turbine with a maximum hydraulic capacity of 486 cfs and a net head of 22 feet, directly connected to a 680-kW

generator unit; (5) a 2,200-foot-long, 60 Hertz transmission line; and (6) appurtenant facilities.

With the exception of periods of high inflows, the upper development is operated as a daily peaking facility with most generation taking place during the hours of peak electricity demand. This store and release operation is restricted during the months of May and June, the spawning period for smallmouth bass and northern pike, such that daily reservoir drawdowns do not exceed 1 foot from the top of the flash boards. During the remainder of the year, daily peaking causes reservoir drawdowns of up to 2.2 feet from the top of the flash boards.

The tailrace of the upper development discharges directly into the lower development's reservoir. Generally, the hydraulic output of the lower powerhouse is established such that it releases approximately the same flow as the upper one. Consequently, daily drawdowns of the lower reservoir are minimal.

Although the project's current license does not mandate the provision of minimum flows in the project's bypassed reaches, the licensee is required to provide a continuous minimum flow of 100 cfs or project inflow, whichever is less, below the lower development. Further, the existing license does not require the provision of public recreational facilities at the project.

Currently, the applicant and concerned agencies and non-governmental organizations are discussing a settlement agreement that would require NFH to implement various environmental enhancement measures at the project.

m. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, Room 2A, located at 888 First Street, NE., Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at <http://www.ferc.gov> using the "RIMS" link—select "Docket P-7000" and follow the instructions (call (202)208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit 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 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 application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (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. 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.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 02-8919 Filed 4-11-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

April 5, 2002.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12134-000.

c. *Date filed:* October 12, 2001.

d. *Applicant:* South Dakota Conservancy District.

e. *Name of Project:* Dakota Pumped Storage Project.

f. *Location:* On the Missouri River in Charles Mix and Gregory Counties, South Dakota.

g. *Filed Pursuant to:* Federal Power Act, 16 USC §§ 791(a)-825®)

h. *Applicant Contact:* Gregg Greenfield, Chairman, South Dakota Conservancy District, 523 East Capitol Ave., Pierre, South Dakota 57501-3181, (605) 773-4216.

i. *FERC Contact:* Elizabeth Jones (202) 208-0246.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice. This application is being noticed as a result of the Commission's Order Extending Filing Deadline For Notice of Intent issued on April 1, 2002 (99 FERC ¶ 61,009).

k. *Competing Application:* Project No. 12055-000.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Please include the Project Number (12134-000) on any comments, protests, or motions filed.

The Commission's rules of practice and procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener 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.

l. *Description of Project:* The proposed project would use Lake Francis Case created by the U.S. Corps of Engineers' Fort Randall Dam as the lower reservoir and would consist of: (1) A proposed upper reservoir having a maximum surface area of 540-acres and a storage capacity of 24,000 acre-feet; a proposed forebay power intake; a proposed deflector dike extending 3,000 feet from the bankline outward and another 4,000 feet downstream in Lake Frances Case, (2) two proposed power tunnels, each 24-feet in diameter, with the lower, high pressure tunnel 7,665 feet long and the upper, low pressure tunnel 1,250 feet long, (3) a proposed powerhouse containing four reversible turbines with capacities of 300 MW each for a total installed capacity of 1200 MW, (4) proposed minimum of two 345 kV transmission lines, and (5) appurtenant facilities.

The project would have an estimated annual generation of 2.36 GWh.

m. Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Commission's web site at <http://www.ferc.gov> using the "RIMS" link, select "Docket #" and follow the instructions ((202) 208-2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

n. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36).

Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *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, .211, .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.