

agency's comments must also be sent to the Applicant's representatives.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 99-19386 Filed 7-28-99; 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

July 23, 1999.

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.:* 11771-000.

c. *Date Filed:* June 28, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* Delaware Dam Hydroelectric Project.

f. *Location:* On the Olentangy River, Delaware County, Ohio. The project would utilize the U.S. Army Corps of Engineer's Delaware Dam.

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

h. *Applicant Contact:* Gregory S. Feltenberger, Universal Electric Power Corporation, 1145 Highbrook Street, Akron, OH 44301, (330) 535-7115.

i. *FERC Contact:* Héctor M. Pérez, hector.perez@ferc.fed.us, 202-219-2843, or Robert Bell, robert.bell@ferc.fed.us, 202-219-2806.

j. *Deadline for Filing Motions To Intervene, Protest and Comments:* 60 days from the issuance date of this notice.

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

The Commission's Rules of Practice and Procedure require all interveners filing documents 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.

k. The project would use the U.S. Corps of Engineer's Delaware Dam and would consist of: (1) a 100-foot-long, 9-inch-diameter penstock at the outlet

works; (2) a powerhouse having one generating unit with an installed capacity of 760 kW; (3) a new tailrace; (4) a new 300-foot-long, 14.7-KV transmission line; and (5) other appurtenances.

The project would have an annual generation of 4,660 Mwh and the project power would be sold to a local utility.

1. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. The application may be viewed on <http://www.ferc.fed.us/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

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.

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.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Temporary Variance Request and Soliciting Comments, Motions To Intervene, and Protests

July 23, 1999.

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

a. *Type of Application:* Request for Temporary Variance.

b. *Project No.:* 2716-033.

c. *Date Filed:* July 19, 1999.

d. *Applicant:* Virginia Electric Power Company.

e. *Name of Project:* Bath County Project.

f. *Location:* On Back Creek, in Bath County, Virginia. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* 18 CFR 4.200.

h. *Applicant Contact:* Sara S. Bell, Bath County Pumped Storage Station, HRC-01, Box 280, Warm Springs, VA 24484-9714, (540) 279-3068.

i. *FERC Contact:* Robert Fletcher, robert.fletcher@ferc.fed.us, 202-219-1206.

j. *Deadline for Filing Comments, Motions to Intervene and Protest:* 14 days from the issuance date of this notice. Please include the project number (2716-033) on any comments or motions filed. All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

k. *Description of Application:* On June 15, 1999, the Commission approved a short-term variance (which will expire on August 12, 1999) to reduce the minimum flow requirements of article 42 to conserve the conservation pool at the project. The licensee continues to consult with the various resource agencies. The current situation is similar to that which existed last year for the project whereby the conservation pool was depleted, then the minimum flow was reduced. The license proposes to begin reducing flow releases proportional to the depleted volume of the conservation pool. Normal operating discharges will resume once the conservation pool is refilled.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, N.E., Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. This filing may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 2364-000; 2365-000]

#### **Madison Paper Industries Maine; Madison Paper Industries' Request To use Alternative Procedures in Filing Hydroelectric License Applications**

July 23, 1999.

By letter dated July 12, 1999, Madison Paper Industries (Madison), asked for Commission approval to use an alternative procedures in a filing application for the 9-megawatt (MW) Anson Project, No. 2365, and the 17-MW Abenaki Project, No. 2364.<sup>1</sup> Madison has demonstrated that it made a reasonable effort to contact the resource agencies, Indian tribes, non-

<sup>1</sup> The projects are located on the Kennebec River in the towns of Anson and Madison, Somerset County, Maine. The Anson impoundment encompasses about 7 miles of the Kennebec River and 0.5 mile of the Carrabassett River. The Abenaki impoundment encompasses about 0.5 mile of the Kennebec River immediately below the Anson Project.

governmental organizations (NGOs), and others who may be affected by their proposal, and has submitted a communication protocol governing how participants in the proposed process communicate with each other. Madison believes there is a consensus on using the alternative process, and it appears that the use of an alternative procedure may be appropriate in this case.

The purpose of this notice is to invited comments on Madison's request to use the alternative procedure, as required by section 4.34(i)(5) of the Commission's regulations. Additional notices seeking comments on specific project proposals, interventions and protests, and recommended terms and conditions will be issued at a later date.

The alternative procedure combines the prefiling consultation process with the environmental review process and allows the applicant to file an Applicant-Prepared Environmental Assessment (APEA) in lieu of Exhibit E of the license applications. This differs from the traditional process, in which the applicant consults with agencies, Indian tribes, and NGOs during preparation of the application for the license and before filing it, but the Commission staff performs the environmental review after the application is filed. The alternative procedure is intended to simplify and expedite the licensing process by combining the prefiling consultation and environmental review processes into a single process, to facilitate greater participation, and to improve communication and cooperation among the participants. The alternative procedure can be tailored to the project under consideration.

#### **Alternative Process and the Anson and Abenaki Projects**

Madison intends on preparing an APEA for the projects to: consolidate and streamline the licensing process; provide for the early identification of environmental impacts; take into account cumulative project impacts and evaluate alternatives for addressing those impacts; and promote early, comprehensive settlement discussions.

On February 12, 1999, Madison distributed an Initial Stage Consultation Document for the projects to state and federal resource agencies, Indian tribes, and NGOs. Madison scheduled a meeting for all interested parties on February 24 and 25, 1999, respectively. During spring 1999, Madison developed and consulted on survey plans for ambient water quality, benthic macroinvertebrates, and fisheries. These surveys are being conducted during summer and early fall, 1999. Public