

Submission for Technology and Disability Access.

Members of the public may observe but not participate in EAC meetings unless this notice provides otherwise. Members of the public may use small electronic audio recording devices to record the proceedings. The use of other recording equipment and cameras requires advance notice to and coordination with the Commission's Communications Office.<sup>1</sup>

This meeting will be open to the public.

**PERSON TO CONTACT FOR INFORMATION:**  
Bryan Whitener, Telephone: (202) 566-3100.

**Gineen Beach,**

*Chair, U.S. Election Assistance Commission.*  
[FR Doc. E9-16634 Filed 7-9-09; 4:15 pm]

**BILLING CODE 6820-KF-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13452-000]

#### **McGinnis, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications**

July 2, 2009.

On April 29, 2009, McGinnis, Inc. filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Cannelton Hydrokinetic Project, located on the Ohio River, in Hancock County, Kentucky, and Perry County, Indiana. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) A 100 to 300-foot-long by 20 to 52-foot-wide barge spudded down to the riverbed; (2) 10 6-8-foot-long by 6-8-foot-diameter turbine-generators mounted in line along the side of the barge; (3) one armored, high-voltage cable transmitting the generated power to the existing transmission line located adjacent to the proposed project area; and (4) appurtenant facilities. The proposed project would generate about 1,533 megawatt-hours.

Applicant Contact: Bruce D. McGinnis, Sr., McGinnis, Inc., P. O. Box 534, 502 Second St., Ext., South Point, OH 45680, phone: (740) 377-4391.

**FERC Contact:** Sergiu Serban, 202-502-6211.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and eight copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. For more information on how to submit these types of filings please go to the Commission's Web site located at <http://www.ferc.gov/filing-comments.asp>.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-13452) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E9-16441 Filed 7-10-09; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2232-566]

#### **Duke Energy Carolinas, LLC; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests**

July 2, 2009.

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

a. *Application Type:* Non-Project Use of Public Lands and Waters.

b. *Project No.:* 2232-566.

c. *Date Filed:* April 22, 2009.

d. *Applicant:* Duke Energy Carolinas, LLC.

e. *Name of Project:* Catawba-Wateree Project.

f. *Location:* The Catawba-Wateree Project is located in Alexander, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell and Mecklenburg Counties, North Carolina and Chester, Fairfield, Kershaw, Lancaster, and York Counties, South Carolina. This project does not occupy any Federal lands.

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

h. *Applicant Contact:* Mr. Joe Hall, Lake Management Representative, Duke Energy Carolinas, LLC, P.O. Box 1006, Charlotte, North Carolina 28201-1006, (704) 382-8576.

i. *FERC Contact:* Joy Jones, Telephone 202-502-6760, and e-mail:

[joy.jones@ferc.gov](mailto:joy.jones@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protest:* August 02, 2009. All documents (original and eight copies) should be filed with: 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 whose name appears 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Request:* Duke Energy Carolinas, LLC requests Commission approval of an agreement that would allow Duke to authorize the Town of Mooresville, North Carolina to construct and operate expanded water intake facilities on, and to withdraw water from, Lake Norman. The existing water intake structure would be expanded by connecting a water line to the existing water intake structure and the existing pumping plant.

Approximately 125 feet of water line would be within the project boundary. Additionally, new screens with screen openings that do not exceed 0.25 inch would be installed on the existing intake structure. Intake velocities at the intake structure would not exceed 0.5 feet per second. Under the agreement, the expanded facility would have a gross maximum annual average rate of 18 million gallons per day (MGD), a 6 MGD increase from the current approved withdrawal rate. The water intake and pump facility is located in Iredell County, North Carolina.

<sup>1</sup> View EAC Regulations Implementing Government in the Sunshine Act.

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, NE., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. This filing may also 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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. 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.

n. *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.

o. Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *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.

q. 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 at <http://www.ferc.gov> under the "e-Filing" link.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. E9-16430 Filed 7-10-09; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 12924-001; Project No. 12922-001; Project No. 12919-001; Project No. 12935-001]**

#### **Newton Bend, FFP Project 33, LLC; Milliken Bend, FFP Project 35, LLC; Cat Island, FFP Project 36, LLC; Arsenault Island, FFP Project 56, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process Procedures**

July 2, 2009.

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process (TLP).

b. *Project Nos.:* P-12924, P-12922, P-12919, and P-12935.

c. *Dated Filed:* January 15, 2009 (P-12924, P-12922, and P-12919) and June 1, 2009 (P-12935).

d. *Submitted By:* Free Flow Power Corporation and the subsidiary limited liability corporations (listed above and collectively referred to below as "Free Flow Power").

e. *Name of Projects:* Free Flow Power Mississippi River TLP Projects (Newton Bend, Milliken Bend, Cat Island, and Arsenault Island).

f. *Locations:* On the Mississippi River, in Warren (P-12924 and P-12922), Claiborne (P-12924) and Issaquena (P-12919) Counties in Mississippi; Tensas (P-12924), Madison (P-12924 and P-12922), and East Carroll (P-12922 and 12919) Counties in Louisiana; St. Clair County (P-12935), Illinois; and St. Louis City County (P-12935), Missouri. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Ms. Ramya Swaminathan, Vice President, Free Flow Power, 33 Commercial Street, Gloucester, MA 01930, (978) 226-1531, [rsaminathan@free-flow-power.com](mailto:rsaminathan@free-flow-power.com).

i. *FERC Contact:* Stephen Bowler at (202) 502-6861 or [stephen.bowler@ferc.gov](mailto:stephen.bowler@ferc.gov) and Sarah Florentino at (202) 502-6863 or [sarah.florentino@ferc.gov](mailto:sarah.florentino@ferc.gov).

j. On January 15, 2009, Free Flow Power filed a Notice of Intent (NOI) to file license applications for original licenses and a Pre-Application Document (PAD) for the 55 hydrokinetic projects proposed for locations in the Mississippi River from St. Louis, Missouri, to New Orleans, Louisiana. They also requested the use of the Traditional Licensing Process (TLP) for 51 of the 55 proposed sites, later changed to 48 of 55 sites. FERC Project Nos. 12924, 12922, and 12919 were part of the January 15, 2009 TLP request, but the newspapers published in the counties in which the projects would be located did not publish the notices. By letter filed on June 1, 2009, Free Flow Power added Project No. 12935 to the list of proposed sites for which the TLP was requested. On May 21, 2009, Free Flow Power filed records of notices published in local newspapers near the four sites between April 1, 2009, and April 8, 2009. No comments were filed in response to the notices.

k. With this notice, we are initiating informal consultation with: (a) The U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the State Historic Preservation Officers of Illinois, Louisiana, Mississippi, and Missouri, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Free Flow Power Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 106 of the National Historic Preservation Act.

m. Free Flow Power Corporation filed a PAD, including a proposed process plan and schedule, with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<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) or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.