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Dated: August 31, 2009.

**Cornelia Orr,**

*Executive Director, National Assessment Governing Board, U.S. Department of Education.*

[FR Doc. E9-21305 Filed 9-2-09; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 3041-004; 13382-000]

#### **Mackay Bar Corporation; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, and Terms and Conditions**

August 27, 2009.

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

a. *Type of Application:* Surrender of License and Conduit Exemption.

b. *Project Nos.:* 3041-004 & 13382-000.

c. *Date Filed:* April 28, 2008.

d. *Applicant:* Mackay Bar Corporation.

e. *Name of Project:* Hettinger Hydroelectric Project.

f. *Location:* On an irrigation system at Hettinger Ranch, on Smith Creek, in Idaho County, Idaho.

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

h. *Applicant Contact:* Ms. Yvonne Goundry, General Manager, Mackay Bar Corporation, P.O. Box 7968, Boise, Idaho 83707, phone (208) 336-0150.

i. *FERC Contact:* Robert Bell, (202) 502-6062.

j. *Status of Environmental Analysis:* The surrender request in the application is ready for environmental analysis at this time. The Commission is requesting comments, reply comments, and recommendations for both the Surrender request and the Conduit Exemption requests. The Commission is also requesting terms and conditions for the Conduit Exemption request.

k. *Deadline for filing responsive documents:* The Commission directs, pursuant to section 4.34(b) of the Regulations (see Order No. 533, issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions concerning the application be filed within 60 days from the issuance date of this notice. All reply comments are due 105 days from the issuance date of this notice. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project numbers (P-3041-004 & 13382-000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors 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 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. A copy of any motion to intervene must also be served upon each representative of the applicant specified in a particular application.

l. *Description of Request:* We consider the application filed on April 28, 2008, as consisting of two requests: A surrender of license application under P-3041 and a conduit exemption application under P-13382.

a. *Surrender of license:* The applicant proposes to surrender the license for the Hettinger Hydroelectric Project No. 3041. The applicant proposes to decommission and remove the following project facilities: Powerhouse, disconnect penstock, disconnect exhaust pipe, and intake. The project's powerhouse will be relocated and used for the conduit exemption project described in section (b) below. The applicant proposes to restore the site following removal of the facilities.

b. *Conduit Exemption:* The applicant proposes a conduit exemption for the Hettinger Hydroelectric Project No.

13382-000. The proposed project would be located on its irrigation system in Idaho County, Idaho, and would consist of: A new intake structure, a penstock, a powerhouse containing one generating unit having an installed capacity of 17.9 kilowatts, and appurtenant facilities. The applicant consulted with Federal, State, local agencies, and other parties with potential interest, during the conduit exemption application process. The Idaho Department of Fish and Game has already provided its terms and conditions on May 27, 2008, however, they were filed under Project No. 3041. On October 30, 2008, we issued a public notice of the Conduit Exemption application soliciting comments, motions to intervene and competing applications. In this notice we are only soliciting "Terms and Conditions".

m. *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.

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

o. *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 (see item (j) above).

p. *Filing and Service of Responsive Documents:* All filings must: (1) For the *Surrender of License Request:* Bear in all

capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," or in the case of the *Conduit Exemption request* "TERMS AND CONDITIONS"; (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, motions to intervene or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene or protests should relate to project works which are the subject of the license surrender. 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. 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 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.

q. *e-Filing*: Comments, motions to intervene, protests, recommendations, or terms and conditions 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. The Commission strongly encourages electronic filings.

**Kimberly D. Bose,**

Secretary.

[FR Doc. E9-21238 Filed 9-2-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. DI09-12-000]

#### Northwestern Wisconsin Electric Company; Notice of Petition for Declaratory Order and Soliciting Comments, Motions To Intervene, and/or Protests

August 27, 2009.

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

a. *Application Type*: Petition for Declaratory Order.

b. *Docket No*: DI09-12-000.

c. *Date Filed*: July 27, 2009.

d. *Applicant*: Northwestern Wisconsin Electric Company.

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

f. *Location*: The Clam Falls Hydroelectric Project is located on the Clam River in Clam Falls, Polk County, Wisconsin. The project is not located on Federal land.

g. *Filed Pursuant to*: Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact*: Charles Alsberg, North American Hydro Holdings, 116 N. State Street, P.O. Box 167, Neshkoro, WI 54960; Telephone: (920) 293-4628, ext. 14; FAX: (920) 293-8087; E-mail: [chuck@nahydro.com](mailto:chuck@nahydro.com).

i. *FERC Contact*: Any questions on this notice should be addressed to Henry G. Ecton (202) 502-8768, or E-mail: [henry.ecton@ferc.gov](mailto:henry.ecton@ferc.gov).

j. *Deadline for Filing Comments and/or Motions*: September 28, 2009.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. Any questions, please contact the Secretary's Office. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at: <http://www.ferc.gov>.

Please include the docket number (DI09-12-000) on any protests, comments or motions filed.

k. *Description of Project*: The existing run-of-river project consists of: (1) A reservoir with a surface area of 127 acres; (2) an approximately 130-foot-long, 36-foot-high concrete spillway and forebay; (3) a 41-foot-long, 20-foot-wide powerhouse containing two generators with a combined capacity of 208 kW; (4) a 187-foot-long transmission line; and (5) appurtenant facilities.

When a Petition for Declaratory Order is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Locations of the application*: Copies of this filing are on file with the Commission and are available for public inspection. This filing may be viewed on the Web 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, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659.

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. *Filing and Service of Responsive Documents*: any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", AND/OR "MOTIONS TO INTERVENE", as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the applicant specified in the particular application.

p. *Agency Comments*: Federal, State, and local agencies are invited to file