

and storage capacity of 4,800 acre-feet and normal water surface elevation of -1,628 feet mean sea level; and (8) appurtenant facilities. The proposed project would have an average annual generation of 2,628 gigawatt-hours that would be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the 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 toll-free 1-866-208-3676 or e-mail 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. *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.

n. *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.

o. *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.

p. *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.

q. *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.

r. *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, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, 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.

s. *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.

Magalie R. Salas,

Secretary.

[FR Doc. E6-3598 Filed 3-13-06; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 7, 2006.

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

a. *Application Type:* Amendment of license to upgrade the installed capacity.

b. *Project No.:* 309-053.

c. *Date Filed:* February 24, 2006.

d. *Applicant:* Brookfield Power Piney & Deep Creek, LLC.

e. *Name of Project:* Piney Project.

f. *Location:* The Project is located on the Clarion River in Clarion County, Pennsylvania.

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

h. *Applicant Contact:* Mr. Sam Hirschey, Brookfield Power New York, 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088. Tel: (315) 413-2790.

i. *FERC Contact:* Any questions on this notice should be addressed to Vedula Sarma at (202) 502-6190 or vedula.sarma@ferc.gov.

j. *Deadline for filing comments and/or motions:* April 7, 2006.

k. *Description of Filing:* Brookfield Power Piney & Deep Creek, LLC proposes to replace the existing Unit 2 runner with a new runner. The proposed upgrade would increase the installed capacity of the project from 28,000 kilowatts to 30,000 kilowatts, and the hydraulic capacity from 5,400 cfs to 5,600 cfs.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the 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 toll-free 1-866-208-3676 or e-mail 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. *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. 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. 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 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.

Magalie R. Salas,
Secretary.

[FR Doc. E6-3599 Filed 3-13-06; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-OAR-2006-0147; FRL-8044-7]

Adequacy Determination for the Sacramento Eight-Hour Ozone Reasonable Further Progress Plan for Transportation Conformity Purposes; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of adequacy.

SUMMARY: In this notice, EPA is notifying the public that EPA has found that the motor vehicle emissions budgets in the Sacramento 8-hour ozone reasonable further progress plan are adequate for conformity purposes. As a result of our finding, the Sacramento 8-hour ozone nonattainment area (which consists of all of Sacramento and Yolo counties, and portions of Placer, El Dorado, Solano, and Sutter counties) must use the motor vehicle emissions budgets from the submitted 8-hour ozone reasonable further progress plan.

DATES: This determination is effective March 29, 2006.

FOR FURTHER INFORMATION CONTACT: Dave Jesson, Environmental Protection Agency, Region IX, Air Planning Office (AIR-2), 75 Hawthorne Street, San Francisco, CA 94105, (415) 972-3957, jesson.david@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document, whenever “we”, “us” or “our” is used, we mean EPA.

Today’s notice is simply an announcement of a finding that we have already made. EPA Region IX sent a letter to the California Air Resources Board, dated February 24, 2006, stating that the motor vehicle emissions budgets for the year 2008 for the Sacramento 8-hour ozone reasonable further progress plan are adequate. This finding is also posted on EPA’s conformity Web site: <http://www.epa.gov/otaq/transp/conform/pastsips.htm>.

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA’s conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes

the criteria and procedures for determining whether or not they demonstrate conformity. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP’s motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). One of these criteria is that the motor vehicle emissions budgets, when considered together with all other emissions sources, are consistent with applicable requirements for a SIP. We have preliminarily determined that the Sacramento 8-hour ozone reasonable further progress plan meets the necessary emission reduction requirements and, therefore, the motor vehicle emissions budgets can be found adequate. Please note that an adequacy review is separate from EPA’s completeness review which is required by section 110(k)(1) of the Clean Air Act, and it also should not be used to prejudge EPA’s ultimate action (approval or disapproval) on the submitted plan itself. Even if we find budgets adequate, the submitted plan could later be disapproved.

We have described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled “Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision”). This guidance is now reflected in the transportation conformity rule at 40 CFR 93.118(e), most recently amended on July 1, 2004 (69 FR 40004) and July 20, 2004 (69 FR 43325). We followed this process in making our adequacy determination on the emissions budgets contained in the Sacramento 8-hour ozone reasonable further progress plan.

The budgets for the Sacramento area for the year 2008 are as follows: 41 tons per day of volatile organic compounds and 75 tons per day of nitrogen oxides.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: March 1, 2006.

Laura Yoshii,

Acting Regional Administrator, EPA Region IX.

[FR Doc. E6-3588 Filed 3-13-06; 8:45 am]

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