

service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

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DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project—Post-2017 Application of the Energy Planning and Management Program Power Marketing Initiative

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of proposal.

SUMMARY: The Western Area Power Administration (Western), Desert Southwest Region, a Federal power marketing agency of the Department of Energy (DOE) announces its Post-2017 remarketing effort for the Boulder Canyon Project (BCP). Current BCP long-term contracts will expire on September 30, 2017. In 1995, Western adopted the Power Marketing Initiative (PMI) in Subpart C of the Energy Planning and Management Program (Program) (10 CFR part 905). The Record of Decision for the Program states that application of the PMI will be done on a project-specific basis. If, by means of a public process, Western applies the PMI to the BCP, the current long-term contractors of the project would receive an extension of a major portion of the

resources available to them at the time their contracts expire. Western now proposes to apply the PMI to the long-term power contracts of the BCP.

DATES: Western will hold three public information forums regarding the BCP remarketing on the following dates: December 1, 2009, 1 p.m., PST, Las Vegas, Nevada; December 2, 2009, 1 p.m., PST, Ontario, California; December 3, 2009, 1 p.m., MST, Phoenix, Arizona.

Western will also hold three public comment forums. The dates for these forums are: January 19, 2010, 1 p.m., PST, Las Vegas, Nevada; January 20, 2010, 1 p.m., MST, Phoenix, Arizona; January 21, 2010, 1 p.m., PST, Ontario, California. Western will accept written comments on or before January 29, 2010. Western reserves the right to not consider any comments received after the prescribed date and time.

ADDRESSES: Comments may be submitted to: Mr. Darrick Moe, Western Area Power Administration, Desert Southwest Regional Manager, P.O. Box 6457, Phoenix, AZ 85005-6457. Comments may also be faxed to (602) 605-2490 or e-mailed to Post2017BCP@wapa.gov.

The public information and public comment forum locations are: Las Vegas Tropicana, 3801 Las Vegas Boulevard, South Las Vegas, Nevada; Western Area Power Administration, Desert Southwest Regional Office, 615 S. 43rd Ave, Phoenix, Arizona; DoubleTree Ontario Airport, 222 N. Vineyard, Ontario, California.

As access to Western facilities is controlled, any U.S. citizen wishing to attend any meeting held at Western must present an official form of picture identification, such as a U.S. driver's license, U.S. passport, U.S. Government ID, or U.S. Military ID, at the time of the meeting. Foreign nationals shall contact Western at least 45 days in advance of the meeting to obtain the necessary admittance to Western.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Simonton, Remarketing Specialist, Desert Southwest Region, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005, telephone (602) 605-2675, e-mail Post2017BCP@wapa.gov. Program information and the Conformed General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects (Conformed Criteria) published in the **Federal Register** (49 FR 50582) on December 28, 1984, are available at <http://www.wapa.gov/dsw/pwrnkt>.

SUPPLEMENTARY INFORMATION: In 1987, Western marketed the power resources of the BCP and entered into 30-year

term contracts with the current BCP contractors in accordance with the Hoover Power Plant Act of 1984, and the Conformed Criteria. These events resulted in the allocation of 1,951 megawatts (MW) of contingent capacity with an associated 4,527,001 megawatt-hours (MWh) of annual firm energy. Pursuant to 43 U.S.C. 619a(4), these long-term contracts will expire on September 30, 2017. Western must determine if the PMI, as outlined in the Program, will be applied to the BCP for commitments beyond that date, the quantity of resources to be extended to existing contractors, the size of the proposed resource pool, excess energy provisions, and the term of the contract.

Western first proposed the Program on April 19, 1991 (56 FR 16093). The goals of the Program were to encourage efficient energy use by Western's power customers by requiring Integrated Resource Planning and to extend Western's firm power resource commitments. In the final rule of the Program, Western stated that application of the PMI, including the amount of resources extended, would initially apply only to the Pick-Sloan Missouri Basin Program-Eastern Division and the Loveland Area Projects. Applicability to other projects would be determined through future, project-specific public processes. Specific to the BCP, Western stated that it would evaluate application of the PMI to the BCP no more than 10 years before existing contracts expire. 60 FR 54151, 54157 (Oct. 20, 1995).

Consistent with the application of the PMI to other recent Western marketing efforts, Western proposes to apply the PMI (10 CFR parts 905.30 through 905.37) to the BCP. In consultation with the Bureau of Reclamation and referencing the most recent hydrologic studies, Western proposes to market 2,044 MW of contingent capacity with an associated 4,116,000 MWh of annual firm energy from the BCP. Western proposes to extend 100 percent of the existing contractors' contingent capacity allocations, totaling 1,951 MW, and 95 percent of the proposed marketable firm energy, totaling 3,910,200 MWh annually to the existing contractors based proportionally upon their existing allocations of marketed annual firm energy. This proposal would result in the creation of a single, one-time resource pool consisting of 93 MW of contingent capacity with an associated 205,800 MWh of annual firm energy. Western proposes that all contract terms be a length of 30 years commencing on October 1, 2017.

The marketing area is generally defined as consisting of southern

California, southern Nevada, most of Arizona, and a small part of New Mexico; and is more specifically defined in the Conformed Criteria. New customers meeting the requirements established in the BCP marketing criteria and qualifying Native American Tribes within the BCP marketing area will be eligible to request an allocation of capacity and energy from the BCP resource pool. Native American Tribes need not have utility status to qualify for an allocation. As provided in the current BCP Implementation Agreement, new contractors, or contractors who receive an increased allocation will be required to reimburse existing BCP contractors for replacement capital advances to the extent existing contractors' allocations are reduced as a result of creating the resource pool.

Western is seeking comments regarding the applicability of the PMI to the BCP, the quantity of resources to be extended to existing contractors, the size of the proposed resource pool, excess energy provisions, and the term of contracts.

Under their respective State laws the Colorado River Commission (CRC) and the Arizona Power Authority (APA) have been the designated agents for acquiring and remarketing BCP power within Nevada and Arizona respectively. Western seeks comments regarding CRC and APA's role in Western's allocation process.

Following the public comment period, Western will analyze the comments received and publish its policy regarding the application of PMI to BCP in the **Federal Register**.

Regulatory Procedure Requirements

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Environmental Compliance

In accordance with the DOE National Environmental Policy Act Implementing Procedures (10 CFR 1021), Western has determined that this action fits within class of action B4.1 Contracts/marketing plans/policies for excess electric power, in Appendix B to Subpart D to part 1021—Categorical Exclusions Applicable to Specific Agency Actions.

Dated: November 10, 2009.

Timothy J. Meeks,
Administrator.

[FR Doc. E9-27910 Filed 11-19-09; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13571-000]

Goshen Powerhouse, LLC: Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

November 10, 2009.

On August 24, 2009, Goshen Powerhouse, LLC filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of the Goshen Dam Hydroelectric Project No. 13571, to be located at the existing Goshen Dam, on the Elkhart River, in Elkhart 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 existing dam is owned and operated by Elkhart County, Indiana and the existing powerhouse and headrace canal is owned and operated by the City of Goshen, Indiana. The proposed project would consist of: (1) The existing 12.5-foot-high concrete dam equipped with a 200-foot-long ogee spillway; (2) an existing 765-acre impoundment with a normal water surface elevation of 790.9 feet mean sea level; (3) an existing 25-foot-long by 49-foot-wide powerhouse to contain two new hydrokinetic turbine-generator systems for a total installed capacity of 80 kilowatts; (4) a new 60-foot-long, 12.5-kilovolt transmission line; and (5) appurtenant facilities. The proposed project would operate in a run-of-river mode and generate an estimated average annual generation of 578,160 kilowatt-hours.

Applicant Contact: Edward L. Kurth, Goshen Powerhouse, LLC, San Antonio Zanesville, Texas 78216, (210) 496-5902.

FERC Contact: Michael Watts, (202) 502-6123.

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 "eFiling" 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 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-13571) in the docket number field to access the document. For assistance, call toll-free 1-866-208-3372.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

Records Governing Off-the-Record Communications: Public Notice

November 10, 2009.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited