

reinforced concrete powerhouse; (6) two generating units, driven by two vertical Francis turbines, with a combined normal operating capacity of 95 MW; and (7) appurtenant facilities.

The Pit 5 development consists of: (1) The 32-acre Pit 5 Reservoir, with a gross storage capacity of 314 acre feet; (2) the Pit 5 Dam, with a concrete gravity overflow structure 340 feet in length and a maximum height of 67 feet; (3) the 19-foot-diameter Tunnel No. 1; (4) the 48-acre Pit 5 Tunnel Reservoir, with a gross storage capacity of 1,044 acre feet; (5) the Pit 5 Tunnel Reservoir Dam, approximately 3,100 feet long and 66 feet high; (6) the 19-foot-diameter Pit 5 Tunnel No. 2; (7) four steel penstocks about 8 feet in diameter and 1,400 feet in length; (8) a 56-foot by 266.5-foot reinforced concrete multilevel powerhouse; (9) four generating units, driven by four vertical Francis turbines, with a combined normal operating capacity of 160 MW; and (10) appurtenant facilities.

m. A copy of the application is on file and 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) 208-1371. The application may be viewed on the web at <http://www.ferc.gov> using the "RIMS" link—select "Docket #" and follow the instructions (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must: (1) Bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (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. 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.

**Magalie R. Salas,**  
Secretary.

[FR Doc. 02-9026 Filed 4-12-02; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

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

April 9, 2002.

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

- a. *Application Type*: Request to Amend Language of Article 42.
- b. *Project No*: 2716-037.
- c. *Date Filed*: March 1, 2002.
- d. *Applicant*: Virginia Electric and Power Company.
- e. *Name of Project*: Bath County Pumped Storage Station.
- f. *Location*: The project is located on Back Creek and Little Back Creek in Bath County, Virginia.
- g. *Filed Pursuant to*: 18 CFR 4.200.
- h. *Applicant Contacts*: Ms. Sara S. Bell, Bath County Pumped Storage Station, HCR 1 Box 280, Warm Springs, VA 24484, phone (540) 279-3068 or Mr. James W. Thorton, Dominion Generation, 5000 Dominion Boulevard, Glen Allen, VA 23060, phone (804) 273-3257.
- i. *FERC Contact*: Any questions on this notice should be addressed to Mr. Robert Fletcher at (202) 219-1206, or e-mail address: [robert.fletcher@ferc.gov](mailto:robert.fletcher@ferc.gov).
- j. *Deadline for filing comments and or motions*: May 10, 2002.

All documents (original and seven copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P-2716-037) on any comments or motions filed.

k. *Description of Request*: Article 42 states that, except as the Commission may otherwise order on its own motion or at the request of the Virginia State Water Control Board and the Virginia Department of Game and Inland Fisheries or the U.S. Fish and Wildlife Service, after notice and opportunity for hearing, the licensee is to release a combined minimum discharge of 15 cubic feet per second (cfs), including seepage flows, from the upper and lower reservoirs. The minimum discharge

from the upper reservoir shall be 2 cfs and the minimum discharge from the lower reservoir shall be 10 cfs, including seepage flows in each case. However, the minimum discharges may be temporarily modified if they are limited by natural inflows and the depletion of conservation storage or if a modification is required by operating emergencies beyond the licensee's control.

The licensee proposes to change the language of article 42 to parallel the release strategy under its Virginia Department of Environmental Quality's Virginia Water Protection Permit. The proposed change would be as follows:

Article 42. Under normal operating conditions, with full conservation storage of 3,200 acre-feet, the licensee shall release a combined minimum daily average discharge from the upper and lower reservoirs of 15 cubic feet per second (cfs), including seepage flows. The minimum discharge from the upper reservoir will always be 2 cfs or greater and the minimum discharge from the lower reservoir will always be 10 cfs or greater, including seepage flows in each case.

When low inflow to the project reservoirs results in 50 percent or greater depletion of the 3,200 acre-feet of conservation storage, the licensee may reduce the releases to a daily average of 7.5 cfs from the lower reservoir (at no time to be below 6 cfs) and 2.0 cfs from the upper reservoir.

If conditions persist and the 3,200 acre-feet of conservation pool is depleted by 80 percent or greater, the daily average discharge from the lower reservoir may be reduced to 5.0 cfs (at no time to be below 4 cfs) and the discharge from the upper reservoir may be reduced to 1.5 cfs.

These requirements may also be temporarily modified if required by operating emergencies beyond the control of the licensee. If drought conditions deplete the entire 3,200 acre-feet of conservation pool, the licensee may, upon mutual agreement with the Virginia Department of Environmental Quality (VDEQ) and Virginia Department of Game and Inland Fisheries, and following public input as determined by the VDEQ, reduce flows further. If the flows are so modified, the licensee shall notify the Commission no later than ten days after each such incident.

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, D.C. 20426, or by calling (202) 208-1371. This filing may

also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link, select "Docket#" and follow the instructions (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.

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. 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.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Extension of Time To Commence Project Construction and Soliciting Comments

April 9, 2002.

Take notice that the following request for extension of time has been filed with the Commission and is available for public inspection:

a. *Application Type:* Extension of Time to Commence Project Construction.

b. *Project No:* 10893-007.

c. *Date Filed:* January 22, 2002.

d. *Applicant:* Hy Power Energy Company.

e. *Project Name:* Inglis Lock By-pass Dam Project.

f. *Name and Location of Project:* The project, a conduit hydroelectric facility, would be constructed near the Town of Inglis, in Levy County, Florida.

g. *Filed Pursuant to:* 18 CFR 375.308 (c)(4).

h. *Applicant Contact:* Mr. Richard A. Volkin, Engineering Company, Inc. 600 Chapman Street, P.O. Box 359, Canton, MA 02021, (781) 821-4338.

i. *FERC Contact:* Any questions on this notice should be directed to Mr. Lynn R. Miles at (202) 219-2671.

j. *Deadline for filing comments and or motions:* May 10, 2002.

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. Comments, Interventions and Protests 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 (<http://www.ferc.gov>) under the "e-Filing" link.

Please include the project number (P-10893-007) on any comments or motions filed.

k. *Description of Proposal:* The exemptee has requested a one-year extension of time to commence project construction and comply with Paragraph (C) of the Commission's Order Denying Rehearing, issued February 8, 2001 (94 FERC ¶ 61,112).

l. *Locations of the application:* A copy of the exemptee's request 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) 208-1371. The application may be viewed on the web at [www.ferc.fed.gov](http://www.ferc.fed.gov) using the "RIMS" Link, select "Docket#" and follow the instructions (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item g 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", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. An additional copy must be sent to the Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. 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.

**Magalie R. Salas,**  
Secretary.

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