

**DEPARTMENT OF DEFENSE****Department of the Army; Corps of Engineers****Termination of an Environmental Impact Statement for the Construction and Operation of a 300-MW Coal-Fired Electric Generating Unit Proposed by Wisconsin Power and Light Company Near Cassville in Grant County, WI**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Termination.

**SUMMARY:** The St. Paul District, Corps of Engineers (Corps) is canceling the preparation of a federal Environmental Impact Statement (EIS) for the proposal by Wisconsin Power and Light Company (WPL) to conduct work below the ordinary high water mark of the Mississippi River, a navigable water of the U.S., and to discharge dredged or fill material into waters of the U.S. to facilitate the construction and operation of a 300 megawatt (MW) baseload coal-fired electric generating unit, referred to as NED 3, near Cassville in Grant County, WI. The Corps has terminated its review of the WPL permit application due to WPL's withdrawal of their permit application on November 21, 2008.

**ADDRESSES:** Questions concerning this termination notice can be addressed to Ms. Tamara Cameron, Regulatory Branch by letter at U.S. Army Corps of Engineers, 190 Fifth Street East, Suite 401, St. Paul, MN 55101-1638, by telephone or by e-mail at [tamara.e.cameron@usace.army.mil](mailto:tamara.e.cameron@usace.army.mil).

**FOR FURTHER INFORMATION CONTACT:** Ms. Tamara Cameron, (651) 290-5197.

**SUPPLEMENTARY INFORMATION:** On January 17, 2008 the Corps published in the **Federal Register** (73 FR 3241) a notice of intent to prepare an EIS jointly with the Public Service Commission of Wisconsin (PSCW). Scoping meetings were held in January and March, 2008 and a notice of availability of the draft EIS was published in the **Federal Register** (73 FR 30099) on May 23, 2008.

In July 2008, WPL modified their proposal so that work would be done under and over the Mississippi River, but not in the River, and there would be no discharges of dredged or fill material into any waters of the U.S. On November 21, 2008, WPL withdrew their permit application, and consequently the Corps has decided to terminate the EIS.

If WPL submits a subsequent permit application for work over and/or under the Mississippi River, as detailed in their most recent proposal, the Corps

would evaluate the application under the terms of a Nationwide Permit, as applicable, or prepare an Environmental Assessment as part of its standard permit application review.

Dated: December 22, 2008.

**Jon L. Christensen,**

*Colonel, Corps of Engineers, District Engineer.*

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**BILLING CODE 3720-58-P**

**DEPARTMENT OF EDUCATION****Submission for OMB Review; Comment Request**

**AGENCY:** Department of Education.

**SUMMARY:** The Director, Information Collection Clearance Division, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before February 6, 2009.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, New Executive Office Building, Washington, DC 20503 or faxed to (202) 395-6974.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6)

Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 2, 2009.

**Stephanie Valentine,**

*Acting IC Clearance Official, Regulatory Information Management Services, Office of Management.*

**Federal Student Aid**

*Type of Review:* Extension.

*Title:* Teacher Education Assistance for College and Higher Education Grant Eligibility Regulations.

*Frequency:* On Occasion; Annually.

*Affected Public:* Individuals or household; Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 211,097.

*Burden Hours:* 35,695.

*Abstract:* Eligible and participating institutions of higher education who participate in the TEACH Grant program operate the program consistent with these regulations. Information is necessary to make determinations regarding program compliance with the implementing regulations. This request is for approval of reporting and recordkeeping requirements contained in the attached proposed regulations related to the TEACH Grant administrative requirements for the Title IV, HEA programs. The information collection requirements in these proposed regulations are necessary to determine eligibility to receive program benefits and to prevent fraud and abuse of program funds.

Requests for copies of the information collection submission for OMB review may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 3901. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., LBJ, Washington, DC 20202-4537. Requests may also be electronically mailed to the Internet address [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) or faxed to 202-401-0920. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal

Information Relay Service (FIRS) at 1-800-877-8339.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[P-349-158; P-2407-126]

#### Alabama Power Company; Notice of Application for Temporary Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

December 30, 2008.

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

a. *Type of Application:* Request for drought-based temporary variance of the Martin Project rule curve and minimum flow releases at the Yates and Thurlow Project.

b. *Project Nos.:* 349-158 and 2407-126.

c. *Date Filed:* December 29, 2008.

d. *Applicant:* Alabama Power Company.

e. *Name of Projects:* Martin Hydroelectric Project (P-349) and Yates and Thurlow Hydroelectric Project (P-2407).

f. *Location:* The Martin Dam Project is located on the Tallapoosa River in the counties of Coosa, Elmore and Tallapoosa, Alabama. The Yates and Thurlow Project is located on the Tallapoosa River in the counties of Tallapoosa and Elmore Counties, Alabama.

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

h. *Applicant Contact:* Mr. Jim Crew, Alabama Power Company, P.O. Box 2641, Birmingham, Alabama 35291, Tel: (205) 257-4265.

i. *FERC Contact:* Ms. Rachel Price, (202) 502-8907; e-mail: [rachel.price@ferc.gov](mailto:rachel.price@ferc.gov).

j. *Deadline for filing comments, motions to intervene and protests:* January 30, 2009.

Please include the project numbers (P-349-158 and P-2407-126) on any comments or motions filed. All documents should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Comments, protests, and interventions 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. The Commission strongly encourages electronic filings. In lieu of electronic filing, an original and eight copies of all documents may be mailed to the Secretary at the address above.

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 the particular application.

k. *Description of Request:* Alabama Power is requesting a drought-based temporary variance to the Martin Project rule curve. The rule curve variance would be in effect from the date of Commission approval to May 1, 2009, and would include: (1) Maintaining a winter pool elevation 3 feet higher than normal, at elevation 483 feet instead of elevation 480 feet; (2) maintaining the winter pool elevation earlier than normal, upon Commission approval; (3) initiating the filling process earlier than normal, beginning January 15th instead of February 17th; and (4) reaching and maintaining summer pool elevation earlier than normal, beginning April 1st rather than April 29th. In association with the Martin rule curve variance, the minimum flows from the Thurlow reservoir (P-2407) would be temporarily modified as follows until May 1, 2009: (1) Discharge would be no less than 350 cubic feet per second (cfs) until the Martin Reservoir elevation reaches the existing rule curve; (2) when the reservoir elevation is at or above the existing rule curve but below the temporary rule curve, Alabama Power would discharge the greater of 350 cfs or inflow at the upstream Heflin gage; and (3) when Martin Reservoir elevation is at or above the temporary rule curve, Alabama Power would discharge no less than 1,200 cfs from Thurlow.

l. *Location of the Application:* The filing 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://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/docsfiling/esubscription.asp> to be notified vial e-mail or 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, 385.211, and 385.214. 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 filing 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.

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