

203 10-4-84

Office Director Orders

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of any other date specified in this order, except as specifically directed by the Commission.

Appendix A

Notice of Application
(Issued May 22, 1984)

- a. Type of Application: Preliminary Permit
 b. Project No.: 7942-000
 c. Date Filed: January 3, 1984
 d. Applicant: Bosler Associates
 e. Name of Project: Laramie Power Project
 f. Location: On Tunnel/Bluegrass Creek in Albany and Platte Counties, Wyoming
 g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § § 791(a) - 825(r)
 h. Contact Person: Joel Rector, 4832 Colony Circle, Salt Lake City, Utah 84117.
 i. Comment Date: July 27, 1984

j. Description of Project: The project would consist of: (1) a proposed penstock, 10 feet in diameter and 2,700 feet in length; (2) a proposed powerhouse, 50 feet by 100 feet, with a total installed capacity of 3,900 kW; (3) a proposed tailrace afterbay, 100 feet long, with a water surface area of 1-acre, storage capacity of 10-acre-feet, and normal maximum water surface elevation of 6,260 feet m.s.l.; (4) a proposed 12,500-volt transmission line, approximately 1/4-mile-long; and (5) appurtenant facilities. Applicant estimates that the average annual generation would be 14,000,000 kWh. All lands within the project boundary are owned by the Bureau of Land Management.

[Note: Remainder of notice omitted in printing.]

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Cook Industries, Inc., Project No. 7987-000

Order Granting Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

(Issued September 12, 1984)

Quentin A. Edson, Director, Office of Hydropower Licensing.

The Applicant¹ filed an application for exemption from all or part of Part I of the Federal Power Act (Act) pursuant to 18 C.F.R. Part 4 Subpart K (1980) implementing in part Section 408 of the Energy Security Act (ESA) of 1980 for a project as described in the attached public notice.^{2 3}

Notice of the application was published in accordance with Section 408 of the ESA and the Commission's regulations and comments were requested from interested Federal and State agencies including the U.S. Fish and Wildlife Service and the State Fish and Wildlife Agency. All comments, protests and petitions to intervene that were filed have been considered. No agency has any objection relevant to issuance of this exemption.

Standard Article 2, included in this exemption, requires compliance with any terms and conditions that Federal or State fish and wildlife agencies have determined appropriate to prevent loss of, or damage to, fish and wildlife resources. The terms and conditions referred to in Article 2 are contained in any letters of comment by these agencies which have been forwarded to the Applicant in conjunction with this exemption.

Should the Applicant contest any terms or conditions that were proposed by Federal or State agencies in their letters of comment as being outside the scope of Article 2, the

Commission shall determine whether the disputed terms or conditions are outside the scope of Article 2.

Based on the terms and conditions required by Federal and State fish and wildlife agencies, the environmental information in the application for exemption, other public comments, and staff's independent analysis, issuance of this order is not a major Federal action significantly affecting the quality of the human environment.

It is ordered, that:

High Falls Hydroelectric Project No. 7987 as described and designated in Cook Industries, Inc.'s application filed on January 18, 1984, is exempted from all of the requirements of Part I of the Federal Power Act, including licensing, subject to the standard articles in § 4.106, of the Commission's regulations, 18 C.F.R. § 4.106, 45 Fed. Reg. 76,115 (November 18, 1980), and the following Special Article.

Article 6. Any exempted small hydroelectric power project that utilizes a dam which is more than 33 feet in height above streambed, as defined in 18 C.F.R. 12.31(c) of this chapter, impounds more than 2,000 acre-feet of water, or has a significant or high hazard potential, as defined in 33 C.F.R. Part 222, is subject to the following provisions of 18 C.F.R. Part 12;

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Cited as "28 FERC ¶"

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- (i) Section 12.4(b)(1)(i) and (ii), (2)(i), (iii)(A) and (B), (iv), and (v);
- (ii) Section 12.4(c);
- (iii) Section 12.5;
- (iv) Subpart C; and
- (v) Subpart D.

For the purposes of applying these provisions of 18 C.F.R. Part 12, the exempted project is deemed to be a licensed project development and the owner of the exempted project is deemed to be a licensee.

— Footnotes —

¹ Cook Industries, Inc., Project No. 7987, filed on January 18, 1984.

² Pub. Law 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 408 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. §§ 2705 and 2708).

³ Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under § 375.314 of the Commission's regulations, 49 Fed. Reg. 29,369 (1984) (Errata issued July 27, 1984) (to be codified at 18 C.F.R. § 375.314). This action may be appealed to the Commission by any party within 30 days of the issuance date of this letter pursuant to Rule 1902, 18 C.F.R. § 385.1902 (1983). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

Appendix A

Notice of Application

(Issued June 26, 1984)

- a. Type of Application: Exemption (5 MW or Less)
- b. Project No.: 7987-000
- c. Date Filed: January 18, 1984
- d. Applicant: Cook Industries, Inc.
- e. Name of Project: High Falls Hydroelectric Project
- f. Location: On Deep River, in Moore County, N. Carolina
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a) - 825(r)
- h. Contact Person: Mr. George S. Cook, 4701 High Point Road, Greensboro, North Carolina 27407
- i. Comment Date: August 10, 1984

j. Description of Project: The proposed project would consist of: (1) an existing stone gravity dam 9 feet high and approximately 700 feet in length; (2) an existing 5 acre impoundment with a storage capacity of approximately 30 acre-feet at a normal maximum water surface elevation of 389.50 feet m.a.l.; (3) an existing gate structure; (4) an existing millrace, approximately 50 feet long and 20 feet wide; (5) a proposed powerhouse approximately 56 feet by 22 feet housing three generator units with a total installed capacity of 600 kW; (6) an existing tailrace; (7) a proposed 13.2 kV transmission line, 20 feet long; and (8) appurtenant facilities. The average annual energy generation is estimated to be 3,154,000 kWh.

[Note: Remainder of notice omitted in printing.]

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Hyde Park Development, Small Power Production and Cogeneration Facilities—Qualifying Status, Docket No. QF84-286-000

Order Granting Application for Certification as a Qualifying Cogeneration Facility

(Issued September 12, 1984)

Lawrence R. Anderson, Director, Office of Electric Power Regulation.

On April 24, 1984, Hyde Park Development (Applicant) of Panama, New York, filed an application with the Federal Energy Regulatory Commission (Commission) for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. Supplementary information was filed on June 11, 1984 and the facility was modified, as described in a filing submitted June 29, 1984.¹ Notice of the application was published in the *Federal Register* on July 17, 1984.² No protests or petitions to intervene have been filed.

The topping-cycle cogeneration facility will be located in Panama, New York. Heat will be recovered from the cooling water and exhaust of a 285 kilowatt engine generator, and used to meet the heating and hot water requirements of several apartment buildings. The primary energy source will be natural gas. Installation of the facility will begin on or about September 30, 1984.

Based on the information provided by the Applicant, the facility will meet the operating

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Federal Energy Guidelines

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