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April 25, 2008

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

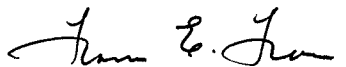
**Re: Alcoa Power Generating Inc., Project No. 2197-073, Yadkin Project
Relicensing, and NC DWQ Revocation of Clean Water Act, Section 401
Water Quality Certificate**

Dear Secretary Bose:

By letter filed on April 18, 2008, undersigned counsel submitted for filing two documents. One was a notice issued by the North Carolina Division of Water Quality, and the other was a letter dated April 16, 2008 signed by John Dorney of the North Carolina Division of Water Quality. These documents were provided to Stanly County's North Carolina counsel as final documents. Last evening, I was notified that the April 16, 2008 letter submitted was not the official DWQ letter; the letter we understand to be the official letter is being submitted with this filing. Accordingly, Stanly County requests that the version filed on April 18 be replaced with the letter (also dated April 16, 2008 and executed by Mr. Dorney) enclosed. The enclosed letter does not appear to reflect a change in the DWQ's decision to revoke its earlier November 401 decision granting the 401 Certificate to APGI.

Thank you.

Sincerely,



Frances E. Francis
Attorney for Stanly County

Enclosure

Kimberly D. Bose

April 25, 2008

Page 2

cc: Official Service List

J. Mark Robinson, Director, Office of Energy Projects



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Coleen H. Sullins, Director
Division of Water Quality

April 16, 2008

CERTIFIED MAIL – Return Receipt Requested

Mr. William Bunker
Alcoa Generating Inc.
V.P. Hydro Operations – Yadkin Division
P.O. Box 576
Badin, NC 28009-0576

RE: Yadkin Hydroelectric Project
Stanly County
DWQ # 2007-0812; FERC Project No. 2197
Request for Withdrawal and resubmittal of application for 401 Certification

The Division of Water Quality has determined that we must prepare an additional public notice for the 401 Water Quality Certification for the relicensing of the Yadkin Project (High Rock, Tuckertown, Narrows and Falls reservoirs) on the Yadkin River, Stanly County, North Carolina since questions have been raised about the process followed for our earlier public notice that was sent to the Stanly News and Press on June 5, 2007. A new public notice has been sent today to the Stanly News and Press for publication in their Thursday April 17, 2008 edition with the required 15 day comment period to end on May 2, 2008. We invite any additional comments that APGI may have on the 401 Certification that was issued on November 16, 2007 during that public comment process. As part of this process, the Division has decided to revoke the November 401 Certification since conditions under which the certification was made have changed (15A NCAC 2H .0507 (d)(2)).

If this decision is unacceptable to you, you have the right to an adjudicatory hearing upon written request within sixty (60) days following receipt of this decision. This request must be in the form of a written petition conforming to Chapter 150B of the North Carolina General Statutes and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. Unless such demands are made, this decision shall be final and binding.

On the other hand, we hereby request that APGI agree to withdraw the application sent to the Division on May 10, 2007 and then resubmit the application. We believe that this action would not affect the FERC schedule for relicensing since according to the most recent information that we have concerning the scheduling, APGI expects that FERC will issue a one year extension of the present license. Please let me know whether APGI is willing to withdraw your May 10, 2007 application and (if so), when a new application may be submitted.

I can be reached at 919-733-9646 if you have any questions.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'John Dorney', is written over a circular stamp that contains the name 'John Dorney' in a serif font.

John Dorney

Cc: Don Laton, NC Attorney General's Office – Environmental Section
Coleen Sullins, DWQ
Paul Rawls, DWQ
Susan Massengale, DWQ
Gene Ellis, APGI
Central files
File copy

One
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Wetlands and Stormwater Branch
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Raleigh, NC 27699-1617
Raleigh, NC 27604

Phone (919) 733-5083
FAX (919) 733-9612

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 25th day of April, 2008.

A handwritten signature in cursive script, appearing to read "Frances E. Francis", is written above a horizontal line.

Frances E. Francis

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Document Content(s)

401_Revocation.PDF.....1-4