

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Notice of Application for Non-Project Use of Project Lands and Waters and Soliciting Comments, Motions to Intervene, and Protests**

April 9, 2004.

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

- a. *Application Type*: Non-project use of project lands and waters.
- b. *Project No.*: 1490-035.
- c. *Date Filed*: March 24, 2004.
- d. *Applicant*: Brazos River Authority.
- e. *Name of Project*: Morris Sheppard Hydroelectric Project.
- f. *Location*: The project is located on the Possum Kingdom Reservoir on the Brazos River in Palo Pinto County, Texas. This project does not occupy any Federal or tribal lands.
- g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.
- h. *Applicant Contact*: Mr. Gary Gwyn, Brazos River Authority, P.O. Box 7555, 4400 Cobbs Drive, Waco, Texas, 76714, (817) 776-1441.
- i. *FERC Contact*: Any questions on this notice should be addressed to Brittany Schoenen at (202) 502-6097, or e-mail address: [bschoenen@ferc.gov](mailto:bschoenen@ferc.gov).
- j. *Deadline for Filing Comments and or Motions*: May 10, 2004.

All documents (original and eight copies) should be filed with: Ms. Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P-1490-035) on any comments or motions filed. 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 under the "e-Filing" link. The Commission strongly encourages e-filings.

k. *Description of Request*: Brazos River Authority (Authority) is seeking Commission approval of the existing 124-slip Cliffs Marina and approval to permit the addition of 76 boat slips to the marina. Twenty-four slips will be added initially, and 52 slips will be added as public demand warrants. Most of the boat slips would be available for rental to the public.

l. *Location of the Application*: This filing is available for review at the Commission or may be viewed on the Commission's Web site at <http://>

[www.ferc.gov](http://www.ferc.gov), using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or for TTY, contact (202) 502-8659.

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 applications. A copy of the applications 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.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4-840 Filed 4-14-04; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Project No. 2738-054]

**New York State Electric & Gas Corporation; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments**

April 9, 2004.

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

- a. *Type of Application*: New major license.
- b. *Project No.*: P-2738-054.
- c. *Date Filed*: April 5, 2004.
- d. *Applicant*: New York State Electric & Gas Corporation (NYSEG).
- e. *Name of Project*: Saranac River Hydroelectric Project.
- f. *Location*: On the Saranac River, in Clinton County, New York. The project does not occupy Federal lands of the United States.
- g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791(a)-825(r).
- h. *Applicant Contact*: Carol Howland, New York State Electric & Gas Corporation, Corporate Drive, Kirkwood Industrial Park, P.O. Box 5224, Binghamton, NY, 13902 (607) 762-8881.
- i. *FERC Contact*: Tom Dean (202) 502-6041.

j. *Cooperating Agencies*: We are asking Federal, State, and local agencies and Indian tribes with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below. The Commission policy is that entities that cooperate in preparing an environmental document cannot also file a motion to intervene to become a party to the proceeding. See 94 FERC ¶61,076 (2001).

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian tribe, or person believes that an additional scientific study should be conducted in order to form a factual basis for complete analysis of the application on its merit, the resource agency, Indian tribe, or person must file a request for a study with the Commission not later than 60 days after the date of the

application filing and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: June 4, 2004.

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.

The Commission's rules of practice require all intervenors filing documents with the Commission to serve a copy of that document on each person 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.

Additional study requests may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filing. 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.

m. The application is not ready for environmental analysis at this time.

n. *Project Description:* The project consists of the following four developments:

The High Falls Development consists of the following existing facilities: (1) A 63-foot-high, 274-foot-long concrete gravity dam with spillway topped with 5-foot-high flashboards; (2) a 110-foot-long eastern wingwall and a 320-foot-long western wingwall; (3) a 46-acre reservoir; (4) an 800-foot-long, 19-foot-wide forebay canal; (5) a 11-foot by 12-foot, 3,581-foot-long tunnel; (6) a 10-foot-diameter, 1,280-foot-long penstock; (7) three 6-foot-diameter, 150-foot-long penstocks; (8) a 30-foot-diameter surge tank; (9) a powerhouse containing three generating units with a total installed capacity of 15,000 kW; (10) a 50-foot-long, 6.9-kV transmission line; and (11) other appurtenances.

The Cadyville Development consists of the following existing facilities: (1) A 50-foot-high, 237-foot-long concrete gravity dam with spillway topped with 2.7-foot-high flashboards; (2) a 200-acre reservoir; (3) a 58-foot-long, 20-foot-wide intake; (4) a 10-foot-diameter, 1,554-foot-long penstock; (5) a powerhouse containing three generating units with a total installed capacity of 5,525 kW; (6) a 110-foot-long, 6.6-kV transmission line; and (7) other appurtenances.

The Mill C Development consists of the following existing facilities: (1) A 43-foot-high, 202-foot-long stone masonry dam with spillway topped

with 2-foot-high flashboards; (2) a 7.9-acre reservoir; (3) a 37-foot-long, 18-foot-wide intake; (4) a 11.5-foot to 10-foot-diameter, 494-foot-long penstock; (5) a 11.1-foot to 10-foot-diameter, 84-foot-long penstocks; (6) one powerhouse containing two generating units with a total installed capacity of 2,250 kW; (7) another powerhouse containing a single generating unit with an installed capacity of 3,800 kW; (8) a 700-foot-long, 6.6-kV transmission line; and (9) other appurtenances.

The Kents Falls Development consists of the following existing facilities: (1) A 59-foot-high, 172-foot-long concrete gravity dam with spillway topped with 3.5-foot-high flashboards; (2) a 34-acre reservoir; (3) a 29-foot-long, 22-foot-wide intake; (4) a 11-foot-diameter, 2,652-foot-long penstock; (5) three 6-foot-diameter, 16-foot-long penstocks; (6) a 28-foot-diameter surge tank; (7) a powerhouse containing two generating units with a total installed capacity of 12,400 kW; (8) a 390-foot-long, 6.6-kV transmission line; and (9) other appurtenances.

o. A copy of the application is on file with the Commission and is available for public inspection. This filing may also be viewed on the Web at <http://www.ferc.gov> using the "eLibrary" link—select "Docket #" and follow the instructions. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676 or for TTY, contact (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

p. You may also register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support. To view upcoming FERC events, go to [www.ferc.gov](http://www.ferc.gov) and click on "View Entire Calendar."

q. With this notice, we are initiating consultation with the New York State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

r. *Procedural Schedule and Final Amendments:* The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate. The Commission staff proposes to issue one environmental assessment (EA) rather than issue a draft and final EA. Comments, terms and conditions, recommendations, prescriptions, and reply comments, if

any, will be addressed in the EA. Staff intends to give at least 30 days for entities to comment on the EA, and will take into consideration all comments received on the EA before final action is taken on the license application.

Issue Acceptance or Deficiency Letter, July 2004

Issue Scoping Document, November 2004  
Notice that application is ready for environmental analysis, January 2005  
Notice of the availability of the EA, July 2005  
Ready for Commission decision on the application, December 2005

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

**Linda Mitry,**

*Acting Secretary.*

[FR Doc. E4-841 Filed 4-14-04; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Declaration of Intention and Soliciting Comments, Protests, and/or Motions To Intervene

April 9, 2004.

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

a. *Application Type:* Declaration of Intention.

b. *Docket No.:* DI04-5-000.

c. *Date Filed:* March 11, 2004.

d. *Applicant:* Florida Hydro Power and Light Company, 171 Comfort Road, Palatka, FL 32177, telephone (386) 328-2470.

e. *Name of Project:* Gulf Stream Ocean Current Electricity Project.

f. *Location:* The proposed Gulf Stream Ocean Current Electricity Project, a cluster of electricity production units (EPU) connected by undersea transmission cables to a series of monitoring stations, would be located in a 1,000 square mile area on and off the Florida coast between Miami and Palm Beach. The initial project land station will be located on Singer Island in the City of Riviera Beach, Palm Beach County, Florida, connected by a transmission line to an EPU more than 3 miles offshore in the Atlantic Ocean.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Michael J. Hoover, Florida Hydro Power and Light Company, 171 Comfort Road, Palatka,