

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.
- 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>, 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 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.

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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