

f. *Location*: On Pullen, Dewey, Reid, Icy, and Snyder Creeks within the city limits of Skagway, Alaska. The project does not utilize any Federal lands.

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

h. *Applicant Contact*: Bob Grimm, AP&T, P.O. Box 3222, Port Townsend, Washington 98368, (360) 385-1733, ext. 120.

i. *FERC Contact*: Alan Mitchnick, (202) 502-6074 or [alan.mitchnick@ferc.gov](mailto:alan.mitchnick@ferc.gov).

j. *Cooperating Agencies*: We are asking Federal, State, local, and tribal agencies 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 such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. 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 an adequate factual basis for a 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 from the date of filing of the application, and serve a copy of the request on the applicant.

l. *Deadline for Filing Additional Study Requests and Requests for Cooperating Agency Status*: October 28, 2005.

*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 and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. 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. This application is not ready for environmental analysis at this time.

n. *Project Description*: Water from Reid Falls, Icy Creek, and Snyder Creek is diverted to Lower Dewey Lake, which in turn, flows into Dewey reservoir. The project withdraws water from Dewey reservoir to supply the powerhouse. Existing project features include: the 26-foot-long, 8-foot-high Reid Falls diversion dam that diverts water into a 14-inch-diameter, 1,280-foot-long steel pipeline running to Icy Creek; the 102-foot-long, 5-foot-high Icy Lake dam impounding the 3.4-acre Icy Lake; the 30-foot-long and 3-foot-high Snyder Creek diversion dam that diverts water from Snyder Creek into a diversion channel that conveys water to Lower Dewey Lake; the 629-foot-long, 28-foot-high Lower Dewey Lake dam, impounding the 32.8-acre Lower Dewey Lake; the 132-foot-long, 30-foot-high, Dewey reservoir dam, impounding 2.7 acres; a 300-foot-long canal running between Lower Dewey Lake and Dewey reservoir; three penstocks that run from the Dewey reservoir dam about 1,850 feet to the project's powerhouse that sits adjacent to Pullen Creek within the City of Skagway; and a powerhouse containing four turbines with a total installed capacity of 943 kilowatts. No changes to the project are proposed.

o. A copy of the application is available for review at the Commission in the Public Reference Room 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](mailto:FERCOnlineSupport@ferc.gov) or toll-free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

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

q. *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.

Issue Deficiency Letter (if needed)  
Issue Acceptance letter—October 2005  
Issue Scoping Document for comments—November 2005  
Request Additional Information (if needed)—January 2005  
Notice of application is ready for environmental analysis—April 2006  
Notice of the availability of the EA—September 2006  
Ready for Commission's decision on the application—December 2006

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.

Magalie R. Salas,

Secretary.

[FR Doc. E5-4962 Filed 9-9-05; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application To Amend License, and Soliciting Comments, Motions To Intervene, and Protests

September 6, 2005.

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

a. *Application Type*: Amendment of license to change project design and capacity.

b. *Project No.*: 6641-067.

c. *Date Filed*: May 3, 2005.

d. *Applicant*: City of Marion, Kentucky, and Smithland Hydroelectric Partners.

e. *Name of Project*: Smithland Lock and Dam Project.

f. *Location*: The Project is located on the Ohio River in Livingston County, Kentucky. The project will affect federal lands at the U.S. Army Corps of Engineers' Smithland Lock and Dam.

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

h. *Applicant Contact*: Mr. James Price, P.O. Box 5550, Aiken, SC 29804, (803) 642-2749.

i. *FERC Contact*: Any questions on this notice should be addressed to Mohamad Fayyad at (202) 502-8759 or [mfayyad@ferc.gov](mailto:mfayyad@ferc.gov).

j. *Deadline for filing comments and/or motions*: October 7, 2005.

k. *Description of Filing*: The City of Marion, Kentucky, and Smithland Hydroelectric Partners filed an

application to modify the configuration of the Smithland Lock and Dam Project. The licensees propose to install three generating units (as was originally authorized) instead of the currently authorized Hydromatrix design that consists of 170 small generating units. The proposed design would change the installed capacity from 83 MW to 66 MW, and the hydraulic capacity from 63,500 cfs to 48,000 cfs.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the 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://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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call toll-free 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, .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. 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. 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 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.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E5-4964 Filed 9-9-05; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

### Records Governing Off-the Record Communications; Public Notice

September 6, 2005.

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant

to the merits of a contested proceeding, to deliver to the Secretary, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received in the Office of the Secretary. The communications listed are grouped by docket numbers in ascending order. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary (FERRIS) link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. 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.

Docket No.	Date received	Presenter or requester
<b>Prohibited:</b>		
1. CP05-32-000 .....	8-30-05	Lee Geil
2. CP05-32-000 .....	8-31-05	Lee Geil
3. EL04-412-000 .....	8-30-05	Denise Rogers
ER03-563-000 .....		
4. Project No. 2984-042 .....	8-30-05	Robert L. Adam
<b>Exempt:</b>		