

a. *Application Type*: Amendment of License to Change Project Boundary.

b. *Project No.*: 1835-222.

c. *Date Filed*: September 3, 2002.

d. *Applicant*: Nebraska Public Power District (NPPD).

e. *Name of Project*: North Platte/Keystone Diversion Dam Project.

f. *Location*: The project is located on the North Platte and South Platte Rivers, in Keith and Lincoln Counties, Nebraska. The area proposed to be deleted from the project boundary lies entirely within Lincoln County.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact*: John Shadle, Nebraska Public Power District, P.O. Box 499, Columbus, NE 68601-0499, (402) 564-8561.

i. *FERC Contact*: Any questions on this notice should be addressed to Mr. Eric Gross at (202) 502-6213, or e-mail address: [eric.gross@ferc.gov](mailto:eric.gross@ferc.gov).

j. *Deadline for filing comments and or motions*: December 27, 2002.

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. Please include the project number (P-1835-222) on any comments or motions filed.

k. *Description of Request*: NPPD is proposing to remove approximately 33.67 acres of land from the project boundary. The land will be transferred to the Nebraska Department of Roads (NDOR) to accommodate a realignment of Highway 25 right-of-way near NPPD's Sutherland Reservoir. The land is not needed for project purposes.

l. *Locations of the Application*: A copy of the application is available for inspection and reproduction at the Commission's 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 website at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 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, 385.211, 385.214. 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 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.

**Linwood A. Watson, Jr.,**  
Deputy Secretary.

[FR Doc. 02-30712 Filed 12-3-02; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 4914]

#### 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

November 27, 2002.

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

a. *Type of Application*: Subsequent Minor License.

b. *Project No.*: 4914.

c. *Date Filed*: November 20, 2002.

d. *Applicant*: International Paper Company.

e. *Name of Project*: Nicolet Mill Dam Project.

f. *Location*: At the U.S. Army Corps of Engineers' DePere Dam, on the Fox River, in the City of DePere, Brown County, Wisconsin.

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

h. *Applicant Contacts*: Licensee Contact: Thomas Piette, International Paper Company, 200 Main Avenue, De Pere, WI 54115, (920) 336-4211.

i. *FERC Contact*: Peter Leitzke, (202) 502-6059 or [peter.leitzke@ferc.gov](mailto:peter.leitzke@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 comments described in item l below.

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*: December 27, 2002.

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. Please include the project number (P-4914-010) on any documents filed.

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. The existing Nicolet Mill Dam Project consists of the following existing facilities: (1) A 13.6 foot-high, 400-foot-long diversion structure attached to the westerly end of the U.S. Army Corps of Engineers' DePere Dam; (2) intake works consisting of 28 gates screened with steel racks; (3) a powerhouse containing two generating units with a total installed capacity of 1,080 kW; and (4) other appurtenances.

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 "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 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.

p. With this notice, we are initiating consultation with the Wisconsin 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 Acceptance or Deficiency Letter:* January 2003.

*Issue Scoping Document for comments:* March 2003.

*Notice of Application is Ready for Environmental Analysis:* June 2003.

*Notice of the availability of the EA:* October 2003.

*Ready for Commission's decision on the application:* December 2003.

Unless substantial comments are received in response to the EA, staff intends to prepare a single EA in this case. If substantial comments are received in response to the EA, a final EA will be prepared with the following modifications to the schedule.

*Notice of the availability of the final EA:* February 2004.

*Ready for Commission's decision on the application:* March 2004.

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.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

[FR Doc. 02-30715 Filed 12-3-02; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

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

November 27, 2002.

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

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the

decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become 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 requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should 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 will be 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 exempt and prohibited off-the-record communications recently received in the Office of the Secretary. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the "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.

### Exempt

| Docket No.                     | Date filed | Presenter or Requester       |
|--------------------------------|------------|------------------------------|
| 1. Project No. 1927-008 .....  | 11-20-02   | USDA Forest Service          |
| 2. CP02-296-000 .....          | 11-20-02   | Gini R. Cooper               |
| 3. Project No. 2726-000 .....  | 11-20-02   | Mark Druss                   |
| 4. Project No. 2726-000 .....  | 11-20-02   | Susan Pengilly Neitzel       |
| 5. Project No. 2726-000 .....  | 11-20-02   | L. Lewis Wardle              |
| 6. CP01-415-000 .....          | 11-20-02   | Medha Kochhar                |
| 7. Project Nos. 2576-022 ..... | 11-20-02   | John T. Gangemi and 2597-019 |
| 8. CP02-396-000 .....          | 11-20-02   | Becky Coleman                |
| 9. Project No. 2726-000 .....  | 11-26-02   | Susan Pengilly Neitzel       |