

later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. Notice of Intent—a notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. 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.

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 "e-filing" link. The Commission strongly encourages electronic filing.

s. Filing and Service of Responsive Documents—Any filings must bear in all capital letter the title "Comments", "Recommendations for Terms and Conditions", "Protest", "Motion to Intervene", "Notice of Intent", or "Competing Application", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The 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.

t. 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.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6-15383 Filed 9-15-06; 8:45 am]

**BILLING CODE 6717-01-P**

## 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

September 12, 2006.

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.:* 2210-140.

c. *Date filed:* August 29, 2006.

d. *Applicant:* Appalachian Power Company

e. *Name of Project:* Smith Mountain Pumped Storage Project.

f. *Location:* The project is located on the Roanoke River, in Bedford, Pittsylvania, Franklin, and Roanoke Counties, Virginia.

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

h. *Applicant Contact:* Teresa P. Rogers, Hydro Generation Department, Appalachian Power, P.O. Box 2021, Roanoke, VA 24022-2121, (540) 985-2441.

i. *FERC Contact:* Rebecca Martin at 202-502-6012, or e-mail [Rebecca.martin@ferc.gov](mailto:Rebecca.martin@ferc.gov).

j. *Deadline for filing comments and or motions:* October 13, 2006.

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-

2210-140) 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 Application:* The licensee requests a variance to grant Virginia State Parks permission to dredge sand and excavate non-sand substrate from the Smith Mountain Lake State Park Beach in Bedford County, Virginia. Virginia State Parks (applicant) is proposing to restore the existing sand beach to near original elevation grades and to prevent the moving sand from obstructing the function of adjacent structures. The restoration involves the removal of sand and clay from within the project boundary, dewatering the sand, replacement of the dredged and dewatered sand, and the addition of approximately 100 cubic yards of sand. The total amount of land disturbance required for the project is approximately 2.3 acres. The licensee is requesting the variance because the proposed action is not in conformance with the approved Shoreline Management Plan for the Smith Mountain Pumped Storage Project, approved on July 5, 2005.

l. *Location of Application:* The filing is available for review at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "e-Library" 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 (866) 208-3676 or 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 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. E6-15426 Filed 9-15-06; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

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

September 12, 2006.

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

a. *Application Type:* Transfer of License.

b. *Project No.(s):* 2232-521; 2331-034; 2332-040; 2503-106; 2601-010; 2602-011; 2603-015; 2619-015; 2686-050; 2692-040; 2694-021; 2698-044, and 2740-048.

c. *Date Filed:* August 25, 2006.

d. *Applicants:* Duke Energy Corporation (DEC) and Duke Power Company LLC (DPCLLC).

e. *Name and Location of Project(s):* (P-2232) The Catawba-Wateree Project located on the Catawba River in Alexander, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell, Mecklenburg Counties, North Carolina

and on the Catawba-Wateree River in Chester, Fairfield, Kershaw, Lancaster and York Counties, SC; (P-2331) Ninety-Nine Islands Project, located on Broad River, Cherokee Co., SC; (P-2332) Gaston Shoals Project, located on Broad River, Cherokee Co., SC; (P-2503) Keowee-Toxaway Project, located on Keowee, Little, Whitewater, Toxaway, Thompson and Horsepasture Rivers, in Oconee and Pickens Counties, SC and Transylvania County, NC.; (P-2601) Bryson Project, located on Oconaluftee River, Swain County, NC; (P-2602) Dillsboro Project, located on Tuckasegee River, Jackson Co., NC; (P-2603) Franklin Project, located on Little Tennessee River, Macon County, NC; (P-2619) Mission Project located on the Hiwassee River, Clay County, NC; (P-2686) West Fork Project located on the West Fork Tuckasegee River, Jackson County, NC; (P-2692) Nantahala Project located on Nantahala River, Dicks Creek and White Oak Creek, in Clay and Macon Counties, NC; (P-2694) Queens Creek Project located on Queens Creek, near the Town of Tipton, Macon County, NC; (P-2698) East Fork Project located on the East Fork Tuckasegee River, Jackson County, NC; and (P-2740) Bad Creek Project located on the Bad and West Bad Creeks, Oconee County, SC.

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

g. *Applicant Contacts:* For DEC: Garry S. Rice, Associate General Counsel, Duke Energy Corporation, 526 South Church Street, Charlotte, NC 28202, (704) 382-8111. John A. Whittaker, IV, Winston & Strawn LLP, 1700 K Street, NW., Washington, DC 20006-3817, (202) 282-5766. For DPCLLC: Jeffrey G. Lineberger, Manager, Hydro Licensing, Duke Power Company LLC, P.O. Box 1006, Mail Code EC12Y, Charlotte, NC 28201-1006, (704) 382-5942.

h. *FERC Contact:* Etta L. Foster (202) 502-8769.

i. *Deadline for filing comments, protests, and motions to intervene:* October 12, 2006.

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. 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 electronic filings. Please include the project number (P-2232-521; P-2331-034; P-2332-040; P-2503-106; P-2601-010; P-2602-011; P-2603-015; P-2619-015; P-2686-050; P-

2692-040; P-2694-021; P-2698-044, or P-2740-048) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing a document with the Commission to serve a copy of that document on each person in 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 documents on that resource agency.

j. *Description of Application:* Applicants request approval, under section 8 of the Federal Power Act, of a transfer of license for the following projects: Catawba-Wateree (P-2232-521), Ninety-Nine Islands (P-2331-034), Gaston Shoals (P-2332-040), Keowee-Toxaway (P-2503-106), Bryson (P-2601-010), Dillsboro (P-2602-011), Franklin (P-2603-015), Mission (P-2619-015), West Fork (P-2686-050), Nantahala (P-2692-040), Queens Creek (P-2694-021), East Fork (P-2698-044), and Bad Creek (P-2740-048) from the Duke Energy Corporation to Duke Power Company LLC.

k. This filing 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 project number excluding the last three digits (P-2232, 2331, 2332, 2503, 2601, 2602, 2603, 2619, 2686, 2692, 2694, 2698, or 2740) in the docket number field to access the document. For online assistance, contact [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov) or call toll-free (866) 208-3676, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the addresses in item g.

l. Individual desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. *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.