

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Project No. 7264-010-WI]

Fox Paper Company and N.E.W. Hydro,
Inc.; Notice of Availability of
Environmental Assessment

May 5, 2005.

In accordance with the National Environmental Policy Act of 1969, as amended, and Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed the application for a subsequent license for the Middle Appleton Dam Hydroelectric Project located on the Lower Fox River, in Outagamie County, Wisconsin, and has prepared an Environmental Assessment (EA). The EA analyzes the potential environmental effects of licensing the project and concludes that issuing a subsequent license for this project, with appropriate environmental measures, would not constitute a major Federal action that would significantly affect the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA 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. For assistance, contact or FERCOnlineSupport@ferc.gov call toll-free at (866) 208-3676, or for TTY contact (202) 502-8659.

Any comments should be filed within 30 days from the date of this notice and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1-A, Washington, DC 20426. Please affix "Middle Appleton Dam Hydroelectric Project No. 7264-010" on all comments. Comments may be filed electronically via Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "eFiling" link. For further information, contact John Ramer at (202) 502-8969.

Magalie R. Salas,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory
CommissionNotice of Application for Transfer of
License and Soliciting Comments,
Motions To Intervene, and Protests

May 5, 2005.

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.*: 4914-012.
- c. *Date Filed*: April 29, 2005.
- d. *Applicants*: International Paper Company (Transferor) and Thilmany, LLC (Transferee).
- e. *Name of Project*: De Pere Hydroelectric.
- f. *Location of Project*: At the U.S. Army Corps of Engineers' De Pere Dam on the Fox River in Brown County, Wisconsin. The project does not occupy any United States lands.
- g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791a-825r.
- h. *Applicants Contacts*: John F. Harrington and Glenn S. Benson, Fulbright & Jaworski L.L.P., 801 Pennsylvania Avenue, NW., Washington, DC 20004, (202) 662-0200 (Transferor); William J. Madden, Jr., Winston & Strawn LLP, 1700 K Street, NW., Washington, DC 20006 (Transferee).
- i. *FERC Contact*: Regina Saizan, (202) 502-8765.

j. *Deadline for filing comments and motions to intervene*: May 25, 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. 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-4914) on any comments 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 any 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.

k. *Description of Application*: The Applicants jointly and severally seek Commission approval to transfer the license for the De Pere Hydroelectric Project from International Paper Company to Thilmany, LLC.

l. *Location of Application*: 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. For assistance, call toll-free 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov. For TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the addresses 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", "PROTEST", or "MOTION TO INTERVENE", 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 eight copies 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 Applicants 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 Applicants. If an agency does not file comments within the time specified for