

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
CommissionJ.M. Miller Enterprises, Inc.; Notice of  
Availability of Final Environmental  
Assessment

[Project No. 11060-000; Idaho]

January 29, 1999.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for an original, minor license for the proposed Sahko Hydroelectric Project. The project would be located on the Kastelu Drain, an irrigation return ditch also known as Southside 39 Drain, near Filer, Idaho in Twin Falls County.

On August 27, 1998, the Commission staff issued a draft environmental assessment (DEA) for the project, and requested that comments be filed with the Commission within 30 days. Comments were filed by three entities and are addressed in the final environmental assessment (FEA) for the project.

The FEA contains the staff's analysis of the potential environmental impacts of the project and has concluded that licensing the project, with appropriate environmental protective measures, would not be a major federal action significantly affecting the quality of the human environment.

Copies of the DEA and FEA are available for review in the Public Reference Room, Room 2A, of the Commission's offices at 888 First Street, NE., Washington, DC 20426. They may be viewed on the web at [www.ferc.fed.us](http://www.ferc.fed.us). Call 202 208-2222 for assistance.

**David P. Boergers,**  
Secretary.

[FR Doc. 99-2595 Filed 2-3-99; 8:45 am]

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## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

## Notice of Transfer of License

January 29, 1999.

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

a. *Type of Application:* Transfer of Licenses.

b. *Project Nos.:* (1) 2403-013, (2) 2534-021, (3) 2666-009, (4) 2710-011, (5) 2712-015, (6) 2721-015, and (7) 2727-059.

c. *Date Filed:* December 7, 1998.

*Date Amended:* January 22, 1999.

d. *Applicants:* Bangor Hydro-Electric Company (Bangor) and Penobscot Hydro, LLC (Penobscot).

e. *Name and Location of Projects:* (1) Veazie, (2) Milford, (3) Medway, (4) Orono, and (5) Stillwater: Penobscot and Stillwater Rivers in Penobscot County, Maine; (6) Howland: Piscataquis River in Penobscot County, Maine; and (7) Ellsworth: Union River in Hancock County, Maine.

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

g. *Applicant Contacts:*

For Bangor: Alan M. Spear, Bangor Hydro-Electric Company, 33 State Street, Bangor, ME 04402, (207) 941-6697.

For Penobscot: Robert W. Burke, Jr., Penobscot Hydro, Inc., 11350 Random Hills Road, Suite 400, Fairfax, VA 22030, (703) 293-2600.

Attorney for Applicants: John A. Whittaker, IV, Winston & Strawn, 1400 L Street, NW, Washington, DC 20005-3502, (202) 371-5766.

h. *FERC Contact:* James Hunter, (202) 219-2839.

i. *Comment Date:* February 24, 1999.

j. *Description of Transfer:* Transfer of the licenses for these projects to Penobscot is being sought in connection with the divestiture by Bangor of certain generation and other assets, pursuant to Maine Public Law 1997, ch. 316, 35-A § 3204, *et seq.* (An Act to Restructure the State's Electric Industry).

The transfer application was filed within five years of the expiration of the licenses for Projects Nos. 2666 and 2721, which are the subject of pending relicensing applications. In Hydroelectric Relicensing Regulations Under the Federal Power Act (54 FR 23,756; FERC Stats. and Regs., Regs. Preambles 1986-1990 30,854 at p. 31,437), the Commission declined to forbid all license transfers during the last five years of an existing license, and instead indicated that it would scrutinize all such transfer requests to determine if the transfer's primary purpose was to give the transferee an advantage in relicensing (*id.* at p. 31,438 n. 318). The transfer would lead to the substitution of the transferee for the transferor as the applicant in the relicensing proceedings for Projects Nos. 2666 and 2721.

Bangor proposed to decommission the Orono Project No. 2710 (which is operating under an annual license) as part of its proposal to build the downstream Basin Mills Project No.

10981. However, by order issued April 20, 1998, the Commission denied Bangor's application for license for Project No. 10981.<sup>1</sup> Bangor subsequently requested rehearing of the denial and now asks that, as of the effective date of this transfer, Penobscot be substituted for it in the rehearing proceeding and as applicant for the Basin Mills Project No. 10981.

k. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. 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.

C1. 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. 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.

D2. 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.

**David P. Boergers,**  
Secretary.

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<sup>1</sup> 83 FERC ¶ 61,039.