

would preserve wetlands and is therefore consistent with Executive Order 11990, *Protection of Wetlands*.

BPA will endeavor to allow 15 days of public review after publication of this statement of findings before implementing the proposed action.

**Determination:** Based on the information in the EA, as summarized here, BPA determines that the proposed action is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA, 42 U.S.C. 4321 et seq. Therefore, an EIS will not be prepared and BPA is issuing this FONSI.

Issued in Portland, Oregon, on May 11, 1995.

**Randall W. Hardy,**

*Administrator and Chief Executive Officer.*

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### Federal Energy Regulatory Commission

[Docket No. PR95-12-000]

#### Sonat Intrastate-Alabama Inc.; Notice of Petition for Rate Approval Pursuant to Section 284.123(b)(2) of the Commission's Regulations

May 25, 1995.

Take notice that on May 22, 1995, Sonat Intrastate-Alabama Inc. (SIA) filed in the captioned docket a petition pursuant to Section 284.123(b)(2) of the Federal Energy Regulatory Commission's (Commission) Regulations under the Natural Gas Policy Act of 1978 (NGPA) for approval of a maximum systemwide rate for transporting natural gas pursuant to Section 311 of the NGPA, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

SIA files this petition pursuant to the Commission's Letter Order issued in Docket No. PR92-16-000 on May 6, 1994, requiring SIA to file a § 284.123(b)(2) application on or before May 20, 1995, to justify SIA's existing systemwide transportation rate or a changed systemwide rate. SIA proposes to retain its existing maximum systemwide transportation rate of 29.4¢ per MMBtu for Section 311 transportation services. SIA requests the Commission to determine that the rate proposed herein is a fair and equitable rate for performing Section 311 transportation services.

Any person desiring to be heard or to make a protest with reference to said application should file with the Federal Energy Regulatory Commission, 825

North Capitol Street, N.E. Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before June 9, 1995. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-13309 Filed 5-31-95; 8:45 am]

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#### Southern Natural Gas Company; Notice of Petition for Declaratory Order

[Docket No. CP95-506-000]

May 25, 1995.

Take notice that on May 22, 1995, Southern Natural Gas Company (Southern), AmSouth-Sonat Tower, 1900 Fifth Avenue North, Birmingham, Alabama 35203, filed a petition in Docket No. CP95-506-000, requesting that the Commission declare that Southern's Miley Line, located in the Lockhart Crossing Field, Livingston Parish, Louisiana, is a gathering line exempt from the provisions of the Natural Gas Act (NGA), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Southern proposes to sell its Miley Line, a natural gas pipeline extending approximately 7,800 feet from the Miley #1 well to Amoco Production Company's (Amoco) central dehydration and separation facility. It is stated that on April 9, 1995, Southern and Amoco entered into a settlement agreement to amend certain pricing provisions of gas purchase contracts and to provide for the sale by Southern to Amoco of the Miley Line. Under the terms of the settlement agreement, Amoco will purchase the Miley Line from Southern at its remaining book value, upon the issuance by the Commission of a declaratory order disclaiming jurisdiction over the pipeline.

Southern submits that its Miley Line is a "gathering facility" under Section 1(b) of the NGA as interpreted by the Commission under the "modified primary function" test, as set forth in *Amerada Hess Corp., et al.*, as amended. 52 FERC ¶ 61,268 (1990). Southern

notes that characteristic of gathering lines, the Miley Line is a very short, small-diameter pipeline, less than two miles long and four inches in diameter. Southern argues that the central point in the field analysis is inappropriate in this case because the Miley Line feeds the natural gas it collects into the Amoco Plant for processing. Southern states that there are no compressor facilities located along the Miley Line, consistent with the requirement of minimal compression on gathering facilities. Southern notes that the Miley Line is located completely behind a processing plant, with volumes flowing from the point of production at the Miley #1 well to the Amoco Plant, strongly supporting a finding that the facility performs a gathering function. Southern further notes that the Miley Line begins at the Miley #1 well, satisfying the requirement that wells be located along all or part of the facilities. Southern states that the gas gathered by the Miley Line is untreated rather than "pipeline quality", a characteristic found to be consistent with the gathering function. Finally, Southern relates that upon Amoco's purchase of the pipeline, the Miley Line will be owned and operated by a traditionally unregulated corporation which will continue in its historic practice of moving its own gas production to its various customers through its capacity in the line. Southern reports that Amoco presently performs no jurisdictional transportation functions in the Lockhart Crossing Field.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 15, 1995, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**Lois D. Cashell,**

*Secretary.*

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