

Accordingly, for these reasons, the Commission is instituting a proceeding pursuant to NGA §§ 5, 7, and 16. The Commission is requiring Three Rivers, within 30 days after the issuance of this order, to establish why the Commission should not find it to be an interstate pipeline subject to the Commission's NGA jurisdiction.

The Commission Orders

(A) Three Rivers' settlement in Docket No. PR95-9-001 is approved, as clarified.

(B) Three Rivers is directed to make refunds to its customers, within 30 days after the issuance of this order, and to file a refund report, consistent with its settlement.

(C) A proceeding is institute concerning Three Rivers' transportation services and operations. Within 30 days after the issuance of this order, Three Rivers is directed to provide evidence concerning its jurisdictional status as discussed in the body of this order.

(C) Notice of this proceeding will be published in the **Federal Register**. Interested persons will have 20 days from the date of publication to intervene.

By the Commission.

David P. Boergers,
Secretary.

[FR Doc. 98-25374 Filed 9-22-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Non-Project Use of Project Lands and Waters

September 17, 1998.

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

a. *Type of Application:* Non-Project Use of Project lands and Waters.

b. *Project Name:* Catawba-Wateree Project.

c. *Project No.:* FERC Project No. 2232-370.

d. *Date Filed:* July 28, 1998.

e. *Applicant:* Duke Energy Corporation.

f. *Location:* Mecklenburg County, North Carolina On Lake Norman.

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

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation, P.O. Box 1006 (EC12Y), Charlotte, NC 28201-1006, (704) 382-5778.

i. *FERC Contact:* Brian Romanek, (202) 219-3076.

j. *Comment Date:* OCTOBER 30, 1998.

k. *Description of the filing:* Duke Energy Corporation proposes to lease to Spinnaker Point Bay Marina Homeowners Association, Inc. (Spinnaker Bay) a 0.27 acre parcel of project land for the construction of a commercial/residential marina with a total of 10 boat slips on Lake Norman. The marina would provide access to the reservoir for residents of Spinnaker Bay.

1. This notice also consists of the following standard paragraphs: B, C1, 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", "PROTESTS" 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, N.E., Washington, D.C. 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 any agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,
Secretary.

[FR Doc. 98-25377 Filed 9-22-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Non-Project Use of Project Lands and Waters

September 17, 1998.

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

a. *Type of Application:* Non-Project Use of Project Lands and Waters.

b. *Project Name:* Catawba-Wateree Project.

c. *Project No.:* FERC Project No. 2232-371.

d. *Date Filed:* August 18, 1998.

e. *Applicant:* Duke Energy Corporation.

f. *Location:* Iredell County, North Carolina On Lake Norman.

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

h. *Applicant Contact:* Mr. E.M. Oakley, Duke Energy Corporation, P.O. Box 1006 (EC12Y), Charlotte, NC 28201-1006, (704) 382-5778.

i. *FERC Contact:* Brian Romanek, (202) 219-3076.

j. *Comment Date:* October 30, 1998.

k. *Description of the filing:* Duke Energy Corporation proposes to lease to Pinnacle Shores South Homeowners Association, Inc. (Pinnacle Shores) a 0.376 acre special of project land for the construction of a commercial/residential marina with a total of 12 boat slips on Lake Norman. Duke also proposes to allow Pinnacle Shores to remove about 1400 cubic yards of accumulated sediment from the lake bottom within this leased area to accommodate boat navigation. The marina would provide access to the reservoir for residents of Pinnacle Shores.

1. This notice also consists of the following standard paragraphs: B, C1, 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.

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