

Agreement specifies that NYPA has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96-194-000.

NMPC requests an effective date of December 1, 1998. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon New York Public Service Commission and NYPA.

Comment date: January 14, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Midway-Sunset Cogeneration Company

[Docket No. QF86-433-004]

Take notice that on December 24, 1998, Midway-Sunset Cogeneration Company (MSCC), tendered for filing an application for recertification of its facility as a qualifying cogeneration facility pursuant to Section 292.207 of the Commission's Regulations.

The topping-cycle cogeneration facility is located in Kern County, California. The facility consists of three combustion turbine generating units with three waste heat recovery steam generators. Steam produced by the facility will be used by Aera Energy LLC in enhanced oil recovery operations.

The net electric power production capacity of the facility is 219 MW. The primary energy source is natural gas. The cogeneration facility interconnects with Pacific Gas & Electric Company and has power purchase agreements with both Pacific Gas and Electric Company and Southern California Edison Company.

By order issued October 11, 1994, the Director of the Division of Applications granted recertification of the facility as a cogeneration facility under Docket No. QF86-433-003 (69 FERC 62,018). The recertification is requested because of a change in ownership of the facility. All other facility characteristics remain unchanged.

Comment date: January 25, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-262 Filed 1-5-99; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-96-000]

CNG Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed North Summit Pipeline Extension Project and Request for Comments on Environmental Issues

December 31, 1998.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities, about 3.5 miles of 8-inch-diameter pipeline and appurtenances, proposed in the North Summit Pipeline Extension Project.¹ This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity. The application and other supplemental filings in this docket are available for viewing on the FERC Internet website (www.ferc.fed.us). Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number

¹ CNG Transmission Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.²

Summary of the Proposed Project

CNG Transmission Corporation (CNG) wants to facilitate the recovery of injected storage gas that migrated to an undeveloped portion of its North Summit Storage Complex in Fayette County, Pennsylvania. CNG seeks authority to:

- Convert two observation wells (UW-204 and UW-207) to storage wells;
- Replace 0.4 mile of 6-inch-diameter pipeline with an equal length of 8-inch-diameter pipeline (Line No. UP-1);
- Install 2.4 miles of 8-inch-diameter pipeline (Line No. UP-24);
- Install 0.7 mile of 8-inch-diameter pipeline (Line No. UP-25); and
- Install tie-in facilities to Well Nos. UW-204 and UW-207 including a meter, step-ladder drip, separator, fiberglass holding tank, alcohol dropper, valves, a pig launcher and receiver, and other appurtenances.

The location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the proposed facilities would require about 29.8 acres of land. Following construction, about 20.8 acres would be maintained as new permanent right-of-way and about 0.7 acre as new aboveground facility sites. The remaining 8.3 acres of land would be allowed to revert to its former use.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage

² The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Washington, D.C. 20426, or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.

them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Endangered and threatened species.
- Public safety.
- Land use.
- Cultural resources.
- Air quality and noise.
- Hazardous waste.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comment on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section on page 4 of this notice.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by CNG, the Pennsylvania Fish & Boat Commission, and the Pennsylvania Game Commission. This preliminary list of issues may be changed based on your comments and our analysis.

- Three state protected or rare species are known in the vicinity of the proposed project area.
- A total of 18.5 acres of upland forested land on the Forbes State Forest would be cleared by the proposed project.
- The proposed project activities may adversely impact 2.4 acres on State Game Lands No. 138.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project.

By becoming a commenter, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR-11.1;
- Reference Docket No. CP-99-96-000; and
- Mail your comments so that they will be received in Washington, DC on or before February 4, 1999.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.24(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

You do not need intervenor status to have your environmental comments considered. Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208-1088 or on the FERC website (www.ferc.fed.us) using the

"RIMS" link to information in this docket number.

Linwood A. Watson, Jr.,
Acting Secretary.

Appendix 1

AN INTERSTATE NATURAL GAS PIPELINE ON MY LAND? WHAT DO I NEED TO KNOW?

Prepared by the Federal Energy Regulatory Commission for Your Information

The Federal Energy Regulatory Commission is charged by Congress with determining whether any proposed interstate pipeline project is in the public interest. Part of that determination may affect you if your land is where a natural gas pipeline might be located. We want you to know:

- How the Commission's procedures work;
- What rights you have;
- How the location of a pipeline is decided; and
- What safety and environmental issues might be involved.

Background

The Commission approves the location and construction of interstate pipelines that move natural gas across state boundaries. These pipelines crisscross the United States, moving nearly a quarter of the nation's energy long distances to markets in 48 states. They are vital to the economy.

If your land is on a proposed pipeline route, you will probably first learn of this from the company concerned. Once a company files an application for a certificate to build a pipeline project and the Commission prepares to undertake environmental studies of a significant construction project, local media will be notified and public meetings will be scheduled. You will have an opportunity to express your views and to have them considered. You will have the opportunity to negotiate with the pipeline and to learn the views of other interested parties. The Commission may approve the pipeline, with or without modifications, or reject it. If it is approved and you fail to reach an easement agreement with the company, access to and compensation for use of your land will be set by a court.

Understandably, the location of pipeline raises urgent questions for landowners. The Commission's process by which it assesses pipeline applications is open and public, with regulations designed to keep all parties informed. This being so, Commission employees may not discuss the merits of pipeline applications with one party without other parties being modified.

This brochure generally explains the Commission's certificate process and addresses the basic concerns of landowners. The Commission's Office of External Affairs at 202/208-1088 will be happy to answer any further questions about the procedures involved.

Most Asked Questions

How the Process Begins

- Q: How will I first hear about proposed pipeline construction?

A: As indicated, you will probably first hear of the project from the pipeline company as it prepares environmental studies required for the Commission application.

Q: How can I obtain more details about the company's application?

A: A copy of the company's application can be obtained for a nominal copying charge from the Commission's Public Reference Room. Call 202/208-1371 for details.

Q: This done, how do I participate?

A: There are two ways. If you want the Commission to consider your views on the various environmental issues involved in the location of the pipeline, you can do so by simply writing a letter. The Commission undertakes several levels of environmental analysis. You may comment at any stage in the process. Details are available from the Commission's Office of External Affairs at 202/208-1088. By becoming a commenter, your views will be considered and addressed in the environmental documents or a final order. Additionally, you will be placed on a mailing list to receive environmental documents in the case.

Q: And the second way?

A: You may file to become what is known as an intervenor. This is not complicated and gives you official rights and responsibilities, but it is a more formal involvement and you will be required to follow Commission regulations. You may obtain instructions from the Office of External Affairs. As an intervenor, you will receive Commission documents related to the case and details about what other interested parties are saying. You will also be able to file briefs, appear at hearings and be heard by the courts if you choose to appeal the Commission's final ruling. You must file for intervenor status within 21 days of our notice of the pipeline's application, although this may be waived under certain circumstances, such as the discovery of environmental concerns. But as an intervenor, you will also be obligated to serve copies of what you file with all the other parties. In major cases, there may be hundreds of parties.

Key Issues Involving Location of the Project

Q: How is the pipeline route selected?

A: The pipeline company proposes the route, which is then examined by the Commission. The applicant must study alternative routes to avoid or minimize damage to the environment, and the Commission or intervenors may suggest alternatives and modifications. The effects on buildings, fences, crops, water supplies, soil, vegetation, wildlife, air quality, noise, safety, landowner interests, and more, are taken into consideration. The Commission also considers whether the pipeline can be placed near an existing pipeline, power line, highway or railroad right-of-way.

Q: How do pipelines obtain a right-of-way?

A: In the first instance, they negotiate with landowners who are compensated for signing an easement document. They may be paid for loss of the land during construction, loss of any other resources and any damage to property. As indicated, if the Commission approves the project and no agreement with the landowner is reached, the pipeline may

take the land under eminent domain (a right of a government to take private land for public use) with a court determining compensation under state law.

Q: How large is the right-of-way and how is it maintained?

A: Usually, it is 75 to 100 feet wide during construction. The permanent site is about 50 feet wide. Routine vegetation maintenance is done no more than once every three years. A ten-foot-wide corridor, centered on the pipeline, may be maintained annually.

Q: Who pays taxes on the right-of-way?

A: The landowner pays taxes on the right-of-way unless a local taxing authority grants relief. The pipeline simply has an easement across a portion of the land.

Q: Must the company obey local, county and state laws and zoning ordinances?

A: Generally, yes. If there is a conflict, however, the Commission requirement stands.

Q: How close can I build to the pipeline?

A: Usually up to the edge of the right-of-way.

Q: What about bushes, trees, fences and so forth?

A: Deep-rooted trees may be removed from the right-of-way along with other obstructions that prevent observation from aircraft during maintenance. Otherwise, this is subject to negotiation as long as pipeline maintenance and safety are not affected.

Q: How long will the right-of-way be there?

A: Part of it is temporary and will be restored immediately after construction. The permanent right-of-way will remain until the Commission determines it may be abandoned by the pipeline.

The Responsibilities of Gas Companies

Q: Must companies post bonds to guarantee performance?

A: No, but the Commission inspects the right-of-way during and after construction to ensure that the terms of its certificate have been met.

Q: Can the pipeline company come on my land without my permission?

A: State or local trespass laws prevail. No federal statute is involved until a certificate is issued.

Q: When can they start to build?

A: Construction cannot commence until the Commission issues a certificate and the applicant accepts it. For most large pipelines, the time from filing an application to approval ranges from one year to two years. Once a certificate is issued, construction usually starts within a few weeks of the company receiving any outstanding environmental reviews and clearances.

Q: Why would the company approach me before the project is approved?

A: Because of planning and lead time. A company must conduct environmental studies before it files an application with the Commission. If approval is ultimately denied, or the route changes, the initial agreement with the landowner is usually void.

Q: Can the company place more than one pipeline on my property? Can the pipeline and the easement be used for anything other than natural gas?

A: This is subject to negotiation. The Commission grants a certificate only for the

proposed pipeline and related facilities in the exact location described. The certificate is only for the transportation of natural gas.

Q: How close can the pipeline be to other pipelines or utility facilities?

A: Pipelines must be at least a foot from any underground structure and between two and three feet below ground. Operators usually want to be 25 feet from another pipeline. If space permits, pipelines can be placed in another utility's right-of-way.

Q: Can I receive service from the pipeline?

A: No, not in most cases. Generally speaking, interstate pipelines are long-distance transporters operating at pressures different from those of your local distribution companies, which are their customers.

Q: Can a pipeline be placed in a river or the ocean?

A: Yes, although this raises a number of separate environmental, cost, design and safety issues.

Important Safety Issues

Q: Are pipelines safe?

A: Accidents are rare and usually result from unauthorized action by a third party. The U.S. Department of Transportation (DOT) enforces strict safety standards and requires safety checks.

Q: How soon after construction will the company restore the land?

A: As soon as the trench is filled and weather permits.

Q: Does natural gas smell?

A: Natural gas is odorless. An artificial odor is generally added for safety purposes in more populated areas on interstate transmission pipelines and in local distribution pipelines in accordance with DOT safety regulations.

Further Environmental Issues

Q: What if my property contains endangered species, wetlands, or archaeological sites?

A: Endangered species must be protected from the effects of pipeline construction and this could affect the location of the pipeline. In the case of wetlands, if proper crossing procedures are used and no alternatives are available, they may be used for a pipeline right-of-way. If an archaeological site falls within guidelines set by the national Register of Historic Places, it must be excavated or the pipeline rerouted. Landowners usually are permitted to keep any artifacts after they are properly studied.

Q: Environmental studies were mentioned earlier. How do they work?

A: A notice of Intent to prepare an environmental assessment (EA) or an Environmental Impact Statement (EIS) is issued for most major proposals. It is sent to federal, state and local agencies, local media and libraries, environmental groups, and, where the Commission is able to identify them, the owners of any land that would be crossed. Additionally, the Commission announces a schedule of public meetings along the proposed route and seeks comments, to be submitted within 30 days, from interested parties. After the comment period, the Commission will prepare an EA or a Draft EIS outlining its findings and recommendations. For major proposals,

further comments are sought during 45 days allotted for review of a Draft EIS or 30 days in the case of an EA. These comments are addressed in the Final EIS or the final order granting or denying the pipeline a certificate.

For additional information, contact: Federal Energy Regulatory Commission, Office of External Affairs, 888 First Street, NE, Washington, DC 20426, 202/208-1088.

[FR Doc. 99-255 Filed 1-5-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Filed With the Commission

December 31, 1998.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Filing:* Request for Extension of Time to Commence Project Construction.

b. *Applicant:* Summit Energy Storage, Inc.

c. *Project No.:* The proposed Summit Pumped Storage Hydroelectric Project, FERC No. 9423-024 is to be located near Norton and Wadsworth, in Summit and Medina Counties, Ohio.

d. *Date Filed:* November 17, 1998.

e. *Pursuant to:* Public Law 104-243.

f. *Applicant Contact:* Donald H. Clarke, Esq., Wilkinson, Barker, Knauer & Quinn, LLP, 2300 N Street, N.W., Suite 700, Washington, DC 20037, (202) 783-4141.

g. *FERC Contact:* Mr. Lynn R. Miles, (202) 219-2671.

h. *Comment Date:* February 19, 1999.

i. *Description of the Request:* The licensee requests that the deadline for commencement of construction for FERC Project No. 9423 be extended for three consecutive two-year Periods. The deadline to commence project construction for the project would be extended to April 11, 2001. The deadline for completion of construction would be extended to April 11, 2007.

j. *This notice also consist 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 the Rules of Practice and Procedure, 18 CFR Part 385, subpart B. 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," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these documents must be filed by providing the original and 14 copies as required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: The Director, Division of Project Compliance and Administration, Office of Hydropower Licensing, HL-21, at the above address. A copy of any comments, protest, or motions to intervene, must also be served upon the representative of the applicant specified in this notice.

D2. *Agency Comments—* The Commission invites federal, state, and local agencies to file comments on the described application. (Agencies may obtain a copy of the application directly from the applicant. The application may be viewed on the web site at www.ferc.fed.us. Call (202) 208-2222 for assistance.) If an agency does not file comments within the time specified for filing comments, the Commission will presume that the agency has none. One copy of an agency's comments must also be sent to the applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-160 Filed 1-5-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Draft License Application, Preliminary Draft Environmental Assessment (PDEA), and Soliciting Preliminary Terms, Conditions, and Recommendations

December 31, 1998.

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

a. *Type of Application:* Minor Unconstructed Project.

b. *Project No.:* 11561-000.

c. *Applicant:* Alaska Village Electric Cooperative, Inc. Anchorage, Alaska.

d. *Name of Project:* Old Harbor Hydroelectric Project.

e. *Location:* Partially within the Kodiak National Wildlife Refuge, on Mountain Creek, a tributary to the East Fork of Barling Creek, near Old Harbor, Alaska.

f. *Applicant Contact:* Mr. Dan Hertrich, Polarconsult Alaska, Inc., 1503 West 33rd Avenue, Anchorage, AK 99503, (907) 258-2430.

g. *FERC Contact:* Nan Allen (202) 219-2938.

h. *Polarconsult Alaska, Inc.,* mailed a copy of the PDEA and draft license application to interested parties on December 15, 1998. The Commission received a copy of the PDEA and Draft License Application on December 21, 1998.

i. As noted in the Commission's February 25, 1998, letter to all parties, with this notice we are soliciting preliminary terms, conditions, and recommendations for the PDEA and comments on the draft license application.

j. All comments on the PDEA and draft license application for the Old Harbor Project should be sent to the address noted above in item (f) with one copy filed with the Commission at the following address: David P. Boergers, Secretary, Federal Energy Regulatory Commission, Dockets—Room 1A, 888 First Street, Washington, DC 20426.

All comments must (1) bear the heading "Preliminary Comments", "Preliminary Recommendations", "Preliminary Terms and Conditions", or "Preliminary Prescriptions"; and (2) set forth in the heading the name of the applicant and the project number of the application. Any party interested in commenting must do so before March 15, 1999.

k. With this notice, we are initiating consultation with the State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

Linwood A. Watson, Jr.,

Acting Secretary.

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