

Transwestern states that the purpose of this filing is to comply with Order No. 637 issued on February 9, 2000. Pursuant to Order No. 637, Transwestern is filing revised tariff sheets to: (1) Remove the maximum price cap for capacity release transactions of less than one year; and (2) Modify the Right of First Refusal provisions to apply only to maximum rate contracts as of March 27, 2000 with twelve or more consecutive months of service. Transwestern is also modifying its capacity release provisions to relabel the posting and bidding procedure for pre-arranged deals.

Transwestern further states that copies of the filing have mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 85.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. 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 proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP00-48-000]

#### **Tennessee Gas Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Londonderry Replacement Project and Request for Comments on Environmental Issues**

March 31, 2000.

The staff of the Federal Energy Regulatory Commission (FERC Commission) will prepare an environmental assessment (EA) that will

discuss the environmental impacts of the Londonderry Replacement Project involving construction and operation of facilities by Tennessee Gas Pipeline company (Tennessee Gas) in Middlesex County, Massachusetts, and Hillsborough and Rockingham Counties, New Hampshire.<sup>1</sup> These facilities would consist of about 19.3 miles of 20-inch-diameter pipeline replacing 8-inch-diameter pipeline. Tennessee Gas proposes to locate the new pipeline in the same right-of-way occupied by the replaced pipeline and a 12-inch-diameter pipeline that would remain in place. 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.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the replacement of the pipeline or 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 prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice Tennessee Gas provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website ([www.ferc.fed.us](http://www.ferc.fed.us)).

#### **Summary of the Proposed Project**

Tennessee Gas wants to expand the capacity of its facilities in Massachusetts and New Hampshire to transport 130,000 dekatherms per day (dthd) of natural gas to the AES-Londonderry Project proposed by AES Enterprises (AES). The AES-Londonderry Project is a 720-megawatt, natural gas-fired combined cycle power plant. Tennessee Gas seeks authority to construct and operate

- 19.3 miles of 20-inch-diameter pipeline in Middlesex County, Massachusetts, and Hillsborough and Rockingham Counties, New Hampshire;

- A new 130,000 dthd meter site adjacent to the existing Londonderry Meter Station in Rockingham County, New Hampshire; and

- Four new mainline valves.

The 20-inch-diameter pipeline and three of the mainline valves will replace 19.3 miles of the existing 8-inch-diameter Concord #1 Lateral (270B-100) from Valve 270B-103 in Dracut, Massachusetts, to the Londonderry Meter Station in Londonderry, New Hampshire, and three associated 8-inch mainline valves.

The location of the project facilities is shown in appendix 1.<sup>2</sup>

#### **Land Requirements for Construction**

Construction of the proposed facilities would require about 182.2 acres of land. Following construction, about 92.5 acres would be maintained for the new facility sites, however, all of this area would be within the existing right-of-way. The remaining 89.7 acres of land would be restored and 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 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

<sup>2</sup> The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the "RIMS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, DC 20426, or call (202) 208-1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

<sup>1</sup> Tennessee Gas's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

- vegetation and wildlife
- public safety
- land use
- cultural resources
- endangered and threatened species

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 comments 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 below.

#### 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 and comments provided by Tennessee Gas and intervenors. This preliminary list of issues may be changed based on your additional comments and our analysis.

- Eight federally listed endangered or threatened species may occur in the proposed project area.
- A total of about 46 acres of wetlands would be crossed.
- At least 52 residences and 4 apartment complexes would be located within 50 feet of the proposed construction work area.
- Two school properties would be crossed.

Also, we have made a preliminary decision to not address the impacts of the nonjurisdictional facilities since the AES-Londonderry Project has been approved by the state and has received all necessary Federal permits. We will briefly describe their location and status in the EA.

#### Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, 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., NE, Room 1A, Washington, DC 20426.

- Label one copy of the comments for the attention of OEP-Gas 2.

- Reference Docket No. CP00-48-000.

- Mail your comments so that they will be received in Washington, DC on or before May 1, 2000.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

#### 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". Intervenor 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 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. 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](http://www.ferc.fed.us)) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket#" from the

RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Non-Project Use of Project Lands

March 31, 2000.

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

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

b. *Project No.:* 1494-197.

c. *Date Filed:* October 22, 1999; supplemented March 23, 2000.

d. *Applicant:* Grand River Dam Authority.

e. *Name of Project:* Pensacola Hydroelectric Project.

f. *Location:* The Pensacola Project is located on the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma. This project does not occupy Federal or Tribal lands.

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

h. *Applicant Contact:* Mary E. Von Drehle, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301 (918) 256-5545.

i. *FERC Contact:* Any questions about this notice should be addressed to Steve Hocking at [steve.hocking@ferc.fed.us](mailto:steve.hocking@ferc.fed.us) or telephone (202) 219-2656. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. *Deadline for filing comments, recommendations, motions to intervene and protests:* May 4, 2000.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy