

we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at [http://](http://www.ferc.gov)

[www.ferc.gov](http://www.ferc.gov) under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on "Login to File" and then "New User Account."

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. If you do not return the Information Request, you will be taken off the mailing list.

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meeting the FERC will conduct in the project area. The location and time for this meeting is listed below.

SCHEDULE FOR THE OCEAN EXPRESS PIPELINE PROJECT ENVIRONMENTAL IMPACT STATEMENT PUBLIC SCOPING MEETING

Date and time	Location	Phone
December 3, 2002 at 7 p.m .....	I.T. Parker Community Center, 901 N.E. Third Street, Dania Beach, FL 33004.	(916) 973-4703

The public meeting is designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project. Prior to the start of the meeting, company representatives will be available to informally discuss the project. Interested groups and individuals are encouraged to attend the meeting and to present comments on the environmental issues they believe should be addressed in the Draft EIS. A transcript of the meeting will be made so that your comments will be accurately recorded.

On the morning of December 4th, the staff will be visiting some project areas. At this time, we are still coordinating the logistical arrangements for the site visit. Anyone interested in participating in a site visit may contact the Commission's Office of External Affairs (866-208-FERC) for more details. Individuals must provide their own transportation.

**Becoming an Intervenor**

In addition to involvement in the scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor status is 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).<sup>4</sup> 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.

**Environmental Mailing List**

This notice is being sent to individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. It is also being sent to all identified potential right-of-way grantors. By this notice we are also asking governmental agencies, especially those in , to express their interest in becoming cooperating agencies for the preparation of the .

**Additional Information**

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208-FERC, or on the FERC Internet website (<http://www.ferc.gov>) using the FERRIS link. Click on the FERRIS link, enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance with FERRIS, the FERRIS helpline can be reached at 1-866-208-3676, TTY (202) 502-8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The FERRIS link on the FERC Internet website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

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

*Deputy Secretary.*

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. CP03-2-000]

**Energy West Development, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Shoshone Pipeline Conversion Project and Request for Comments on Environmental Issues**

November 19, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the potential environmental impacts of a proposal by Energy West Development, Inc. (EWD) to convert a 30-mile-long segment of an existing pipeline to natural gas service.<sup>1</sup> This pipeline, referred to as the "Shoshone Pipeline," is 6 inches in diameter and extends between a point north of Cody, Parker County, Wyoming, and a point northwest of Warren, Carbon County, Montana.<sup>2</sup> 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.

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 EWD provided to affected 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

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

<sup>2</sup> The pipeline was constructed in 1960 to transport liquid petroleum products. It was previously owned by Montana Power Company, and has not been in use for at least the last 7 years.

available for viewing on the FERC Internet website (<http://www.ferc.gov>).

### Summary of the Proposed Project

EWD wants to convert about 30 miles of an existing pipeline in northern Wyoming and southern Montana to natural gas service. The conversion would enable EWD to transport about 13,500 million Btus of natural gas per day between an interconnection with Energy West Wyoming at the north city gate of Cody, Wyoming, and an interconnection with a pipeline owned by Montana Power Company northwest of Warren, Montana. The general location of the project facilities is shown in appendix 1.<sup>3</sup> EWD states that it already owns and possesses all necessary rights-of-way for operation of the Shoshone Pipeline.

The only construction associated with the conversion project would be the installation of a metering facility at the northern terminus of the pipeline. The metering facilities would be located in an area measuring about 30 feet wide by 80 feet long on EWD's existing right-of-way in section 17, township 8 south, range 25 east in Carbon County, Montana. The facilities would consist of a meter, related aboveground equipment, and an aboveground skid-mounted building to house electronics. The meter itself would be installed between two existing flanged risers. The area would be fenced and gravel applied to the ground surface. No excavations would be required.

### 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<sup>4</sup> 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

<sup>3</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 "FERRIS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to FERRIS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

<sup>4</sup> "We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

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.

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.

### 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, 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 an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas 1, PJ-11.1.
- Reference Docket No. CP03-2-000.
- Mail your comments so that they will be received in Washington, DC on or before December 20, 2002.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov> under the "e-Filing" link and the link to the User's Guide. Before

you can file comments you will need to create a free account which can be created by clicking on "Login to File" and then "New User Account."

### Becoming an Intervenor

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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

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<sup>5</sup> Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

Commission, such as orders, notices, and rulemakings.

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

*Deputy Secretary.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7413-4]

### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for the ENGAGE Plant Modification, Dow Chemical Company Plaquemine, Iberville Parish, LA

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petition to object to state operating permit.

**SUMMARY:** This notice announces that the EPA Administrator has denied the petition to object to a state operating permit issued by the Louisiana Department of Environmental Quality (LDEQ) for the ENGAGE plant modification at Dow Chemical Company in Plaquemine, Louisiana. Pursuant to section 505(b)(2) of the Clean Air Act (Act), the petitioner may seek judicial review of this petition response in the United States Court of Appeals for the Fifth Circuit. Any petition must be filed within 60 days of the date this notice appears in the **Federal Register**, pursuant to section 307(d) of the Act.

**ADDRESSES:** You may review copies of the final order, the petition, and other supporting information at the Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at the following address: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2001.htm>.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Braganza, Air Permitting Section, Multimedia Planning and Permitting Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7340, or e-mail at [braganza.bonnie@epa.gov](mailto:braganza.bonnie@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Clean Air Act (Act) affords EPA a 45-day period to review, and object to as appropriate, operating permits proposed by state permitting authorities. Section 505(b)(2) of the Act authorizes any

person to petition the EPA Administrator within 60 days after the expiration of this review period to object to State operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

Suzanne Dickey and Eric Rochkind submitted a petition on behalf of the Louisiana Environmental Action Network (LEAN or Petitioner), requesting that the Administrator object to a modified title V operating permit issued by the Louisiana Department of Environmental Quality (LDEQ) to Dow Chemical Company (Dow), for the construction of a new production train—the Engage train—at Dow's existing facilities in Plaquemine, Iberville Parish, Louisiana.

The petition requests that the Administrator object to the Dow permit based on the following grounds: (1) The offset credits required by the Nonattainment New Source Review regulations are invalid because the baseline used to calculate the credits was flawed; (2) The offset credits were not valid because the reductions were not surplus to legally required reductions at the time of proposed use, as required by Section 173(c)(2) of the Act; (3) The offset credits were based on reductions previously used or relied upon by the State of Louisiana to meet the 15% Rate of Progress requirements under Section 182(b)(1) of the Act; (4) The offset credits were not identified with sufficient specificity to inform the public of the basis of the credits; (5) The offset credits are invalid because the Louisiana emission reduction credit bank has not required emissions to be surplus at the time of use and has not maintained an accurate accounting of credit balances; (6) LDEQ should confiscate the Louisiana emission reduction credit bank in implementing approved contingency measures pursuant to Sections 172(c)(9) and 182(c)(8) of the Act; (7) The Dow emission reduction credit application is invalid because it fails to meet the requirements of the Louisiana emission reduction banking rules; (8) A new facility in the Baton Rouge nonattainment area will hinder reasonable further progress toward achieving the ozone standard in violation of Sections 172, 173, and 182 of the Act; and (9) The Dow permit fails to satisfy the alternative sites analysis

required by Section 173(a)(5) of the Act and state law.

On October 30, 2002, the Administrator issued an order denying the petition. The order explains the reasons for the Administrator's decision.

Dated: November 13, 2002.

**Gregg A. Cooke,**

*Regional Administrator, Region 6.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7413-2]

### Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 128(a); Notice of Grants Funding Guidance for State and Tribal Response Programs

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) will begin to accept proposals on November 25, 2002, for grants to supplement State and Tribal Response Programs cleanup capacity. This notice provides guidance on eligibility for funding, use of funding, grant mechanisms and process for awarding funding, the allocation system for distribution of funding, and terms and reporting under these grants. EPA has consulted with State and tribal officials in developing this guidance.

Since 1997, the EPA Brownfields program has been funding state and tribal response programs including Superfund Core funding for state and tribal voluntary cleanup programs and pre-remedial site assessment funding for state- and tribal-conducted Targeted Brownfields Assessments (TBA). Through section 128(a), Congress built upon these activities and provided EPA with expanded authority to fund other activities that build capacity for state and tribal response programs as well as authority to grant funds to states and Indian tribes to capitalize revolving loan funds and support insurance mechanisms. One goal of this funding is to ensure that state and tribal response programs include, or are taking reasonable steps to include, certain elements and another is to provide funding for other activities that increase the number of response actions conducted or overseen, by a state or tribal response program.

This funding is not intended to supplant current state or tribal funding