

# Rules and Regulations

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

#### Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Airplanes

##### CFR Correction

In Title 14, of the Code of Federal Regulations, revised as of January 1, 2007, on page 227, in § 23.561, paragraph (d)(1), remove the second entry for paragraphs (i) through (iv), and remove (d)(1)(v).

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 157

[Docket No. RM07-17-000; Order No. 700]

#### Revisions to Landowner Notification and Blanket Certificate Regulations

Issued October 18, 2007.

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is amending its regulations to modify landowner notification requirements and to require a noise survey following the completion of projects involving compressor facilities undertaken pursuant to blanket certificate authority. The proposed regulatory revisions are intended to enhance public participation in the Commission's consideration of proposed projects and ensure that compressor projects completed under blanket certificate

authority will not have a significant adverse environmental impact.

**DATES:** The regulatory revisions made in this Final Rule will become effective November 23, 2007.

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**SUPPLEMENTARY INFORMATION:** Before Commissioners: Joseph T. Kelliher, Chairman; Suedeem G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellingshoff.

#### I. Introduction

1. On June 22, 2007, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) to amend its regulations to modify landowner notification requirements and require a noise survey following the completion of projects involving compressor facilities undertaken pursuant to blanket certificate authority.<sup>1</sup> These regulatory revisions are intended to enhance public participation in the Commission's consideration of proposed projects and ensure that compressor projects completed under blanket certificate authority will not have a significant adverse environmental impact. Comments on the NOPR were submitted by the U.S. Department of the Interior (Interior) and the Interstate Natural Gas Association of America (INGAA). This Final Rule responds to the comments and adopts,

<sup>1</sup> 72 FR 35669 (June 29, 2007), FERC Stats. and Regs. ¶ 32,616 (2007). The NOPR followed an expansion of the blanket certificate program, *see Revisions to the Blanket Certificate Regulations and Clarification Regarding Rates*, Order No. 686, 71 FR 63680 (Oct. 31, 2006), FERC Stats. & Regs. ¶ 31,231 (2006), *order on reh'g and clarification*, Order No. 686-A, 72 FR 37431 (July 10, 2007), FERC Stats. and Regs. ¶ 31,249 (2007), *order on reh'g*, Order No. 686-B, FERC Stats. and Regs. ¶ 31,255 (2007).

with minor modifications, the regulatory revisions described in the NOPR.

#### II. Regulatory Revisions

2. The NOPR discusses proposed changes to the existing regulations regarding landowner notification and compressor noise restrictions. Comments submitted address the latter.

##### A. Landowner Notification

3. The NOPR discusses expanding the § 157.6(d)(2)(iii) landowner notification requirement. Currently, this requirement directs natural gas companies planning to construct compressor or liquefied natural gas (LNG) facilities to notify all landowners whose property contains a residence within one-half mile of the project site before beginning any construction.<sup>2</sup> This will be revised to remove the residence qualification, and will instead direct companies to notify all landowners within one-half mile of the site of a planned compressor or LNG project regardless of whether the property contains a residence. This revision should ensure all landowners within one-half mile of a proposed project site will receive notice that will allow them to raise land use issues, including existing non-residential uses as well as planned future uses of undeveloped land.

##### B. Noise Survey

4. To ensure that compressor facilities installed under blanket certificate authority will not have significant adverse environmental impacts, compressor facilities must be designed to meet the noise level limits described below. To verify blanket certificate compressor facilities meet these noise level limits, this order will revise § 157.206(b)(5) to require that companies completing a blanket certificate compressor project file a noise survey with the Commission. If this post-project survey shows the facility is emitting excessive noise, the company will have up to one year from the project's in-service date to meet the noise limits. After completing its noise mitigation measures, the company will submit a subsequent noise survey to verify compliance with the noise limits.

<sup>2</sup> See the landowner notification requirements, 18 CFR 157.203(d)(1) and (2), and the definition of affected landowners, 18 CFR 157.6(d)(2)(iii).