

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA98-85-000]

Charles B. Wilson, Jr., Inc., et al.;
Notice of Petition for Dispute
Resolution

June 23, 1998.

Take notice that, on June 15, 1998, Charles B. Wilson, Jr., Inc., Powell Petroleum, Inc., Billy R. Powell, Bronco, Ltd., Charles Bruce Wilson, III and Lea Wilson (collectively: Applicants) filed a petition requesting the Commission to resolve the dispute they have with Colorado Interstate Gas Company (CIG) as to whether Applicants owe CIG any Kansas ad valorem tax refunds. Applicants request that the Commission find that they have no Kansas ad valorem tax refund liability to CIG for the period from 1983 to 1988, based on a 1988 Settlement Agreement between Applicants and CIG (1988 Settlement). Applicants' petition is on file with the Commission and open to public inspection.

The Commission, by order issued September 10, 1997, in Docket No. RP97-369-000 *et al.*,¹ on remand from the DC Circuit Court of Appeals,² required first sellers to refund the Kansas ad valorem tax reimbursements to the pipelines, with interest, for the period from 1983 to 1988. In its January 28, 1998 Order Clarifying Procedures [82 FERC ¶ 61,059 (1998)], the Commission stated that producers (i.e., first sellers) could file dispute resolution requests with the Commission, asking the Commission to resolve the dispute with the pipeline over the amount of Kansas ad valorem tax refunds owed.

Applicants state that the CIG has attempted to collect Kansas ad valorem tax refunds from them for the period from 1983 to 1988. Applicants contend that these efforts are a breach of their 1988 Settlement with CIG, because the 1988 Settlement released Applicants and CIG from all claims against each other relating to Applicants' gas purchase agreement with CIG. Applicants also state that they will be establishing an interest bearing escrow account in which they will place the involved principal and interest (excluding royalty refunds). Applicant requests that in the event the 1988

Settlement does not resolve the issue refund liability, then Applicant requests that Commission grant an adjustment relieving Applicant from such refund liability. Applicants also request that the Commission establish a briefing schedule so that Applicants can fully advise the Commission of their position.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211, 385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 98-17201 Filed 6-26-98; 8:45 am]
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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2375-013, Maine and 8277-008, Maine]

International Paper Company Otis
Hydroelectric Company; Notice of
Availability of Final Environmental
Assessment

June 23, 1998.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the applications for major new licenses for the Riley-Jay-Livermore Project and Otis Hydroelectric Project located on the Androscoggin River in Franklin, Androscoggin, and Oxford Counties, near the Towns of Canton, Jay, Livermore, and Livermore Falls, Maine, and has prepared a final Environmental Assessment (EA) for re-licensing the projects. In the EA, the Commission staff has analyzed the potential environmental impacts of the projects and has concluded that approval of the

projects, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 2-A, of the Commission's offices at 888 First Street, NE., Washington DC 20426.

For further information, please contact Monte J. TerHaar at (202) 219-2768 or Patti-Leppert Slack at (202) 219-2767.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98-17186 Filed 6-26-98; 8:45 am]
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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 1984-056 Wisconsin and 11162-002 Wisconsin]

Wisconsin River Power Company,
Wisconsin Power and Light Company;
Notice of Availability of Draft
Environmental Assessment

June 23, 1998.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for new major license for the Petenwell-Castle Rock Hydroelectric Project located on the Wisconsin River in Woods, Juneau, and Adams Counties near Necedah, Wisconsin, and the application for original major license for the Prairie du Sac Hydroelectric Project located on the Wisconsin River in Sauk and Columbia Counties near Prairie du Sac, Wisconsin, and has prepared a Draft Environmental Assessment (DEA) for the proposed licensing actions. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the proposed licenses, and has concluded that approval of the proposed licenses, with appropriate measures, would not constitute major federal actions significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 2A of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

Comments should be filed within 45 days from the date of this notice and should be addressed to David P. Boergers, Acting Secretary, Federal

¹ See 80 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

² *Public Service Company of Colorado v. FERC*, 92 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).

Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix Project No. 1984-056 to all comments on the Petenwell-Castle Rock Project, and Project No. 11162-002 to all comments on the Prairie du Sac Project. For further information, please contact Peter A. Leitzke at (202) 219-2803.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 98-17185 Filed 6-26-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Commission

[Docket No. CP98-363-000]

Etowah LNG Company, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Etowah LNG Project; Request for Comments on Environmental Issues; and Notice of Site Visit, Public Scoping Meeting, and Technical Conference

June 23, 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 liquefied natural gas (LNG) storage plant and associated pipeline facilities proposed in the Etowah LNG 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.

If you are a landowner receiving this notice, you may be contacted by an Etowah LNG Company, L.L.C. (Etowah) representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. Etowah 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, Etowah could initiate condemnation proceedings in accordance with state law. A fact sheet addressing a number of typically asked questions, including the use of eminent domain, is attached to this notice as appendix 1.²

¹ Etowah LNG Company, L.L.C.'s application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

² The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference

Summary of the Proposed Project

Etowah seeks authority to construct and operate an LNG storage plant and associated pipeline facilities in Polk County, Georgia. The proposed LNG plant would be located approximately 4.5 miles northeast of Rockmart, Georgia and 40 miles northwest of Atlanta, Georgia. The purpose of the facilities is to meet winter peak shaving requirements, including those of Atlanta Gas Light Company (AGLC) and the City of Austell Gas System.

The primary components of the LNG plant would include:

- A 750,000-barrel double-wall metal LNG storage tank with a gas-equivalent capacity of 2.5 billion cubic feet;
- A pretreatment and liquefaction system with a capacity of 15 million cubic feet per day (MMcfd);
- A boil-off recompression system;
- A vaporization and sendout system with a design capacity of 300 MMcfd with standby vaporization capacity of up to 200 MMcfd;
- Measurement facilities;
- Associated control and hazard-protection systems; and
- A trucking system capable of loading 20,000 gallons per hour..

Etowah also proposes to construct:

- Approximately 12.5 miles of 12.75-inch-diameter pipeline (Etowah pipeline) in Polk County, Georgia. The Etowah pipeline would be adjacent to and overlap an existing utility right-of-way for 83 percent of its route; and
- A 1.3-mile-long permanent access road and new bridge extending from the plant site northward to Davis Town Road.

The LNG storage tank would be approximately 149 feet in height and 250 in diameter. The LNG tank area would be surrounded by an earthen berm that would slope towards an impoundment basin that together form the spill containment system. The proposed project facilities would be designed, constructed, operated, and maintained to comply with the U.S. Department of Transportation Federal Safety Standards for Liquefied Natural Gas Facilities (49 Code of Federal Regulations [CFR] Part 193). The facilities constructed at the site would also meet the National Fire Protection Association 59A LNG standards.

The following related nonjurisdictional facilities would be constructed:

- AGLC would construct and operate approximately 16.8 miles of 24-inch-

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diameter pipeline (Etowah-Mars Hill Road pipeline) in Polk, Paulding, and Cobb Counties, Georgia connecting the LNG plant to AGLC's distribution system. The Etowah-Mars Hill Road pipeline would be adjacent to and overlap an existing utility right-of-way for 95 percent of its route; and

- Georgia Power would construct and operate an approximately 0.9-mile-long 115 kilovolt (kV) overhead electric powerline collocated with AGLC's pipeline, and a 0.4-acre 115 kV to 4,160 volt substation connecting the LNG plant to the new Georgia Power electric powerline in Polk County, Georgia.

All natural gas received at the LNG facility for liquefaction and storage would be shipped from Southern Natural Gas Company's (Southern) system through the Etowah pipeline. Vaporized natural gas would be transported from the LNG facility either through the Etowah pipeline to Southern's system or through the Etowah-Mars Hill Road pipeline to AGLC's system.

The location of the project facilities is shown in appendix 2.² If you are interested in obtaining procedural information, please write to the Secretary of the Commission.

Land Requirements for Construction

Construction of the LNG plant would affect approximately 50 acres of an 833-acre site owned by Etowah. An additional 7.8 acres would be disturbed during construction of the permanent access road to the site. The 57.8 acres of land for the plant site and access road would be permanently affected by the project.

Construction of the proposed Etowah pipeline would affect approximately 132.3 acres of land, including temporary extra work areas. Following construction, about 50.5 acres of land would be maintained as new permanent right-of-way.

Construction of the related nonjurisdictional facilities would affect approximately 106.4 acres of land. Of this, about 0.4 acre would be required for the substation, 4.2 acres would be required for the powerline, and 101.8 acres would be required for the Etowah-Mars Hill Road pipeline. Following construction, about 4.6 acres would be required for the substation and permanent right-of-way for the powerline and 61.1 acres would be required for the permanent right-of-way for the Etowah-Mars Hill Road pipeline.

The EA Process/Environmental Issues

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental