

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.

David P. Boergers,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-7-000]

ANR Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Washington County Replacement Project and Request for Comments on Environmental Issues

December 4, 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 replacement of about 0.55 mile of 20-inch-diameter pipeline, proposed in the Washington County Replacement Project.¹ 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.

This EA will be used by the Commission in its decisionmaking 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 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 of typically asked questions, including

the use of eminent domain, is attached to this notice as appendix 1.²

Summary of the Proposed Project

ANR Pipeline Company (ANR) seeks authority to:

- Abandon and remove 0.6 mile of 20-inch-diameter pipeline (Line 1-301);
- Install in the same trench about 0.6 mile of 20-inch-diameter replacement pipeline, using the existing right-of-way (ROW) plus 25 feet on the western edge as part of the construction work area;
- Use, as temporary staging areas, 1.1 acres of land located outside the existing ROW;
- Extend Ash Road about 100 feet in an easterly direction for ROW access; and
- Use about 2.5 acres of its Germantown Compressor Station site as a contractor yard.

Line 1-301 was installed in 1956 as a loop to Line 301, a 14-inch-diameter pipeline. The recent and ongoing construction of Brookstone Crossing, a residential development, has increased the population density along a segment of Line 1-301. Consequently, ANR must upgrade this segment from a Class 2 to Class 3 pipeline to maintain compliance with the U.S. Department of Transportation (USDOT) regulations.

The location of the project facilities is shown in appendix 2. The proposed construction area would start about 820 feet south of Sherman Road and extend northward to Ash Drive. If you are interested in obtaining procedural information, please write to the Secretary of the Commission.

Land Requirements for Construction

Construction of the proposed facilities would require about 9.4 acres of land. In addition, a 2.5-acre pipeyard would be used. No new permanent ROW would be acquired. All temporary construction areas would be allowed to revert to their 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
- Vegetation and wildlife
- Endangered and threatened species
- Land use
- Cultural resources
- Public Safety

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 on page 4 of this notice.

Currently Identified Environmental Issues

We have already identified some issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by ANR. This preliminary list of issues may be changed based on your comments and our analysis.

- The crossing of Cedar Creek could potentially impact rare fish and mussel species.
- Construction may affect a residential area.

¹ ANR Pipeline Company'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 and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.

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 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 the Environmental Review and Compliance Branch, PR-11.2
- Reference Docket No. CP99-007-000; and
- Mail your comments so that they will be received in Washington, DC on or before January 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". 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 3). Only intervenors have the right to seek rehearing of the Commission's decision.

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. For assistance with

access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

David P. Boergers,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA99-10-000]

Burk Royalty Company; Notice of Petition for Adjustment

December 4, 1998.

Take notice that on December 2, 1998, Burk Royalty Company (Burk), filed a petition for adjustment, pursuant to section 502(c) of the Natural Gas Policy Act of 1978, for relief from paying Northern Natural Gas Company (Northern) the Kansas ad valorem tax refunds attributable to Melvin J. Smith (Smith), the only royalty interest owner in the lease for which refunds are now due under the Commission's September 10, 1997 order in Docket No. RP97-369-000 *et al.* [80 FERC ¶ 61,264 (1997); rehearing denied, 82 FERC ¶ 61,058 (1998)]. The Commission's September 10 order directed First Sellers under the NGPA to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. Burk's petition is on file with the Commission and open to public inspection.

Northern served Burk with a Kansas ad valorem tax refund claim. With interest compounded through June 30, 1998, Northern's refund claim totals \$15,811.32. Burk seeks to be relieved from having to pay the \$667.00 in principal, plus the interest, that is attributable to Smith's royalty interest. Burk states that Smith is deceased, and that Smith owned all of the minerals on the lease, making Smith the only royalty interest owner, with a 12.5 percent royalty interest in the lease.

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, Washington, D.C. 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.

David P. Boergers,
Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-165-000]

Colorado Interstate Gas Company; Notice of Tariff Filing

December 4, 1998.

Take notice that on November 30, 1998, Colorado Interstate Gas Company (CIG), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Twenty-fifth Revised Sheet No. 11, with an effective date of January 1, 1999.

CIG states that the filing was made pursuant to CIG's FERC Gas Tariff, First Revised Volume No. 1, General Terms and Conditions, Article 21.5 (Account No. 858 Stranded Costs).

CIG states that copies of the filing were served upon the company's jurisdictional firm 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 385.214 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 Rules and 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.

David P. Boergers,
Secretary.

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