

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education, Meeting

AGENCY: National Advisory Council on Indian Education, ED.

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Indian Education. The purposes of this meeting are to discuss the President Executive Order 13096 on American Indian and Alaska Native Education, and to discuss the reauthorization of programs under the Elementary and Secondary Education Act of 1965 (ESEA), of which the Title IX Indian Education Program is included. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act and is intended to notify the public of their opportunity to attend.

DATES AND TIMES: October 18, 1999, 1:00 p.m.–5:00 p.m. and October 19, 1999, 9:00 a.m.–4:30 p.m.

PLACE: Westin Hotel, Oklahoma City, OK, (405) 235-2780.

FOR FURTHER INFORMATION CONTACT: Dr. David Beaulieu, Director, Office of Indian Education, 400 Maryland Avenue, SW, Washington, DC 20202. Telephone: (202) 260-3774; Fax: (202) 260-7779.

SUPPLEMENTARY INFORMATION: The National Advisory Committee on Indian Education is a presidential appointed advisory council on Indian education established under Section 9151 of Title IX of the Elementary and Secondary Education Act of 1965, as amended, (20 U.S.C. 7871). The Council advises the Secretary of Education and the Congress on funding and administration of programs with respect to which the Secretary has jurisdiction and that includes Indian children and adults as participants from which they benefit. The Council also makes recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs. The meeting of the Council is open to the public without advanced registration. Public attendance may be limited to the space available. Members of the public may make statements during the meeting, to the extent time permits, and file written statements with the Council for its consideration. Written statements should be submitted to the address listed above.

A summary of the proceedings and related matters which are informative to the public consistent with the policy of

Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting, and are available for public inspection at the Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202 from the hours of 8:30 a.m. to 5:00 p.m.

Judith Johnson,

Acting Assistant Secretary, Office of Elementary and Secondary Education.

The Westin Hotel**Oklahoma City, OK**

405-235-2780

Monday, October 18, 1999

1:00 p.m. Roll Call
Review Agenda and Purpose of Meeting
1:30–2:00 Presidential Executive Order 13096 on American Indian and Alaska Native Education Update on ESEA Reauthorization
2:00–4:00 Draft NACIE Charter and Work Plan
Annual Report Review
OIE Staff Updates
4:30–5:00 Summarize Discussion & Set Agenda for Next Day

Tuesday, October 19, 1999

9:00 a.m. Call to Order
9:15–10:30 Continue Business Meeting
10:30–12:00 Open Meeting On: Reauthorization of Indian Education Programs Executive Order 13096
12:00–1:00 Lunch
1:00–4:00 Open Meeting Continued
4:00–4:30 Summarize Meeting Accomplishments
4:30 p.m. Adjourn NACIE Meetings

[FR Doc. 99-25643 Filed 9-30-99; 8:45 am]

BILLING CODE 4000-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GP99-15-000]

Burlington Resources Oil & Gas Company; Notice of Petition for Dispute Resolution or, Alternatively, for Staff Adjustment Relief From Refund Obligation

September 27, 1999.

Take notice that, on May 12, 1998, Burlington Resources Oil & Gas Company (Burlington) requested that the Commission resolve Burlington's dispute with Northern Natural Gas Company (Northern) over the Kansas *ad valorem* tax reimbursement refunds that Northern claims Burlington owes as a result of tax reimbursements that

Northern paid to Burlington's predecessor—Southland Royalty Company (Southland).¹ Burlington requests that the Commission find that it has no such refund liability to Northern, due to a February 28, 1989 Take-or-Pay Settlement Agreement (1989 Settlement) between Southland and Northern that settled certain claims involving over 30 separate gas purchase contracts, covering properties located in three different states, including the State of Kansas. Burlington's petition is on file with the Commission and is open to public inspection.

In its September 10, 1997 order in Docket No. RP97-369-000, *et al.*,² the Commission 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 disputes with the pipeline over the amount of Kansas *ad valorem* tax refunds owed.

In its petition, Burlington asserts that the 1989 Settlement between Southland and Northern explicitly resolved all disputes between the parties regarding the affected contracts, and that the parties mutually agreed to release and discharge each other and their respective successors and assigns from any and all liabilities claims and causes of action relating to those contracts, whether at law or in equity, and whether known or unknown, for all periods through January 31, 1989. Burlington contends that, under the 1989 Settlement, all claims for additional monies associated with the subject contracts, for any time period prior to January 31, 1989, were intended by the parties to be resolved as of February 28, 1989. Thus, Burlington contends that Northern, by contract, has agreed to release Burlington from any responsibility regarding additional monies owed with respect to the Kansas contracts, and that Northern is contractually bound to indemnify Burlington, as Southland's successor, with respect to any claims, including

¹ Burlington's May 12, 1998 dispute resolution request was originally filed in Docket No. SA99-1-000. Burlington's petition for staff adjustment with respect to Panhandle Eastern Pipe Line Company's Kansas *ad valorem* tax reimbursement refund claim. Burlington's May 12 request is now being docketed separately as a petition for dispute resolution, under Docket No. GP99-15-000, because it pertains to a different Kansas *ad valorem* tax reimbursement refund claim, levied by a different pipeline.

² See: 80 FERC ¶ 61,264 (1997); rehearing denied, 82 FERC ¶ 61,058 (1998).

Northern's Kansas *ad valorem* tax reimbursement refund claim.

Burlington adds, however, that it is not claiming that the tax reimbursement refunds should not be made to the ultimate consumers, only that Southland entered into an arms-length contractual agreement with Northern, and that Northern, by agreeing to release Southland from any and all future liability with regard to the Kansas contracts, assumed the obligation to make such payments on behalf of Southland, as consideration for value received from Southland pursuant to the 1989 Settlement, including the mutual release and indemnification, and the termination of Northern's take-or-pay obligations under numerous contracts.

Burlington also contends that, to the extent its predecessor (Southland) received any value in excess of the applicable maximum lawful price for the gas Northern purchased under the Kansas contract, Southland has already reimbursed Northern for that value through the consideration provided to Northern pursuant to the release of Northern from its take-or-pay liability under the numerous contracts covered by the 1989 Settlement.

Burlington also asserts that the Natural Gas Policy Act of 1978 (NGPA) does not prohibit a pipeline from contractually assuming a producer's refund liability under the NGPA. Burlington contends that, since the Commission has found that the consumers are bound by their contractual agreements that relinquished their rights to Kansas *ad valorem* tax reimbursement refund from El Paso Natural Gas Company, Natural Gas Pipeline Company of America, and

ANR Pipeline Company,³ there is no justification for not holding a pipeline to its contractual agreements to release and indemnify gas sellers from the obligation to refund tax reimbursements.

In the event that the Commission finds that Northern's indemnification of Southland is not applicable to the actual Kansas *ad valorem* tax reimbursement refund amounts (*i.e.*, the principal portion of Northern's refund claim), Burlington contends that the Commission should nevertheless find, at a minimum, that Northern has indemnified Burlington from paying the interest on the principal. In the event that the Commission finds that Northern has not assumed Burlington's refund liability, as a result of entering into the 1989 Settlement, Burlington requests relief from having to pay both the principal and interest to Northern, pursuant to section 502(c) of the NGPA, based on Burlington's contention that it would be inequitable to absolve Northern of its contractual commitment to release Burlington from all liabilities associated with the Kansas contracts. In this regard, Burlington claims that the release Northern obtained was for value in exchange for its indemnification, and that it would be inequitable to allow Northern to now be relieved of its *quid pro quo* under the 1989 Settlement, solely because the indemnification obligation would require Northern to assume Burlington's liability for Kansas *ad valorem* tax reimbursement refunds.

Any person desiring to comment on or make any protest with respect to the above-referenced petition should, on or before October 18, 1999, file with the Federal Energy Regulatory Commission,

888 First Street, NE, Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). 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 proceedings. Any person wishing to become a party to the 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.

[FR Doc. 99-25586 Filed 9-30-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2566-010]

Consumers Energy Company; Notice Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

September 27, 1999.

The license for the Webber Hydroelectric Project No. 2566, located on the Grand River near the City of Portland, in Ionia County, Michigan, will expired on March 31, 2001. On March 30, 1999, an application for new major license was filed. The following is an approximate schedule and procedures that will be followed in processing the application:

Date	Action
August 16, 1999	Commission issues notice of the accepted application establishing October 15, 1999, for filing motions to intervene and protests.
November 26, 1999	Commission's deadline for applicant to file a final amendment, if any, to its application.
February 29, 2000	Commission notifies all parties and agencies that the application is ready for environmental analysis.

Upon receipt of all additional information and the information filed in response to the public notice of the acceptance of the application, the Commission will evaluate the application in accordance with applicable statutory requirements and take appropriate action on the application.

Any questions concerning this notice should be directed to Tom Dean at (202) 219-2778.

David P. Boergers,

Secretary.

[FR Doc. 99-25588 Filed 9-30-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-510-000]

Koch Gateway Pipeline Company; Notice of Proposed Changes to FERC Gas Tariff

September 27, 1999.

Take notice that on September 22, 1999, Koch Gateway Pipeline Company

³ *El Paso Natural Gas Co.* 85 FERC ¶ 61,003 (1998); *Natural Gas Pipeline Company of America*,

85 FERC ¶ 61,004 (1998); and *ANR Pipeline Co.*, 85 FERC ¶ 61,005 (1998).