

Resource Report 12—PCB Contamination

- For projects involving the replacement or abandonment of facilities determined to have PCBs, provide a statement that activities would comply with an approved EPA disposal permit or with the requirements of the TSCA. (§ 380.12(n)(1))
- For compressor station modifications on sites that have been determined to have soils contaminated with PCBs, describe the status of remediation efforts completed to date. (§ 380.12(n)(2))

Resource Report 13—Additional Information Related to LNG Plants

- Provide all the listed detailed engineering materials. (§ 380.12(o))

PART 385—RULES OF PRACTICE AND PROCEDURE

55. The authority citation for Part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1085.

56. In § 385.2001, paragraph (b)(3) is revised to read as follows:

§ 385.2001 Filings (Rule 2001).

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(b) * * *

(3) The Secretary, or the office director to whom the filing has been referred, will send a letter of rejections with an indication of the deficiencies in the filing and the reasons for rejection.

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[FR Doc. 98–26721 Filed 10–15–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**FEDERAL ENERGY REGULATORY COMMISSION****18 CFR Part 380**

[Docket No. RM98–17–000]

Landowner Notification, Residential Area Designation, and Other Environmental Filing Requirements; Notice of Technical Conference September 30, 1998.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Technical Conference.

SUMMARY: The Federal Energy Regulatory Commission (Commission) intends to hold a staff technical conference on December 9, 1998, at 9:00 AM, in the Commission Meeting Room, 888 First Street, NE., Washington, DC, to address its concerns regarding its present landowner notification policies and its present environmental designation of residential areas.

DATES: Comments are due November 16, 1998.

ADDRESSES: Send comments to: Office of the Secretary, Federal Energy Regulatory

Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

John S. Leiss, Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426, (202) 208–1106

Carolyn Van Der Jagt, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 (202) 208–2246.

SUPPLEMENTARY INFORMATION:

In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, NE., Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Homepage (<http://www.ferc.fed.us>) using the CIPS Link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 6.1 format. CIPS is also available through the Commission's electronic bulletin board service at no charge to the user and may be accessed using a personal computer with a modem by dialing 202–208–1397, if dialing locally, or 1–800–856–3920, if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. User assistance is available at 202–208–2474 or by E-mail to CipsMaster@FERC.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or

remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202–208–2222, or by E-mail to rimsmaster@ferc.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc., is located in the Public Reference Room at 888 First Street, NE., Washington, DC 20426.

In the matter of: Landowner Notification, Residential Area Designation, and Environmental Filing Requirements; Docket No. RM98–17–000.

Notice of Technical Conference

September 30, 1998.

In Docket No. RM98–9–000, which is being issued concurrently with this notice of technical conference, the Commission, among other things, proposes to amend, consolidate, and clarify its current environmental filing requirements for applications for certificates of public convenience and necessity to construct pipeline facilities. These requirements are necessary for the Commission to comply with the National Environmental Policy Act of 1969 (NEPA).¹ The Commission believes that revising its existing regulations will lead to more complete applications and to an expedited environmental review process.

However, in addition to the changes proposed in Docket No. RM98–9–000, the Commission is interested in examining its existing landowner notification policies and designation of residential areas. It is concerned that its current regulations are not adequate to provide the general public and potentially affected landowners with sufficient opportunity for participation in the Commission's certificate process. Increased public interest in several recently filed certificate applications

¹ 42 U.S.C. 4321. Specifically, NEPA requires that federal agencies carefully weigh the potential environmental impact of all their decisions and consult with federal and state agencies and the public on serious environmental questions.

suggests that the Commission should review its existing procedures.²

To open the process to the affected public, the Commission is contemplating requiring that companies proposing a pipeline project provide notification to the affected public prior to filing an application with the Commission. For projects that do not require prior notification to the Commission, we believe that the affected landowners should be notified within a reasonable time prior to construction, to reduce the potential for complaints that landowners were not aware of the project. The Commission believes that early notification of a proposed project will provide the public with a better opportunity to participate in the proceeding.

We note that in a letter dated September 16, 1998, the Interstate Natural Gas Association of America (INGAA) also acknowledges the concern over the landowner notification issue. In the letter, it proposes a solution to the landowner notification problem which, among other things, requires that the owner of record of property affected by a pipeline project be notified of the project by certified mail. We invite INGAA to present its proposal at the December 9, 1998 technical conference. Additionally, we invite any other interested party to present proposals at the technical conference.

The Commission is also considering some other changes to its regulations which it feels may require expanded landowner notification to ensure fairness for both the company and landowners. For example, the Commission is considering expanding the definition of eligible facility under section 157.202(b)(2) of its regulations to include injection and withdrawal wells which do not alter the capacity of an existing, certificated underground storage field. That change would allow the addition of minor facilities designed to enhance existing storage operations without case specific Commission review and approval. However, the Commission is concerned about whether and how the pipeline should be required to acquire consent from the landowner prior to beginning construction.

²For example, in the pending Independence Pipeline Company proceeding in Docket No. CP97-315-000, the Commission has received in excess of 6,500 correspondences from concerned citizens.

The Commission would also like to revise section 2.55(b)(iii) and (iv) of its regulations to allow the use of additional temporary work space for replacement facilities. However, once again, the Commission is concerned about how the pipeline should acquire landowner consent to use the additional space as well as providing for appropriate environmental safeguards.

Additionally, the Commission believes it is necessary to designate residential areas as sensitive environmental areas defined under section 157.202(b)(11).³ This change would bring the status of residential areas in our regulations more in line with the existing treatment of these areas as noise sensitive areas (section 157.206(d)(5)), as well as Commission practice to weigh project impact on residential areas in the same way as the more traditional natural resource areas, such as, for example, endangered species habitats, historical places, wetlands, and designated wilderness areas.

Finally the Commission is interested in obtaining comment on the need to apply the same erosion control and stream and wetland crossing mitigation measures it applies to filings under Subpart A of Part 157 to Subpart F blanket projects. This would provide more uniform treatment of natural gas projects whether or not they are actually reviewed by the Commission prior to construction.

In the past the Commission has used working groups to develop proposals for improving upon the Commission's regulations.⁴ Here, the Commission is also considering using the negotiated rulemaking procedure under the Negotiated Rulemaking Act of 1990⁵ as an alternative to its traditional rulemaking process. That act establishes a framework for conducting a negotiated rulemaking and encourages agencies to use negotiated rulemaking to enhance the rulemaking process. Negotiations would be conducted by a committee chartered under the Federal Advisory Committee Act.⁶ The committee would

³Section 157.206(d)(4) of the Commission's regulations provides: "Any transaction authorized under a blanket certificate shall not have a significant impact on a sensitive environmental area."

⁴See Standards for Business Practices of Interstate Natural Gas Pipelines, 60 FR 55,504 (Nov. 1, 1995), 73 FERC ¶ 61,104 (Oct. 25, 1995).

⁵5 U.S.C. 561-569.

⁶5 U.S.C. App. 2.

include a Commission representative and would be assisted by a neutral facilitator. The goal of the committee would be to reach consensus on the language or issues involved in the rule. If consensus is reached, the Commission undertakes to use the consensus as the basis of the proposed rule.

The purpose of the staff technical conference is to discuss potential changes to the Commission's regulations in the above mentioned areas and to address the appropriateness of using working groups or negotiated rulemaking for these changes. Additionally, the Commission may entertain and discuss at the staff technical conference suggestions concerning other areas of its environmental review process.

The Commission invites all interested persons to submit written comments on these topics. Additionally, any persons wishing to make comments or presentations at the conference should submit a request for time and the topic(s) they want to address. The original and 14 copies of such comments and requests must be received by the Commission before 5:00 p.m., November 16, 1998. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426 and should refer to Docket No. RM98-17-000. Commenters also can submit comments on computer diskette in WordPerfect 6.1 or lower format or in ASCII format, with the name of the filer and Docket No. RM98-17-000 on the outside of the diskette.

All comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference room at 888 First Street, NE., Washington, DC 20426, during regular business hours. Additionally, comments can be viewed and printed remotely via the Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202-208-2222, or by E-mail to rimsmaster@ferc.fed.us.

By direction of the Commission.

David P. Boergers,
Secretary.

[FR Doc. 98-26726 Filed 10-15-98; 8:45 am]

BILLING CODE 6717-01-P