

Federal Energy Regulatory Commission

[Project No. P-11495-000]

Public Notice of Intent To Conduct Public Scoping Meetings and a Site Visit

April 7, 1995.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Type of Application: Original for Major Project.
 - b. Project No.: 11495-000.
 - c. Date filed: August 26, 1994.
 - d. Applicant: Nooksack River Hydro, Inc., Bothell, WA.
 - e. Name of Project: Clearwater Creek.
 - f. Location: On Clearwater Creek, near Deming, Whatcom County, WA.
 - g. Filed Pursuant to: Federal Power Act, 16 USC 791(a)-825(r).
 - h. Applicant Contact: Mr. Lon Covin, Hydro West Group, Inc., 1422 130th Avenue NE., Bellevue, WA 98005, (206) 455-0234.
 - i. FERC Contact: Mr. Surender M. Yepuri, P.E., (202) 219-2847.
 - j. Deadline date for written comments on scoping (environmental issues): May 26, 1995.
 - k. Status of Environmental Analysis: On December 15, 1994, the Federal Energy Regulatory Commission (FERC) issued a Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Clearwater Creek Project (FERC No. 11495) and Warm Creek Project (FERC No. 10865).
 - l. Intent to Conduct Public Scoping Meetings: Two scoping meetings will be conducted on Tuesday, May 9, 1995, at 7:00 p.m., and Wednesday, May 10, 1995, at 10:00 a.m.
- Location: Hampton Inn, 3985 Bennett Drive, Bellingham, WA 98225.
- Interested individuals, organizations, and agencies with environmental expertise are invited to attend either or both meetings and assist the staff in identifying the scope of environmental issues that should be analyzed in the EIS.

To help focus discussions at the meetings, a scoping document outlining subject areas to be addressed in the EIS will be mailed to agencies and interested individuals on the Commission mailing list. Copies of the scoping document will also be available at the scoping meetings.

Persons choosing not to speak at the meetings, but who have views on issues or information relevant to the issues, may submit written statements for inclusion in the public record at the

meeting. In addition, written comments may be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, by the deadline date shown in Item (j) above. All written correspondence should clearly show the following caption on the first page: Clearwater Creek Hydro Project, FERC No. 11495.

Intervenors—those on the Commission's service list for this proceeding (parties)—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission to serve a copy of the document on each person whose name appears on the official service list.¹ Further, if a party or interceder files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Site Visit: A site visit to the Clearwater Creek Hydro project is planned for May 9, 1995. Those who wish to attend should plan to meet at 9:00 a.m. at the Acme Country Kitchen on Route 9 in Acme, Washington.

m. Description of Project: The proposed project would consist of: (1) A 10-foot-high, 75-foot-long reinforced concrete diversion weir with a crest elevation of 1,665 feet on the National Geodetic Vertical Datum; (2) a 40-foot-wide, 80-foot-long, and 18-foot-high concrete intake structure; (3) a 63-inch-diameter, 8,785-foot-long steel penstock; (4) a 48-foot-wide, 48-foot-long, and 35-foot-high concrete powerhouse equipped with a vertical Pelton turbine generator unit with a rated capacity of 6.0 MW; (5) an 80-foot-long tailrace; (6) a 35-kV, 11.4-mile-long transmission line; and (7) appurtenant equipment.

n. Purpose of Project: Project power would be sold to a local utility.

o. Available Locations of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., Room 3104, Washington, DC 20426, or by calling (202) 208-1371. A copy is also available for inspection and

reproduction at the applicant's office (see item (h) above).

Lois D. Cashell,

Secretary.

[FR Doc. 95-9204 Filed 4-13-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-304-000]

Shell Western E&P Inc.; Notice of Petition for Declaratory Order

April 10, 1995.

Take notice that on April 6, 1995, Shell Western E&P Inc. (SWEPI), 200 North Dairy, Houston, Texas 77001, filed a petition in Docket No. CP95-304-000, requesting that the Commission declare that a 33-mile, 6-inch pipeline extending from the outlet of a carbon dioxide (CO₂) recovery plant north of Denver City, Texas to an interconnection with a Hinshaw pipeline in Lea County, New Mexico, is a gathering facility exempt from Commission jurisdiction pursuant to Section 1(b) of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

SWEPI states that it is the operator of the Denver Unit, an established oil and gas producing unit with approximately 1200 wells and an extensive network of gathering and re-injection lines connecting the wells within the unit to the Denver Unit CO₂ Recovery Plant (DUCRP), all located in Gaines and Yoakum Counties, Texas. It is indicated that since 1983, the Denver Unit has been under carbon dioxide (CO₂) flood, an enhanced oil recovery process where CO₂ is injected into a subterranean reservoir to recover additional oil. It is also indicated that the plant was built in 1984 to remove water, hydrocarbons and hydrogen sulfide from the produced CO₂ stream at the Denver Unit so that the CO₂ is pure enough to re-inject. SWEPI states that one of the by-products of the CO₂ separation process is low Btu, off-spec gas having a Btu content of 700 Btu, a CO₂ content of 12 percent by volume, and a nitrogen content of up to 25 percent by volume. It is stated that small quantities of the off-spec gas are sold to other plants in the area for fuel, but the majority of the off-spec gas is circulated and re-injected along with the CO₂ because previously there was no existing market for that product.

SWEPI states that the pipeline is an existing liquids line that would be converted to gas service and used to move the off-spec gas from the plant to a point where it can be transported to the only feasible market for the product, an electric generating plant operated by

¹The official service list can be obtained by calling the Office of the Secretary, Dockets Branch at (202) 208-2020.

Southwestern Public Service Company in Lea County, New Mexico located approximately 35 miles from the plant. SWEPI states that the gas to be delivered into the pipeline is not pipeline quality, and cannot be commingled or transported with any other natural gas.

In support of its claim that the primary function of the pipeline is gathering, SWEPI indicates that the facility meets the gathering criteria set forth in *Farmland Industries, Inc.*, 23 FERC ¶61.063 (1983), as modified by later Commission orders, indicating the following:

Length and Diameter of the Line

SWEPI states that onshore lines of comparable and greater length and diameter, including a 60-mile, 10-inch pipeline downstream of a processing plant (see 67 FERC ¶61,254 (1994), have been characterized as gathering. Also, the length of the pipeline is dictated by the length of the existing liquids line which would be converted to natural gas service.

Beyond the Plant

SWEPI also states that the plant is a separation facility that removes water, hydrocarbons and hydrogen sulfide from the CO₂ produced from the unit and is not a gas plant in the traditional sense that it processes or treats natural gas. However, it is indicated that the pipeline would be an incidental extension of the existing integrated production, gathering, and CO₂ separation and re-injection functions at the Denver plant. SWEPI states that gas would be produced from the various wells located in the Denver Unit, gathered to DUCRP for carbon dioxide separation, and then either routed through a return pipeline for re-injected in the field or routed through the pipeline to a point where it can be transported to the end user. It is indicated that the gas would not be pipeline quality when delivered into the pipeline and would require a segregated line dedicated to off-spec usage. SWEPI states that the traditional behind-the-plant test recognized that the line of demarcation between the production and gathering function and transmission function is the point where the gas is processed to make the gas of salable quality. SWEPI concludes that the pipeline does not provide that line of demarcation because the gas is never of pipeline quality.

Operating Pressure of the Line

SWEPI states that it would operate the pipeline at 600 psi, based on the pressure at the outlet of the plant.

Ownership and Use of the Line

Concerning the general activity of the owners of the facility, SWEPI states that the proposed pipeline would be utilized by the participating working interest owners to gather their off-spec gas to a point where it can be received for transportation to the only available market. SWEPI states that the fact that the lessees of the line are the producers of the off-spec gas to be handled by the pipeline is an additional factor weighing in favor of a non-jurisdictional determination.

Gathering Across State Lines

SWEPI states that the Commission has recognized in *Superior Oil Co.*, 13 FERC ¶61,218 (1980) that gathering may cross state lines and should not affect the jurisdictional status of the line.

Access to Line

SWEPI states that the pipeline would serve the unique and discrete function of gathering off-spec produced by the Denver Unit working interest owners to a point where it can be transported to the only available market. It is indicated that, because all of the working owners would have the opportunity to use the pipeline, there will be no access issues.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 1, 1995, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., 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 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 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. 95-9199 Filed 4-13-95; 8:45 am]

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[Docket No. CP95-76-000]

Texas Eastern Transmission Corp.; Notice of Site Visit

April 10, 1995.

On May 3, 1995, the Office of Pipeline Regulation staff, accompanied by representatives of Texas Eastern Transmission Corporation (Texas Eastern), will inspect the proposed

location of Texas Eastern's Line I-A Loop, and Line I-H Upgrade in the Philadelphia Lateral Expansion Project. The proposed facilities are in Chester, Delaware, and Philadelphia Counties, Pennsylvania.

Parties to the proceeding may attend. Those planning to attend must provide their own transportation. For further information, call Jeff Gerber, (202) 208-1121.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-9197 Filed 4-13-95; 8:45 am]

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[Docket No. CP95-299-000]

Texas Gas Transmission Corp. and Texas Eastern Transmission Corp.; Notice of Joint Application for Abandonment

April 10, 1995.

Take notice that on April 5, 1995, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky, 42301 and Texas Eastern Transmission Corporation (TETCO), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP95-299-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange service between Texas Gas and TETCO and facilities which were authorized in Docket No. G-13268 and G-1086, all as more fully set forth in the application on file with the Commission and open to public inspection.

Texas Gas and TETCO propose to abandon an exchange service and to abandon the Orleans Purchase Meter Station in Orange County, Indiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1995, 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 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the