

Continent Region Company (WGP-MCR), Post Office Box 3102, Tulsa, Oklahoma 74101, filed a petition for a declaratory order in Docket No. CP95-318-000, requesting that the Commission declare that WGP-MCR's acquisition, ownership, and operation of approximately 25.8 miles of 26-inch pipeline and appurtenant facilities located in Texas County, Oklahoma currently owned by Williams Natural Gas Company (WNG) are exempt from the Commission's Regulations pursuant to Section 1(b) of the Natural Gas Act (NGA), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

WGP-MCR states that the current filing is necessary because the subject line's function will change as a result of the construction and operation of a new processing plant, the Baker Plant. The new plant is being constructed by Williams Field Services Company (WFS), an affiliate of WGP-MCR, and will process gas from both the Straight sub-system and the Liberal-Baker subsystem as well as third-party gathering systems. WGP-MCR states that the Baker Plant will replace the Guymon drip control plant and is scheduled to be in operation by November 1, 1995. WGP-MCR states that the subject 25.8 mile pipeline is located upstream of the new Baker Plant, and upon completion of the plant the function of the subject line will be gathering.

WGP-MCR asks that the Commission process this petition for declaratory order and WNG's related abandonment application, but it does not request an order until the Baker Plant begins operations. WGP-MCR states that it will use the same default contract for services on the subject facilities as was submitted to the Commission in Docket No. CP94-196-000.

WGP-MCR asserts that the Baker Plant will be capable of processing greater volumes and of removing more liquids compared to the capabilities of the Guymon drip control plant, and this will result in better value to the gathering and processing customers. WGP-MCR claims that the location of the plant was chosen for primarily two reasons: (1) Located in the middle of the production facilities owned by third parties—whereas the Guymon drip control plant could only process gas from the Straight facilities; and (2) the location of the Baker Plant is conducive to the formation of a hub, with other transmission pipelines located in the vicinity.

WGP-MCR states that it will provide gathering services consistent with open-

access principles and will operate as a company separate and independent from WNG. WNG currently provides transportation service to one direct delivery irrigation customer connected to the subject pipeline. WGP-MCR asserts that it will assume WNG's obligations and provide gathering services to this customer following abandonment.

Any person desiring to be heard or to make a protest with reference to said petition should, on or before May 8, 1995, file with the Federal Energy Regulatory Commission, 825 North Capitol 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 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.

Lois D. Cashell,

Secretary.

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Office of Hearings and Appeals

New Filing Deadline in Special Refund Proceeding Involving Crude Oil Overcharge Refunds

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of new deadline for filing applications for refund in the crude oil overcharge special refund proceeding.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy has determined that the period for filing applications for refund in the crude oil overcharge special refund proceeding shall close on June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director, Virginia Lipton, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-2390 (Wieker), (202) 586-2400 (Lipton).

SUPPLEMENTARY INFORMATION: On November 1, 1994, the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) issued a Notice stating that it would reopen the period for filing Subpart V crude oil overcharge refund applications and take

comments on the issue of the appropriate closing date for filing refund claims in this proceeding. In the Notice we set a new tentative filing deadline of June 3, 1996. 59 FR 55656 (November 8, 1994). The Notice further stated that comments regarding this issue should be provided by April 3, 1995. The period for filing comments has now closed. We have carefully reviewed the comments we received in order to set a final deadline for submission of refund applications.

In all, we received comments from ten firms and individuals. Nine of these comments were submitted by entities that file refund claims on behalf of Subpart V crude oil overcharge refund claimants. We refer to such representatives as "filing services." The tenth comment was filed by an attorney who represents a group of States. [Under the DOE's Modified Statement of Restitutionary Policy, the States and Territories of the United States and the federal government will receive the balance of any funds remaining after all disbursements to Subpart V crude oil overcharge claimants have been made.]

The comments submitted by filing services that represent smaller claimants tended to favor extending the filing deadline as long as possible, even beyond the tentative June 3, 1996 deadline. These filing services believe that there are still many eligible claimants who have not applied for a refund. One commenter in this group estimated that there are between 500,000 and 1 million entities that used more than 65,500 gallons of refined petroleum products during the August 1973 through January 1981 refund period. This commenter believes that since the OHA has received only 100,000 Subpart V crude oil overcharge refund claims, there are many potential applicants who have not yet applied. Although they offer no supporting statistics, the other commenters in this group agree that there are many potential refund applicants who have not yet been contacted. In this regard, the commenters state that after the prior June 30, 1994 deadline passed, they closed their operations that focused on searching for these claimants. They suggest that they are now actively seeking new clients and that it will require significant additional time for them to fully reopen their searching processes and solicit new claimants. They therefore seek an extended additional refund application period.

We are certainly aware that many potential refund applicants have not filed a crude oil overcharge refund claim. However, this fact, in and of itself, is not a reason to allow for

another long window of opportunity to file refund applications. Many firms and individuals may have already heard of the Subpart V refund process and simply decided not to apply for a refund. Further, even those that have not yet heard about the refund process might not wish to file a claim, even if they were made aware of their eligibility. We do not believe that it would be useful to hold open the refund process based upon the speculation raised by commenters. It is simply not feasible to hold the proceeding open to ensure that all eligible claimants have received notice of the opportunity to apply. We believe it is sufficient to provide adequate notice of the proceeding, and a reasonable period for applications to be submitted. We find that this notice and opportunity have been provided over the course of the eight-year refund period. Further, in view of the fact that notice of the reopening of this refund proceeding was published on November 8, 1994, we find that there has been adequate time for filing services to renew their search efforts and provide additional notification.

The comments submitted by filing services representing larger refund applicants in this proceeding indicate that they are generally not now seeking to locate additional refund claimants. This group urged that the application period be quickly terminated. These firms and individuals point out that the longer the claim period remains open, the more delay there will be in terminating the entire crude oil overcharge refund process, and in disbursing the final refund payment. We believe that there is considerable merit to this position.

We are also aware that a new, lengthy additional window of opportunity for filing refund claims may result in a large number of duplicate claims, administrative waste, and confusion among members of the public. Accordingly, we find that prompt closure of the refund application period will best promote our goals of administrative efficiency and finality. Therefore, the final date for filing Applications for Refund in the OHA Subpart V crude oil overcharge refund proceeding will be June 30, 1995. All crude oil refund applications must be postmarked no later than that date.

Dated: April 17, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.
[FR Doc. 95-9934 Filed 4-20-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-4722-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 20, 1995 Through March 24, 1995 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 1995 (72 FR 19047).

Draft EISs

ERP No. D-AFS-J65227-MT Rating EC2, Wagner-Atlanta Vegetation Treatment Project, Implementation, Helena National Forest, Townsend Ranger District, Meagher County, MT.

Summary

EPA expressed environmental concerns with the treatment methods/units, existing degraded water quality/fisheries in the project area, and an inadequate plan for a water quality monitoring program. EPA recommended additional information be collected to fully assess and mitigate impacts of the proposed action. EPA supported a combination of grass burns (Alternative C) and harvest methods from the other alternatives which protect big game, minimize new road construction, protect water quality, in stream uses and the aquatic ecosystem.

ERP No. D-AFS-J65228-UT Rating EC1, Jacob/Swale Vegetation Management Project, Implementation, Dixie National Forest, Escalante Ranger District, Garfield County, UT.

Summary

EPA expressed environmental concerns and recommended that a preferred alternative be selected that minimizes the impacts to road management, roadless areas and wildlife habitat concerns.

ERP No. D-AFS-L65233-OR Rating EC2, Sandy River Delta Plan, Implementation, Special Management Area (SMA), Columbia River Gorge National Scenic Area (NSA), Several Permits for Approval, US Coast Guard Bridge Permit and COE Section 404 Permit, Multnomah County, OR.

Summary

EPA supported the wetland vegetation restoration objectives of the draft EIS, but expressed environmental concerns regarding the repeated use of herbicides to meet vegetative objectives. EPA preferred the re-establishment of the original native species mix to the extent possible, to create a self-sustaining wetland system without using herbicides.

ERP No. D-AFS-L65234-ID Rating EC2, Hobo Cornwall Project Area Timber Sale and Ecosystem Management Plan, Implementation, Idaho Panhandle National Forests, St. Joe Ranger District, Shoshone County, ID.

Summary

EPA expressed environmental concerns based on potential water quality standards violations and the lack of an air quality impacts analysis. Additional information is requested to clarify compliance with state water quality standards and to disclose air quality impacts related to prescribed burning.

ERP No. D-AFS-L65236-OR Rating LO, Santiam Pass Forest Health Project, Implementation, Willamette National Forest, McKenzie Ranger District, Linn County, OR.

Summary

EPA expressed lack of objections to the proposed project.

ERP No. D-BLM-G65061-NM Rating LO, Rosewell Resource Area Management Plan and Carlsbad Resource Area Management Plan Amendment, Implementation, Quay, Curry, DeBaca, Roosevelt, Lincoln, Guadalupe, Chaves, Eddy, and Lea Counties, NM.

Summary

EPA expressed lack of objections and supported the preferred alternative. For clarification EPA requested that the air impact analysis be expanded to include definitive effects of oil and gas operations on air quality and consider the cumulative impacts of 23,000 wells on the 2 resource areas.

ERP No. D-BLM-J60016-WY Rating EC2, Kenetech/PacificCorp Windpower Development Project, Construction of a 500-MW Windplant and 230-kV Transmission Line between Arlington and Hanna, Right-of-Way Grant, COE Section 404 Permit and Special-Use-Permit, Carbon County, WY.

Summary

EPA expressed environmental concerns based on potential adverse