

water supply project in Black Hawk, Colorado. A Notice of Intent to Prepare an EIS was published in the **Federal Register** on December 28, 1994.

Recently the City has proposed to pursue an alternative that will allow them to develop a new water supply system that does not require a Federal permit. Therefore, an EIS is not required.

FOR FURTHER INFORMATION CONTACT:

Questions about the cancellation of the EIS should be directed to: Ms. Candace Thomas, Chief, Environmental Analysis Branch, Planning Division, U.S. Army Corps of Engineers, 215 North 17th Street, Omaha, Nebraska 68102-4978; phone (402) 221-4598; fax (402) 221-4886.

SUPPLEMENTARY INFORMATION: Since the implementation of Limited Stakes Gaming in November 1990, the City of Black Hawk has experienced substantial growth and increased demands for water. The limited amount of water available at the existing diversion points and in North Clear Creek is a major constraint to projected growth. The City notified the Corps that it intended to apply for a Section 404 permit for construction of a new water supply system in waters of the United States. The requirement for a Corps 404 permit triggered compliance with the National Environmental Policy Act (NEPA). NEPA requires that whenever a major Federal action would result in significant impacts to the human environment that an EIS be prepared. A Draft EIS was in the process of being prepared by the Corps. During the NEPA process several alternatives were evaluated. Recently the City has discovered an alternative that will allow them to develop a new water supply system that does not require a Section 404 permit. Because the 404 process was the only Federal nexus, there is now no requirement for NEPA compliance. Therefore, the EIS process has been terminated. The current plan involves the withdrawal of water from Clear Creek at the Hidden Valley exit on Interstate 70 east of Idaho Springs, Colorado. An infiltration gallery, pump station, and pipeline can be constructed without a permit from the Corps.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP97-300-000, CP97-301-000, and CP97-302-000]

Dauphin Island Gathering Partners; Notice of Application

March 25, 1997.

Take notice that on March 21, 1997, Dauphin Island Gathering Partners (Dauphin Island), c/o OEDC, Inc. 1400 Woodloch Forest Drive, Suite 200, The Woodlands, Texas 77380, filed in Docket Nos. CP97-300-000 an application, pursuant to Section 7(c) of the Natural Gas Act and Section 157 of the Commission's Regulations, for a certificate of public convenience and necessity to (1) construct and operate an offshore 24-inch, 63-mile natural gas pipeline and related facilities extending from the existing Dauphin Island gathering system at Alabama State Tract 73 to Main Pass Gas Gathering System at Main Pass Block 225 and (2) to operate as a jurisdictional facility on a temporary basis, with pregranted abandonment, an existing pipeline facility required to transport the gas onshore. Dauphin Island also filed in Docket No. CP97-301-000 for blanket authority pursuant to Part 284 of the Commission's Regulations to transport gas on an open-access basis and for approval of its *pro forma* tariff, including the proposal to charge negotiated rates. Also, Dauphin Island also requests in Docket No. CP97-302-000 a blanket certificate pursuant to Section 157, Subpart F of the Commission's Regulations to engage in certain routine activities. Finally, Dauphin Island requests that the Commission confirm that issuance of the requested authorizations and services will not subject the existing facilities of Dauphin Island to the Commission's jurisdiction,¹ all as more fully set forth in the applications, which are on file with the Commission and open for public inspection.

Dauphin Island indicates that the maximum capacity of the proposed facilities will be 200,000 dt equivalent on natural gas per day. It is noted that the proposed facilities will parallel the western leg of the existing Dauphin

Island gathering system for approximately 30 miles. It is stated that the proposed facilities will gather gas along its length from production already discovered but not currently developed and from exploratory efforts in the area. Dauphin Island notes that the facilities are designed to gather gas that currently cannot be produced due to capacity constraints downstream of the Main Pass system and significant newly discovered production which can be attached to the Main Pass system. Dauphin Island states that it intends to construct in the future a second phase of the project, which would include 13 miles of 24-inch pipeline extending from the northern terminus of the proposed facilities onshore. It is indicated that Dauphin Island is not applying for authority to construct and operate the facilities at this time, but intends to file within the next 12 months when it has sufficient time to complete the requisite environmental studies, obtained commitments from producers in the area, and arranged to purchase pipe.

Because Dauphin Island is not ready to build the second phase of its project, Dauphin Island requests a limited term certificate with pregranted abandonment to use a portion of its existing gathering system which extends downstream from Alabama State Tract 73 for interstate transmission of up to 200,000 dt equivalent of natural gas per day to onshore interconnections for a period of up to twelve months after the proposed facilities are placed in service.

Dauphin Island estimates a construction cost of the proposed facilities of \$54,116,620, which would be financed from cash on hand from the various partners of Dauphin Island.

Dauphin Island requests that it be issued a blanket certificate pursuant to Section 284.221 of the Commission's Regulations. Dauphin Island proposes to provide transportation service under three firm rate schedules, including (1) FT-1 firm service, (2) FT-2 firm service available to shippers who commit all of the gas from specified OCS or state blocks and (3) FT-3 firm service representing overflow volumes from the Main Pass System, and IT-1 interruptible service.

Dauphin Island requests authorization to permit it to charge negotiated rates. It is indicated that in the Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines, 74 FERC ¶ 61,076 (1996), the Commission stated that negotiated rates would be approved in certain circumstances, and that Dauphin Island meets those circumstances. Dauphin Island states in its tariff the charges

¹ Dauphin Island previously filed in Docket No. CP97-119-000 a petition seeking that the Commission declare that its proposed facilities are gathering facilities exempt from Commission jurisdiction pursuant to Section 1(b) of the Natural Gas Act. Dauphin Island seeks the requested authorization only if the Commission finds that any of the requested facilities are subject to the Commission's jurisdiction.

applicable to negotiated rates under Rate Schedules FT-2 and FT-3, and that capacity would be available at a cost-based recourse rate under Rate Schedules FT-1 and IT-1. It is indicated that for rates negotiated with customers following Commission authorization to charge such rates, Dauphin Island will file conforming tariff sheets indicating that the rate for the service will be either the rates stated on its existing rate schedule or a rate mutually agreed upon by the pipeline and customer. It is also indicated that, when a rate is negotiated, Dauphin Island will file a numbered tariff sheet stating the exact legal name of the customer and the negotiated rate for the service. It is stated that permitting Dauphin Island to negotiate rates with customers at mutually agreed levels will promote competition, and permit them to tailor contracts to meet the specific needs of each shipper.

It is stated that the tariff filed by Dauphin Island is substantially similar to those recently approved by the Commission in Garden Banks Gas Pipeline, L.L.C., Docket No. CP96-307-000 and Shell Gas Pipeline Company, Docket No. CP96-159-000, except for service under Rate Schedule FT-3, and except for the following differences: in the Dauphin Island tariff, service is provided on a dekatherm rather than volumetric basis; the Dauphin Island tariff includes an overrun service; secondary receipt points are not available to shippers under Dauphin Island Rate Schedules FT-2 and FT-3; in Dauphin Island's tariff, all delivery points are available to all shippers based upon confirmation by the downstream pipeline; a charge of \$3.50 per barrel will be charged by Dauphin Island for recovery of liquid hydrocarbons; at the request of the shipper, Dauphin Island may enter into contracts for various services with third parties and charge the cost to shipper as an "Other Charge" under the rate schedule; under Dauphin Island's tariff, a capacity release can be released only into Rate Schedule FT-1; and Dauphin Island may process shipper's gas if the shipper does not process; additionally, the term: "equivalent quantities", some quality specifications, nomination procedures, the effect of force majeure on payment of reservation rates, and the resolution of monthly imbalances have been changed.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1997, 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 Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Dauphin Island to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 97-8008 Filed 3-28-97; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER97-2099-000]

Duke Power Company; Notice of Filing

March 25, 1997.

Take notice that on March 14, 1997, Duke Power Company (Duke), tendered for filing a Network Integration Transmission Service Agreement and a Network Operating Agreement (NOA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and the City of Seneca, South Carolina and Southern Company Services, Inc., acting as agent for the City of Seneca, South Carolina, (collectively, Transmission Customer). Duke states that the NITSA and NOA set out the transmission arrangements under which Duke will provide the Transmission Customer Network Integration Transmission Service under Duke's Pro

Forma Open Access Transmission Tariff.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 4, 1997. 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.

Lois D. Cashell,

Secretary.

[FR Doc. 97-7994 Filed 3-28-97; 8:45 am]

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[Docket No. ER97-2095-000]

Duke Power Company; Notice of Filing

March 25, 1997.

Take notice that on March 14, 1997, Duke Power Company (Duke), will terminate the service that it currently provides to the City of Seneca/Seneca Light & Water Plant, Seneca, South Carolina, (Seneca) under Federal Energy Regulatory Commission (FERC) Rate Schedule No. 10 (effective date August 19, 1993), the Electric Power Contract between Duke and the Commissioners of Public Works of the City of Seneca and the City of Seneca, dated April 28, 1971, and the Delivery Point Agreements for Delivery Point #1 (effective date May 22, 1991) and Delivery Point #2 (effective date April 24, 1991) (Exhibits A to the Electric Power Contract) (FERC Rate Schedule No. 263).

Duke is terminating service to Seneca's two delivery points at Seneca's request. Seneca has notified Duke that, commencing May 15, 1997, it will purchase power from a supplier other than Duke. While service is to terminate effective May 14, 1997, the Electric Power Contract shall remain in effect to the extent necessary to incorporate and satisfy the stranded cost amendment that Duke is concurrently filing in a separate docket in accordance with Section 205 of the Federal Power Act, 16 USC 824D (1994), Order No. 888, *Promoting Wholesale competition Through Open Access Non-Discriminatory Transmission Services*