

purpose and use of the pipeline will be to transport natural gas to White Rock's affiliate, Tri-State.

White Rock states that the proposed pipeline has already been constructed. It was built in October and November 2001 because, at that time, it was conceived that there would be two companies that would own the pipeline—White Rock, which would own the portion of the pipeline in South Dakota, and another company, Fairmount Natural Gas Pipeline Company, L.L.C. (Fairmount), which would own the pipeline running from the Alliance interconnection to the North Dakota-South Dakota border. White Rock and Fairmount believed this arrangement would not be subject to FERC jurisdiction because the White Rock pipeline (as then conceived) would be a non-jurisdictional, intra-state plant line located wholly within South Dakota, and the Fairmount pipeline would be an intrastate pipeline located wholly in North Dakota, only interconnecting with the White Rock pipeline at the state border.

As a result, according to White Rock, the pipeline running from Alliance to the Tri-State facility was constructed in the Fall of 2001. No landowners expressed concern with the construction, as all easements and rights-of-way already had been purchased from consenting landowners.

According to White Rock, in accordance with Alliance's suggestion expressed during negotiations of an interconnect development agreement, White Rock agreed to obtain either an NGA certificate of public convenience and necessity, or a FERC determination that the pipelines were not required to obtain an NGA certificate.

According to White Rock, as a result and because the owners of these pipelines wish to put the entire pipeline into service as promptly as possible, White Rock has filed the subject application to operate the pipeline. Furthermore, and to simplify this application and its intent, the entire pipeline running from the Alliance interconnection to the Tri-State facility has been consolidated and now is owned and will be operated as a single pipeline—i.e., the White Rock pipeline, and the Fairmount entity will be or has been dissolved. The entire 10.5 mile pipeline is now owned by White Rock.

White Rock states that in addition to approving its request for a certificate, White Rock requests that the Commission grant a waiver of any regulations and requirements that White Rock may not have complied with in constructing its pipeline as it did. White Rock further requests waiver of various

otherwise-applicable FERC regulations and requirements.

Any questions regarding this application should be directed to James Robbennolt, Olinger, Lovald, Robbennolt, McCahren & Reimers, P.C., 117 E. Capitol, P. O. Box 66, Pierre, S.D. 57501, at (605) 224-8851.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before January 25, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene 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 NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a

final Commission order approving or denying a certificate will be issued.

**Linwood A. Watson, Jr.,**  
*Acting Secretary.*

[FR Doc. 02-1825 Filed 1-24-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 5376-062]

#### Horseshoe Bend Hydroelectric Company; Notice of Availability of Environmental Assessment

January 18, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, the Division of Hydropower Administration and Compliance, Office of Energy Projects has reviewed an application to amend the license for the Horseshoe Bend Hydroelectric Project. The amendment application is for the modification of existing facilities and construction of new facilities in two phases to control sediment accumulation in the project's power canal. The proposed Phase I facilities include (a) widening of the entrance of the canal bottom width from 79 feet to 360 feet, (b) installing a 540-foot long elevated sill at the canal entrance, (c) constructing a diverging channel downstream of the sill and a sluice way on the river side of the sill, with trash racks over sluiceway boxes. Features of the Phase II include (a) a desanding/settling basin in the canal area, (b) desander sluice boxes end-to-end across the canal bed, and (c) access ramp for the maintenance of desander and other facilities. Phase II facilities will be constructed only if required after evaluating the effectiveness of Phase I facilities.

An Environmental Assessment (EA) has been prepared by staff for the proposed Phase I activities only, because the implementation of Phase II actions is uncertain and would depend upon the effectiveness of the facilities under Phase I. In the EA, staff does not identify any significant impacts that would result from the Commission's approval of the construction of Phase I facilities. Thus, staff concludes that approval of the proposed amendment of license would not cause a major federal action significantly affecting the quality of the human environment.

The EA has been attached and made part of an Order Amending the License

Under Article 2, issued January 18, 2002, for the Horseshoe Bend Project (FERC No. 5376-062). Copies of the EA can be viewed at the Commission's Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426, or by calling (202) 208-1371. The EA may also be viewed on the Web at <http://www.ferc.fed.us/online/rims.htm>. Call (202) 208-2222 for assistance.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 02-1828 Filed 1-24-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Motions to Intervene and Protests

January 18, 2002.

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

a. *Type of Application:* New Minor License.

b. *Project No.:* 2782-006.

c. *Date filed:* October 30, 2001.

d. *Applicant:* Parowan City.

e. *Name of Project:* Red Creek Hydroelectric Project.

f. *Location:* On Red Creek near the City of Paragonah, in Iron County, Utah. The project occupies 19.06 acres of lands of the U.S. Department of the Interior, Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791 (a)-825(r).

h. *Applicant Contact:* Travis S. Taylor, P.E., Sunrise Engineering, Inc., 25 East 500 North, Fillmore, Utah 84631, (435) 743-6151.

i. *FERC Contact:* Gaylord W.

Hoisington, (202) 219-2756 or [gaylord.hoisington@FERC.fed.us](mailto:gaylord.hoisington@FERC.fed.us).

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Linwood A. Watson, Jr., Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

Motions to intervene and protests may be filed electronically via the Internet in lieu of paper. See 18 CFR

385.2001(a)(1)(iii) and the instructions on the Commission's web site (<http://www.ferc.gov>) under the "e-Filing" link.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The existing Red Creek

Hydroelectric Project consists of: (1) (a) The South Fork 8-foot-high, 29-foot-long concrete overflow type diversion dam; a radial gate and trash racks incorporating an intake structure connected to a 4,263-foot-long, 10-inch-diameter steel penstock extending from the diversion structure to a pump-house located at the junction of the South Fork and the Red Creek Canyon penstock; and (b) the Red Creek Canyon 8-foot-high, 48-foot-long concrete overflow type diversion dam; a radial gate and trash racks incorporating an intake structure connected to a 16,098-foot-long steel penstock that consists of 7,838-foot, 18-inch-diameter 12 gauge; 1,408-foot, 18-inch-diameter 10-gauge; 2,620-foot, 16-inch-diameter 10-gauge; and 4,232-foot, 16-inch-diameter 7-gauge steel pipe, (2) a pump station, at the junction of the South Fork penstock and the Red Creek penstock, housing a 15 horsepower and a 20 horsepower pump with control equipment, (3) a 27-foot by 32-foot concrete block powerhouse housing a 500-kilowatt (kW) generator having a total installed capacity of 500 kW; and (3) appurtenant facilities.

m. A copy of the application is on file with the Commission and is available for public inspection. This filing may also be viewed on the web at <http://www.ferc.gov> using the "RIMS" link—select "Docket #" and follow the instructions (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set

forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 02-1830 Filed 1-24-02; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

#### Regulations Governing Off-the-Record Communications; Public Notice

January 18, 2002.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the