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*Comment Date:* 5 p.m. Eastern Time on December 2, 2008.

**Kimberly D. Bose,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PF08-27-000]

#### Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed TEMAX and TIME III Projects and Request for Comments on Environmental Issues

November 18, 2008.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will identify and address the potential environmental impacts that could result from the construction and operation of the TEMAX and TIME III Projects (Projects) planned by Texas Eastern Transmission, LP (Texas Eastern). The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help determine which issues need to be evaluated in the EA. Please note that the scoping period will close on December 19, 2008. Details on how to submit comments are provided in the Public Participation section of this notice.

This notice is being sent to affected landowners; Federal, State, and local government agencies; elected officials; Native American groups; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this planned project and to encourage them to comment on their areas of concern. If you are a landowner receiving this

notice, you may not be affected by construction of facilities, but may be affected by the planned increase in the maximum allowable operating pressure (MAOP) on Texas Eastern's existing pipeline where no construction would occur.

As a landowner receiving this notice, you may be contacted by a Texas Eastern representative about the acquisition of an easement to construct, operate, and maintain the project facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the FERC, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with federal or state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility on My Land? What Do I Need To Know?" addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (<http://www.ferc.gov>).

#### Summary of the Proposed Projects

The planned Projects consist of the replacement of 25.9 miles of various diameter pipeline, construction of 9.6 miles of loop,<sup>1</sup> use of 0.8 mile of existing pipeline, and construction of 26.5 miles of new pipeline lateral. In addition, Texas Eastern plans to add 85,633 horsepower (hp) of compression at four existing compressor stations and abandon 9,500 hp of compression at one compressor station, resulting in a net increase of 76,133 hp of compression for the project. Texas Eastern also plans to uprate the MAOP of its Lines 1 and 2 from 1,000 to 1,112 pounds per square inch gauge for 268 miles between its Uniontown and Marietta Compressor Stations. The facilities are located in Greene, Bedford, Franklin, Adams, Lancaster and York Counties, Pennsylvania.

More specifically, Texas Eastern plans the following:

##### *The Holbrook Discharge*

- Construct 0.5 mile of 36-inch-diameter loop as an addition onto the existing Line 30;

- Replace 9.2 miles of the existing 20-inch-diameter Line 2 and 24-inch-diameter Line 1 with 36-inch-diameter pipeline; and
- Construct 9.1 miles of 36-inch-diameter loop.

##### *The Uniontown Discharge*

- Replace 3.7 miles of the existing 24-inch-diameter Line 1 with 36-inch-diameter pipeline.

##### *The Bedford Discharge*

- Replace 6.8 miles of the existing 24-inch-diameter Line 1 with 36-inch-diameter pipeline.

##### *The Chambersburg Discharge*

- Replace 2.1 miles of the existing 24-inch-diameter Line 1 with 36-inch-diameter pipeline.

##### *The Heidlersburg Discharge*

- Replace 2.4 miles of the existing 24-inch-diameter Line 1 with 36-inch-diameter pipeline.

##### *The Marietta Extension*

- Replace 1.7 miles of the existing 24-inch-diameter Line 1 with 36-inch-diameter pipeline;
- Utilize 0.8 mile of existing 36-inch-diameter pipeline crossing the Susquehanna River; and
- Construct 26.5 miles of new 30-inch-diameter pipeline to the interconnect with Transcontinental Gas Pipeline Corporation (Transco).

##### *The Holbrook Compressor Station*

- Abandon one 2,000-horsepower (hp) reciprocating gas-powered compressor unit; and
- Install a 13,333-hp turbine-driven centrifugal compressor.

##### *The Uniontown Compressor Station*

- Install a 20,000-hp electric-powered compressor unit.

##### *The Bedford Compressor Station*

- Install pressure regulators on Line 1 and 2.

##### *The Chambersburg Compressor*

- Abandon three reciprocating gas-powered compressor units totaling 7,500 hp;
- Install a new 27,000-hp electric-powered compressor unit; and
- Add 3,330 hp to the existing electric-powered compressor unit.

##### *The Heidlersburg Compressor Station*

- Install a 22,000-hp electric-powered compressor unit.

The purpose of the Projects is to provide additional natural gas transportation capacity of 395,000 dekatherms per day (Dth/d) from a

<sup>1</sup> A pipeline "loop" is a segment of pipe installed adjacent and parallel to an existing pipeline system that is connected to the system at both ends. A loop allows more gas to be moved through that portion of the pipeline system or functions as a backup system.

receipt point with the Rockies Express Pipeline LLC in Clarington, Ohio, and 60,000 Dth/d from a receipt point in Oakford, Pennsylvania, to an interconnect with Transco in York County, Pennsylvania.

The general location of the planned facilities is shown in appendix A.<sup>2</sup>

### The EA Process

We<sup>3</sup> are preparing this EA to comply with the National Environmental Policy Act (NEPA) which requires the Commission to take into account the environmental impact that could result if it authorizes Texas Eastern's proposal. By this notice, we are also asking Federal, State, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

NEPA also requires the FERC to discover and address concerns the public may have about the proposal. This process is referred to as "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, we are requesting public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

The EA will discuss impacts that could occur as a result of the construction and operation of the Projects under these general headings:

- Geology and soils.
- Land use and visual quality.
- Water quality and wetlands.
- Cultural resources.
- Vegetation and wildlife (including threatened and endangered species).
- Air quality and noise.
- Reliability and safety.

We will also evaluate possible alternatives to the Projects or portions of the Projects, where necessary, and make recommendations on how to lessen or avoid impacts on the various resources.

Our independent analysis of the issues will be presented in the EA.

<sup>2</sup>The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices are available on the Commission's Web site at the "eLibrary" link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the "Additional Information" section of this notice. Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to Texas Eastern.

<sup>3</sup>"We," "us," and "our" refer to the environmental staff of the FERC's Office of Energy Projects.

Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies; public interest groups; Native American groups; interested individuals; affected landowners; local newspapers and libraries; and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the "Public Participation" section below.

### Public Participation

You can make a difference by providing us with your specific comments or concerns about the Projects. Your comments should focus on the potential environmental effects of the proposal, reasonable alternatives, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send in your comments so that they will be received in Washington, DC on or before December 19, 2008.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances, please reference the project docket number with your submission. The docket number can be found on the front of this notice. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at (202) 502-8258 or [eFiling@ferc.gov](mailto:eFiling@ferc.gov).

(1) You may file your comments electronically by using the *Quick Comment* feature, which is located on the Commission's Internet Web site at <http://www.ferc.gov> under the link to *Documents and Filings*. A Quick Comment is an easy method for interested persons to submit text-only comments on a project.

(2) You may file your comments electronically by using the *eFiling* feature, which is located on the Commission's Internet Web site at <http://www.ferc.gov> under the link to *Documents and Filings*. eFiling involves preparing your submission in the same manner as you would if filing on paper, and then saving the file on your computer's hard drive. You will attach that file as your submission. New eFiling users must first create an account by clicking on "*Sign up*" or "*eRegister*." You will be asked to select

the type of filing you are making. A comment on a particular project is considered a "Comment on a Filing."

(3) You may file your comments via mail to the Commission by sending an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.

- Label one copy of the comments for the attention of Gas Branch 1, PJ-11.1, and
- Reference Docket No. PF08-27-000 on the original and both copies.

### Environmental Mailing List

As described above, we may publish and distribute the EA for comment. If you are interested in receiving an EA for review and/or comment, please return the Environmental Mailing List Form (appendix B). All individuals who either return the Environmental Mailing List Form or provide written scoping comments will remain on our environmental mailing list for this project. If you do not return the Environmental Mailing List Form or file comments, you will be taken off the mailing list.

### Additional Information

Once Texas Eastern formally files its application with the Commission, you may want to become an official party to the proceeding known as an "intervenor." Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in a Commission proceeding by filing a request to intervene. Instructions for becoming an intervenor are included in the User's Guide under the "e-filing" link on the Commission's Web site. Please note that you may not request intervenor status at this time. You must wait until a formal application is filed with the Commission.

Additional information about the Projects is available from the Commission's Office of External Affairs, at 1-866-208-FERC or on the FERC Internet Web site (<http://www.ferc.gov>) using the "eLibrary" link. Click on the eLibrary link, then on "General Search" and enter the docket number excluding the last three digits (i.e., PF08-27) in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of formal documents issued by the

Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to <http://www.ferc.gov/esubscribenow.htm>.

Finally, public meetings or site visits will be posted on the Commission's calendar located at <http://www.ferc.gov/EventCalendar/EventsList.aspx> along with other related information. You can also request additional information by calling Texas Eastern at 1-800-831-0043.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-27812 Filed 11-21-08; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IS08-405-000]

#### Dixie Pipeline Company; Notice of Extension of Time for Technical Conference

November 18, 2008.

On November 14, 2008, Dixie Pipeline Company (Dixie) and the protesting parties<sup>1</sup> in the above-captioned proceeding (Joint Movants) filed a Joint Motion to Extend Date for Technical Conference.

In the order issued August 22, 2008,<sup>2</sup> the Commission established a technical conference in this proceeding. By notice issued October 3, 2008, the technical conference was scheduled for 9 a.m. on Thursday, October 23, 2008, at the Commission's offices. By further notice issued October 22, 2008, the conference was postponed at the request of Dixie

<sup>1</sup> The protesting parties include Dow Hydrocarbon and Resources LLC; CITGO Petroleum Corporation; ConocoPhillips Company; Targa Midstream Services Limited Partnership and Targa Louisiana; and Crosstex NGL Marketing, L.P. and Crosstex Processing Services, LLC. Joint Movants state that the following intervenors and/or commenters do not oppose the motion: National Propane Gas Association, FerrellGas, L.P., BP Products North America Inc., and the South Carolina Department of Labor, Licensing and Regulation, Liquefied Petroleum Gas Board. Dixie further states that it informed an additional intervenor, Petrologistics Olefins LLC, of the instant motion, but as of the time it filed the motion, Dixie had not received a response.

<sup>2</sup> *Dixie Pipeline Co.*, 124 FERC ¶ 61,175 (2008).

and the protesting parties until November 20, 2008, at 9 a.m. at the Commission's offices.

Joint Movants state that the parties are continuing to work toward a settlement of the issues in this proceeding and that they believe an additional extension of time for the technical conference will benefit the ongoing discussions. Joint Movants ask the Commission to further extend the date of the technical conference and agree to report their progress before December 19, 2008. Dixie states that, if the parties have not resolved the matter before that date, it will withdraw FERC Tariffs No. 92 and 93 and refile them at a later date to allow the parties time to confer.

Take notice that the Commission will convene the technical conference in this proceeding on Tuesday, December 16, 2008, at 9 a.m. (EST), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free 1-866-208-3372 (voice) or (202) 208-1659 (TTY), or send a FAX to (202) 208-2106 with the required accommodations.

All parties and staff are permitted to attend. For further information, please contact Jenifer Lucas at (202) 502-8362 or [Jenifer.Lucas@ferc.gov](mailto:Jenifer.Lucas@ferc.gov).

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-27814 Filed 11-21-08; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12652-001]

#### Gerald M. Lutticken; Notice of Surrender of Preliminary Permit

November 18, 2008.

Take notice that Gerald M. Lutticken, permittee for the proposed Helltown Ravine Hydroelectric Project, has requested that its preliminary permit be terminated. The permit was issued on November 3, 2006, and would have expired on October 31, 2009.<sup>1</sup> The project would have been located on Helltown Ravine, a tributary to Butte Creek, in Butte County, California.

The permittee filed the request on November 7, 2008, and the preliminary

permit for Project No. 12652 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, part-day holiday that affects the Commission, or legal holiday as described in section 18 CFR 385.2007, in which case the effective date is the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. E8-27815 Filed 11-21-08; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8742-9]

### Leviathan Mine Superfund Site; Notice of Proposed CERCLA Administrative Order on Consent

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), the EPA is hereby providing notice of a proposed administrative settlement agreement and order on consent ("Settlement Agreement") with Atlantic Richfield Company ("Respondent") concerning the Leviathan Mine Superfund Site in Alpine County, California ("Site"). Section 122(h) of CERCLA, 42 U.S.C. 9622(h), provides EPA with the authority to enter into administrative settlements for claims for costs incurred by EPA under CERCLA.

The Settlement Agreement resolves certain claims under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606, 9607. Under the Settlement Agreement, Respondent will perform certain response actions at the Site through July 31, 2013, pay over \$1.7 million to reimburse the United States for certain past costs, pay certain future response costs, pay a civil penalty of \$90,000, and perform a specified supplemental environmental project in Douglas County, Nevada, with costs estimated at \$400,000. EPA estimates that the response actions to be performed under the Settlement Agreement will cost approximately \$5,600,000.

The Settlement Agreement and its appendices may be examined at the U.S.

<sup>1</sup> 117 FERC ¶ 62,123.