

Dated: February 22, 1996.

Lon Hatamiya,
Administrator.

[FR Doc. 96-4506 Filed 2-27-96; 8:45 am]

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Forest Service

Olympic Cross Cascade Pipeline Project, Mt. Baker-Snoqualmie National Forest, Snohomish, King, Kittitas, Grant, Adams, and Franklin Counties, Washington

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, as lead federal agency will prepare an environmental impact statement on a proposal by Olympic Pipe Line Company (OPL) to construct a new 230-mile underground/aboveground pipeline to deliver motor gasoline, diesel fuel, and aviation jet fuel from north of OPL's Woodinville Station, Washington to a new distribution facility near the City of Kittitas, Washington and an existing facility in Pasco, Washington. This environmental impact statement will be a combined NEPA/SEPA document. The lead state agency will be the Energy Facility Site Evaluation Council. If approved, construction would commence in 1997 and be completed in about one year.

DATES: Comments concerning the scope of the analysis should be received in writing by April 8, 1996.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to: Dennis E. Bschor, Forest Supervisor, Mt. Baker-Snoqualmie National Forest, 21905—64th Avenue West, Mountlake Terrace, WA 98043—2278.

FOR FURTHER INFORMATION CONTACT: Steve Johnson, Project Manager, North Bend Ranger District, 42404 SE North Bend Way, North Bend, WA 98045; phone (206) 888-1421.

SUPPLEMENTARY INFORMATION: The Olympic Pipe Line Company (OPL), located in Renton, Washington, proposes to construct a new 230-mile-long, 14-inch-diameter pipeline from north of OPL's Woodinville Station near the King/Snohomish County line, in western Washington, to a new distribution facility near the City of Kittitas and to the existing terminal facility in Pasco, in southeastern Washington. It would start as a 14-inch pipeline in Snohomish County north of the King/Snohomish County line, travel eastward and then southeast to North

Bend, run east along/near the Interstate 90 highway corridor, and cross over Snoqualmie Pass. The pipeline would then continue eastward along/near I-90 to the City of Kittitas where it will change to a 12-inch pipeline, continue past Ellensburg and the Yakima Training Center, cross under the Columbia River downstream of Wanapum Dam, run toward the Columbia National Wildlife Refuge, and then travel south to Pasco where it would connect with existing facilities. The pipeline would be placed underground and above-ground, depending upon design requirements, and six pump stations would be placed along the pipeline route. The pipeline would transport motor gasoline, diesel fuel, and aviation jet fuel.

If approved, construction would commence in 1997 and be completed in about one year. Construction of the pipeline would require a 2- to 3-foot-wide and 36- to 60-inch-deep (or deeper) trench. Construction typically occurs in about a 60-foot-wide area and the permanent right-of-way would typically be about 30 feet wide. The pipeline, which would be transported in 40- to 80-foot lengths, would be made of high-grade steel coated with a polyolefin-type material to prevent corrosion. The welds of the pipeline would be X-ray tested, and the entire line would be hydrostatically tested to 125% of the maximum pressure allowed during operation of the pipeline.

Scoping meetings to receive public comments on the project, and the associated open houses and land use hearings, will occur as follows: March 12, 1996 (Ellensburg High School, Ellensburg, WA); March 13, 1996 (Jackson High School, Mill Creek, WA); March 14, 1996 (Snoqualmie Middle School, Snoqualmie, WA); March 26, 1996 (Royal High School, Royal City, WA); March 27, 1996 (Columbia Basin Community College, Pasco, WA); and March 28, 1996 (Othello High School, Othello, WA). Each meeting date will begin with an open house at 5 p.m., followed by a land use hearing and a scoping meeting. Potential issues of concern for the environmental impact statement include the risk of a spill; impacts to health and safety, soil erosion, stream and river crossings, water quality, fish and wildlife, wetlands, agriculture, forest land, and transportation and utilities; and compatibility with existing land uses.

Three alternatives are considered for this project, including: constructing an east-west pipeline route as proposed above; building a new north-south pipeline from Renton, WA, to Portland, OR, and continuing barging on the

Columbia River to Pasco; or continuing with the current no action alternative. Optional subcomponents to the proposed action include: (1) Shortening the pipeline so that it terminates in Moses Lake and rebuilding the Moses Lake-to-Spokane pipeline; (2) using the same initial route but turning south near Ellensburg and going through the Yakima Valley to Pasco; (3) routing a 300-mile pipeline through one of two alternative routes across Stevens Pass and terminating it in Pasco; (4) routing the pipeline through one of two other routes through Snoqualmie Pass and terminating in Pasco; and (5) routing the pipeline through Stampede Pass and terminating in Pasco. The no action alternative (existing practices) includes the following subcomponents: (1) Piping to Portland and then barging from there to Pasco on the Columbia River; (2) shipping by barge or tanker from Puget Sound, south along the Washington coast to Portland, and then transferring to river barges for shipment to Pasco on the Columbia River; and (3) transporting by tanker truck across the Cascade Mountains to Pasco. The only permit required for the project is an Energy Facility Site Evaluation Council Site Certification.

The Forest Service will be the lead federal agency. Cooperating agencies include the Bureau of Land Management (Joseph Buesing, Spokane District Manager), Bureau of Reclamation (John W. Keys, III, Regional Director), and Department of the Army (Lieut. General C.G. Marsh, Installation Commander, Headquarters, I CORPS and Fort Lewis). This environmental impact statement will be a combined NEPA/SEPA document. The lead state agency under the Washington State Environmental Policy Act will be the Energy Facility Site Evaluation Council (Allen J. Fiksdal, EFSEC Project Manager).

Interested parties are invited to provide suggestions and comments about the proposed project in writing to the address provided above, or at the public hearings that will be held throughout the state. At this time, it is estimated the draft environmental impact statement will be issued during the summer of 1996. The final environmental impact statement will be issued early in 1997.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service believes it is important to give reviewers notice at this early stage of the project of several

court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review process so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.).

Dated: February 15, 1996.

Gene R. Cyrus,

Acting Forest Supervisor.

[FR Doc. 96-4511 Filed 2-27-96; 8:45 am]

BILLING CODE 3410-11-M

Small Business Timber Sale Set-Aside Program; Notice and Comment Opportunity on Recomputation of Shares

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Forest Service gives notice that it has revised its internal administrative direction in Forest Service Handbook 2409.18 regarding recomputation of shares under the Small Business Timber Sale Set-Aside Program to provide a procedure for

timber industry review and comment prior to a final decision on recomputed shares. This prior notice and comment opportunity is intended to respond to industry's concerns about losing the privilege of administrative appeal of recomputation decisions when agency appeal regulations at 36 CFR parts 215, 217, and 251 were revised in response to statutory direction in 1992. The new procedures have been issued as Interim Directive Number 2409.18-96-1.

EFFECTIVE DATE: The Interim Directive was effective February 9, 1996.

ADDRESSES: Single copies of the Interim Directive may be obtained by calling or writing local Forest Service offices as listed in 36 CFR 200.4, by telephoning the person listed under **FOR FURTHER INFORMATION CONTACT** or by writing Director, Timber Management, (3NW Aud. Bldg.), USDA Forest Service, P.O. Box 96090, Washington, DC 20090-6090.

FOR FURTHER INFORMATION CONTACT: Rod Sallee, Timber Management Staff, (202) 205-1766.

SUPPLEMENTARY INFORMATION:

Background

The Forest Service Small Business Timber Sale Set-Aside Program was adopted July 26, 1990 (55 FR 30485). The agency administers the program in cooperation with the Small Business Administration (SBA) under the authorities of The Small Business Act, The National Forest Management Act of 1976, and SBA's regulations at Part 121 of Title 13 of the Code of Federal Regulations (13 CFR part 121). The program is designed to ensure that small business timber purchasers have the opportunity to purchase a fair proportion of National Forest System timber offered for sale.

Direction to guide administration of the Set-Aside Program is issued in Forest Service Manual (FSM) Chapter 2430 and Chapter 90 of Forest Service Timber Sale Preparation Handbook (FSH 2409.18). The Program requires the Forest Service to recalculate the shares of timber sales to be set-aside for small business, based on the actual history of harvest and/or purchase by small business every 5 years. Shares also must be recomputed, if there is a change in manufacturing capability, if purchaser size class changes, or if certain purchasers discontinue operations.

Prior to 1992, there was opportunity for administrative appeal of decisions associated with recomputation of new shares. In 1992, the agency adopted new administrative appeal procedures at 36 CFR part 215 in response to new

statutory direction. Under the rules adopted at 36 CFR part 215, the Forest Service appeal process no longer covers decisions related to the recomputation of shares under the Small Business Set-Aside Program, because these decisions are not subject to National Environmental Policy Act regulations or procedures. These decisions also are not conditions of special use authorizations appealable under 36 CFR part 251, subpart C.

The small business share decision is based on technical information from the harvest and/or sales history of defined market areas and other information. Rather than providing a separate appeal procedure that allows challenge of decisions, the agency believes the decisionmaking process will be improved by allowing purchasers the opportunity to review and comment on proposed changes in shares and by allowing the decisionmaker to consider these comments in making the final decision. Accordingly, at Section 91.19 of FSH 2409.18, the agency has established procedures for giving notice to the affected timber purchasers in the area, for obtaining and considering comment, and for documenting the comments received and the agency's response as part of the final decision. The Interim Directive establishing these procedures as issued to Forest Service employees is set out at the end of this notice.

Dated: February 15, 1996.

Gray F. Reynolds,

Deputy Chief for National Forest System.

!!ID 2409.18-96-1

Expiration Date: 8/9/97

Forest Service Handbook

Washington, D.C.

FSH 2409.18—Timber Sale Preparation Handbook

Interim Directive: 2409.18-96-1.

Effective Date: February 9, 1996.

Expiration Date: August 9, 1997.

Chapter: 90—Programs With Small Business Administration.

Posting Notice: Last ID was 2409.18-95-2 to chapter 40.

This interim directive (ID) establishes new procedures at section 91.19 for giving timber purchasers notice and opportunity to comment on proposed share recomputations for the timber sale set-aside program. With adoption of the administrative appeal rules at 36 CFR part 215, share recomputation decisions were no longer appealable. These procedures in section 91.19 reinstate an opportunity for purchaser involvement in the recomputation decision.

Sterling J. Wilcox,

Acting Deputy Chief.

91.19—Establishing New Small Business Shares. Request review of all scheduled,