

## The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests the public comments on the scope of the issue sit will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

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

- Soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Hazardous waste.
- Land use.
- Endangered and threatened species.
- Cultural resources.
- Public safety.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. 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, interested individuals, affected landowners, newspapers, 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.

## Currently Identified Environmental Issue

We have already identified an issue that we think deserves attention based

on a preliminary review of the proposed facilities and the environmental information provided by Koch. Additional issues may arise based on your comments and our analysis.

- If the Commission grants Koch its request for abandonment authority, the leases upon which the rights-of-way are located would revert to the landowners. Therefore, we will also evaluate whether or not Koch should abandon its facilities in-place or by removal.

## Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentator, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send Two copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR-11.1;
- Reference Docket No. CP98-284-000; and
- Mail your comments so that they will be received in Washington, DC on or before October 27, 1999.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

## Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to

Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention.

You do not need intervenor status to have your environmental comments considered. Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208-1088 or on the FERC website ([www.ferc.fed.us](http://www.ferc.fed.us)) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

**David P. Boergers,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Applications for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

September 27, 1999.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

- a. *Applications Type:* Transfer of License.
- b. *Project Nos.:* 1889-034, 2485-012, 2576-023, 2597-018, and 2662-004.
- c. *Dated Filed:* August 31, 1999.
- d. *Applicants:* The Connecticut Light and Power Company (CL&P)—transferor for projects nos. 2576-023, 2597-018, 2662-004, and co-transferor for project

no. 2485-012, Western Massachusetts Electric Company (WMECO)—transferor for project no. 1889-034 and co-transferor for project no. 2485 and Northeast Generation Company (NGC)—transferee for all five projects.

e. *Names of Projects:* Turner Falls (1889-034), Northfield (2485-012), Housatonic (2576-023), Falls Village (2597-018), and Scotland (2662-004).

f. *Locations:* Turner Falls—on the Connecticut River, in Franklin County, Massachusetts and Windham County Vermont; Northfield—on the Connecticut River, in Franklin County, Massachusetts; Housatonic—on the Housatonic River in Fairfield, New Haven, and Litchfield Counties, Connecticut; Falls Village—on the Housatonic River in Litchfield County, Connecticut; and, Scotland—on the Shetucket River in Windham County, Connecticut. The projects do not utilize federal or tribal lands.

g. *Filed pursuant to:* 18 CFR 4.200.

h. *Applicants Contacts:* For transferors and co-transferors—Ms. Donna M. Gilbane and Ms. Cynthia Brodhead, Senior Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141, tel. (860) 665-5000, e-mail addresses: [gilbadm@nu.com](mailto:gilbadm@nu.com), [brodhead@nu.com](mailto:brodhead@nu.com). For transferee—Mr. Philip M. Small, Assistant General Counsel, Northeast Utilities Service Company, P.O. Box 270, Hartford, CT 06141, tel. (860) 665-5000, e-mail address: [smallpm@nu.com](mailto:smallpm@nu.com) and Mr. James B. Vasile, Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036, e-mail address: [jvasile@steptoe.com](mailto:jvasile@steptoe.com).

i. *FERC Contact:* Any questions on this notice should be addressed to Tom Papsidero at (202) 219-2715, e-mail address: [Thomas.Papsidero@ferc.fed.us](mailto:Thomas.Papsidero@ferc.fed.us).

j. *Deadline for filing comments and/or motions:* October 12, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

Please include the project numbers (1889-034, 2485-012, 2576-023, 2597-018, and/or 2662-004) on any comments or motions filed.

k. *Description of Transfer:* CL&P and WMECO request to transfer the licenses related to the sale of generating assets to NCG as a result of corporate restructuring and divestiture of assets in accordance with the retail restructuring order of the Massachusetts Department of Telecommunications and Energy.

The transfer application was filed within five years of the expiration of the licenses for Project Nos. 2576 and 2597, which are subject to a pending

application for new license, filed August 31, 1999. In Hydroelectric Relicensing Regulations Under the Federal Power Act, 54 Fed. Reg. 23,756 (June 2, 1989); FERC Statutes and Regulations, Regulations Preambles 1986-1900 ¶ 30,854 at p. 31,438 n. 318 (May 17, 1989) (Order No. 513), the Commission declined to forbid all license transfers during the last five years of an existing license, and instead indicated that it would scrutinize all such transfer requests to determine if the transfer's primary purpose was to give the transferee an advantage in relicensing.

1. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. This filing may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at each address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**David P. Boergers,**

Secretary.

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

September 27, 1999.

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

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

b. *Project No.:* 11685-001.

c. *Dated filed:* September 10, 1999.

d. *Applicant:* The Stockport Mill Country Inn.

e. *Name of Project:* Stockport Mill Country Inn Water Power Project.

f. *Location:* On the Muskingum River, near the town of Stockport, in Morgan County, Ohio. The project would not utilize federal lands.

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

h. *Applicant Contact:* David Brown Kinloch, Soft Energy Associates, 414 South Wensel Street, Louisville, KY 40204, (502) 589-0975.

i. *FERC Contact:* Tom Dean, [thomas.dean@ferc.fed.us](mailto:thomas.dean@ferc.fed.us), (202) 219-2778.

j. *Deadline for filing additional study request:* November 9, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears 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