would connect to another generator, producing additional electrical energy.

Water would be required to generate steam and cool the steam process, as well as for sanitary uses. The proposed power plant would require an average water consumption rate of up to 6,000 gallons per minute, which would be supplied from various sources including an on-site well being developed by the Port of Walla Walla.

Water discharges, primarily consisting of blowdown from the cooling towers, would be regulated under a Washington Department of Ecology permit or through the use of onsite disposal methods.

The proposed Wallula Power Project would deliver electricity to the regional power grid through an interconnection and a new 500-kV transmission line paralleling the existing Lower Monumental-McNary transmission line. BPA would also modify the existing McNary Substation.

The power plant and the gas and power interconnections would be located within Walla Walla County, Washington. Approximately 7 miles of the new 500-kV transmission line would be located in Walla Walla County with the remaining 22 miles in Umatilla County, Oregon.

Responsibility for construction and operation of the new facilities is principally with Newport Northwest who would build and operate the power plant. However, the interconnection and the new 500-kV transmission line would be constructed under BPA's management, and BPA would be responsible for the operation and maintenance of these facilities. GTN would build and operate the proposed 5.9-mile gas pipeline that would supply fuel to the power plant.

Process to Date. BPA is the lead Federal agency for the joint NEPA/SEPA EIS, and EFSEC is the lead Washington State agency. EFSEC has already held open houses introducing the Wallula Power Project to interested parties in Walla Walla County. Subsequent to these meetings, BPA determined that a new 500-kV transmission line was necessary for firm power delivery on the existing transmission system. Newport Northwest will prepare an Application for Site Certification and submit it to EFSEC in July 2001. This initial application will address the Wallula Power Project in detail. BPA and EFSEC will conduct joint scoping meetings after receipt and preliminary review of the initial submission.

Alternatives Proposed for Consideration. Alternatives thus far identified for evaluation in the EIS are (1) the proposed actions, and (2) no action. Other alternatives may be identified through the scoping process.

Identification of Environmental Issues. EFSEC will prepare an EIS consistent with its responsibilities under Chapter 80.50 of the Revised Code of Washington and Chapter 197–11 of the Washington Administrative Code. BPA has determined in a System Impact Study requested by Newport Northwest that, for firm transmission service, the construction of 29 miles of 500-kV transmission line may be required. Such an action triggers a need for BPA to prepare an EIS. Therefore, BPA and EFSEC intend to prepare a joint NEPA/SEPA EIS addressing both the power plant and the associated electric power interconnection and transmission facilities. The principal issues identified thus far for consideration in the Draft EIS are (1) air quality impacts, (2) noise impacts from plant operation, (3) aesthetic and visual impacts, (4) socio-economic impacts, (5) wetlands and wildlife habitat impacts, and (6) cultural resource impacts. These issues, together with any additional significant issues identified through the scoping process, will be addressed in the EIS.

Issued in Portland, Oregon, on March 26, 2001.

Steven G. Hickok,

Acting Administrator and Chief Executive Officer.

[FR Doc. 01–8509 Filed 4–5–01; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN01–5–000]

Public Utilities Commission of the State of California v. El Paso Natural Gas Company, El Paso Merchant Energy-Gas, L.P., and El Paso Merchant Energy Company; Order of Investigation

Issued April 2, 2001.

Before Commissioners: Curt Hébert, Jr., Chairman; William L. Massey, and Linda Breathitt.

Pursuant to the authority of 18 CFR 1.b (2000) and at the recommendation of FERC's General Counsel, the Commission is instituting a formal, non-public investigation into the apparent disclosure of non-public information and/or documents filed in Docket No. RP00–241–000. As discussed below, the Chief Administrative Law Judge (Chief ALJ) is designated to conduct the investigation and to report the results of the investigation to the Commission, along with any recommended remedies, within 30 days of the date of issuance of this order.

On April 4, 2000, the Public Utilities Commission of the State of California (CPUC) filed a complaint under section 5 of the Natural Gas Act (NGA) [1] against El Paso Natural Gas Company (El Paso Pipeline), El Paso Merchant Energy-Gas, L.P., and El Paso Merchant Energy Company [2] (jointly, El Paso Merchant). The complaint asserts, *inter alia*, that three transportation contracts between El Paso Pipeline and El Paso Merchant for approximately 1,220 MMcf/day of firm capacity to California (El Paso Contracts) raise issues of possible affiliate abuse, of anti-competitive impact on the delivered price of gas and the wholesale electric market in California.

The procedural background of this proceeding is fully described in the Commission's Order Denying Rehearing and Affirming Protective Order that was issued January 10, 2001 (January 10, 2001 order) [3] and will be addressed in this order only briefly. On June 28, 2000, the Commission issued an Order on Complaint Requiring Responses to Data Requests (June 28, 2000 order).[4] Pursuant to that order and the terms of a confidentiality agreement, El Paso Pipeline and El Paso Merchant provided to CPUC and filed with this Commission under seal certain information in response to the data requests approved by the Commission. El Paso Pipeline and El Paso Merchant sought privileged treatment of the information pursuant to section 388.112 of the Commission's regulations (18 CFR 388.112 (2000)).

On August 31, 2000, CPUC filed a motion for a protective order, asserting that other parties to this proceeding should be given access to the information provided to CPUC and this Commission in compliance with the June 28, 2000 order. On September 15, 2000, the Commission issued the requested protective order (September 15, 2000 Protective Order).[5]

In the January 10, 2001 order, the Commission, *inter alia*, required El Paso Merchant to provide Protected

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[1] 15 U.S.C. § 717d (1994).

[2] Effective January 1, 2001, El Paso Merchant Energy Company changed its name to El Paso Merchant Energy, L.P.

[3] Public Utilities Commission of the State of California v. El Paso Natural Gas Co., 94 FERC ¶ 61,021 (2001).

[4] Public Utilities Commission of the State of California v. El Paso Natural Gas Co., 91 FERC ¶ 61,312 (2001).

[5] Public Utilities Commission of the State of California v. El Paso Natural Gas Co., 92 FERC ¶ 61,225 (2000).

Materials[6] to parties that executed the Protective Order and appropriate Non-Disclosure Certificates (January 10, 2001 order).[7] After reviewing the Protected Materials, Southern California Edison Company, Pacific Gas & Electric Company, and Southern California Gas Company filed comments.

On March 26, 2001, an article entitled ''Deal for Use of Gas Pipeline Stirs Dispute on Competition'' was featured in *The New York Times*. The article makes detailed references to ''sealed documents'' filed in Docket No. RP00–241–000 and obtained by *The New York Times*. Such references have raised issues of whether improper disclosure of Protected Materials or otherwise non-public materials has occurred.

The Commission is instituting an investigation to determine whether improper disclosure of Protected Materials or otherwise non-public materials has occurred and whether the September 15, 2000 Protective Order, any Non-Disclosure Certificates executed pursuant to the September 15, 2000 Protective Order or the Commission's regulations at sections 388.112 and 3c.2 have been violated (18 CFR 388.112 and 3c.2 (2000)). In conducting the investigation, the Chief ALJ has all powers conferred under section 1.b of the Commission's regulations, including the authority conferred under sections 1b.13 and 1b.14 (18 CFR 1b.13 and 1b.14 (2000)).

The Commission orders: The Chief ALJ shall conduct a formal, non-public investigation pursuant to 18 CFR 1b.5 (2000), with all the authority conferred under 18 CFR 1.b (2000), including the authority to subpoena witnesses conferred in 18 CFR 1b.13 and 1b.14 (2000), as discussed in the body of this order. The Chief ALJ shall report non-publicly the results of the investigation to the Commission, along with any recommended remedies, within 30 days of the date of issuance of this order.

By the Commission.

Linwood A. Watson, Jr.,

Acting Secretary.

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BILLING CODE 6717–01–M

[6] Under paragraph 2 of the September 15, 2000 Protective Order, ''[a] Participant may designate as protected those materials which customarily are treated by that Participant as sensitive or proprietary, which are not available to the public, and which, if disclosed freely, would subject that Participant or its customers to risk of competitive disadvantage or other business injury.''

[7] Public Utilities Commission of the State of California v. El Paso Natural Gas Co., 94 FERC ¶ 61,021 (2001).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–115–000]

Transwestern Pipeline Company; Notice of Application

April 2, 2001.

Take notice that on March 29, 2001, Transwestern Pipeline Company, P.O. Box 3330, Omaha, Nebraska 68103–0330, in Docket No. CP01–115–000 filed an application pursuant to Sections 7(b) and (c) of the Natural Gas Act for permission and approval for Transco to replace mainline compression facilities at four existing compressor stations in Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Specifically, Transwestern proposes to abandon in place twelve existing drivers and compressors, totaling 49,500 horsepower, at Stations 1, 2, 3 and 4; and install operate a 41,500 ISO-rated horsepower turbine centrifugal compressor at each of the four stations. Transwestern also requests, to ensure a smooth transition to the new compressor units, to maintain the ability to operate the existing facilities up to six months after the installation of the new units. It is stated that the new units will require less maintenance activity than the existing units as well as operate more efficiently in flowing more gas through its system.

Transwestern states that result of the project it will be able to provide incremental capacity of approximately 150,000 Mcf per day on its mainline from Thoreau, New Mexico to California, increasing its total capacity to California to 1,240,000 Mcf per day. It is indicated that the proposed modification will enable it to meet the supply and demand imbalance in the California area. Transwestern proposes to place the facilities into service by June 1, 2002. Transwestern estimates the cost for the proposed construction to be approximately $93,300,000, to be financed with internally-generated funds. Transwestern also states that it is not at this time requesting rolled-in pricing for the new facilities, and understands that it will be at risk for the recovery of costs associated with the proposed modifications.

Any questions regarding the application should be directed to Keith L. Petersen, at (402) 398–7421.

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 April 16, 2001, 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.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.