

decide whether the harm will in fact occur. The movant must provide proof that the harm has occurred in the past and is likely to occur again, or proof indicating that the harm is certain to occur in the near future.⁹

Because none of the movants have met the irreparable harm criterion, we do not discuss the remaining two factors for evaluating a stay request.

11. Regarding the claim that the final rule threatens system reliability, the movants have not shown that their concerns about the effects on reliability are more than speculation. Bare allegations regarding the effect on reliability without a substantive showing that such harm is likely or certain to occur are insufficient. The Commission believes that this rule, in fact, will protect reliability.¹⁰

12. Likewise, the claims regarding the economic effects of the final rule, including Southern's arguments regarding the refund obligations, do not demonstrate irreparable harm. First, the movants have not made the necessary showing that the expected economic effects are more than mere speculation. By failing to show that "harm has occurred in the past and is likely to occur again" or providing "proof indicating that the harm is certain to occur in the near future,"¹¹ the movants have not substantiated their claims that the final rule will result in economic harm. Moreover, even if the movants could show that these costs are more certain than speculative, they have not shown that the costs are more than economic losses. In order for an economic loss to be irreparable harm, it must be unrecoverable and must threaten economic viability.¹² Since the parties have not made this showing, we cannot conclude that the alleged economic losses constitute irreparable harm.

13. As for the claim that the final rule is vague and ambiguous in certain respects and violates due process, that is a matter for rehearing or clarification.

III. Requests for Extension of Compliance and Effective Date

A. Arguments Raised

14. The Non-Independent Movants request that the Commission allow non-independent entities until January 20, 2004 to make their compliance filings. The Non-Independent Movants argue that transmission providers need the

additional time to assimilate the provisions of Order No. 2003 into their OATTs and to ensure proper implementation of Order No. 2003's provisions. Additionally, several suggest that granting an extension of the filing date until after the Commission rules on the various pending requests for rehearing would make it unnecessary for them to have to make more than one compliance filing if the Commission grants rehearing.

15. Additionally, NYTO and NETO request that transmission providers belonging to RTOs and ISOs (as distinct from the RTOs or ISOs themselves) be granted an extension until January 20, 2004 to allow them to work with their respective ISOs or RTOs to develop joint compliance filings. APS also requests that the extension of time be granted to jurisdictional entities in the Western Interconnection who jointly own facilities with non-jurisdictional entities, and, like ISOs and RTOs, employ a collaborative stakeholder process to develop their OATTs.

16. Southern and Entergy add that they need additional time to safely implement the Network Resource Interconnection Service portions of Order No. 2003. Finally, Southern also requests that the Commission delay the effective date of the rule by 90 days.

B. Discussion

17. In response to the concerns of the Non-Independent Movants (including APS, NETO, and NYTO), the Commission grants the requests for extension of the compliance deadline until January 20, 2004. The Commission intends to act on the pending rehearing requests prior to that date.

18. In order to avoid confusion, the Commission will also grant the requests to extend the effective date of the rule until January 20, 2004.

The Commission orders

(A) All requests for stay are hereby denied, as discussed in the body of this order.

(B) Requests for extension of the compliance deadline and effective date until January 20, 2004 are granted.

(C) The Secretary is hereby directed to publish this order in the Federal Register.

By the Commission.

Linda Mitry,

Acting Secretary.

[FR Doc. 03-25970 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP03-302-000, CP03-303-000, CP03-304-000, PF03-1-000, and CP03-301-000]

Cheyenne Plains Gas Pipeline Company and Colorado Interstate Gas Company; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Cheyenne Plains Pipeline Project

October 3, 2003.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (DEIS) on the natural gas pipeline facilities proposed by Cheyenne Plains Gas Pipeline Company (CPG) and Colorado Interstate Gas Company (CIG) in the above-referenced dockets. The proposed project, referred to as the Cheyenne Plains Pipeline Project, is located in various counties in Colorado and Kansas.

The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that if the project is constructed as modified and with the appropriate mitigation measures as recommended, it would have limited adverse environmental impact.

The U.S. Department of Agriculture, Forest Service (FS) is participating as a cooperating agency in the preparation of this DEIS as they (the FS) will be issuing their own Record of Decision on whether or not to issue a special use authorization for the portion of the pipeline that crosses the Pawnee National Grassland (PNG). The Forest Service's Record of Decision is appealable under 36 CFR Part 215, Notice, Comment and Appeal Procedures for National Forest System Projects and Activities. In agreement with 36 CFR 215.13, only individuals and organizations who submit substantive written or oral comments during the 45-day comment period for the DEIS for the proposed Cheyenne Plains Pipeline Project (and specifically addresses the portion on the PNG) may appeal the Regional Forester's decision as documented in the Record of Decision.

The U.S. Fish and Wildlife Service (FWS) is also a cooperating agency in the preparation of the DEIS because the project has the potential to affect endangered species, migratory birds, wildlife, and habitat.

The DEIS addresses the potential environmental effects of the

⁹ *Wisconsin Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985) (*Wisconsin Gas*) (citations omitted).

¹⁰ See e.g., Order No. 2003, FERC Stats. & Regs. ¶ 31,146 at P 7 (noting that preserving reliability is one of the goals of Order No. 2003).

¹¹ *Wisconsin Gas*, 758 F.2d at 674.

¹² See *id.*

construction and operation of the following facilities:

- A total of 379.8 miles of 30-inch-diameter mainline, with 189.0 miles in Colorado (Weld, Morgan, Washington, Yuma, and Kit Carson Counties) and 190.8 miles in Kansas (Sherman, Wallace, Logan, Scott, Lane, Finney, Hodgeman, Ford, and Kiowa Counties);
- 0.2 mile of 20-inch-diameter lateral¹ (Sand Dune Lateral) in Kiowa County, Kansas;
- 4.2 miles of 30-inch-diameter lateral (South Rattlesnake Creek Lateral) in Kiowa County, Kansas;
- 3.0 miles of 8-inch-diameter lateral (Cossell Lake Lateral) in Kiowa County, Kansas;
- one 2,443-horsepower (hp) jumper compressor installed within CIG's existing compressor station located at the Cheyenne Hub in Weld County, Colorado;
- three 10,310-hp turbine compressors installed in a new CPG compressor station located at the Cheyenne Hub;
- a new gas treatment plant at the Cheyenne Hub consisting of separate amine and glycol processing trains;
- nine new interconnects² with existing pipeline systems. These interconnects would include metering facilities and would consist of two receipt points, one each with CIG and

Wyoming Interstate Company at the Cheyenne Hub in Weld County, Colorado, and seven delivery points, one with Kinder Morgan Interstate Pipeline Company in Scott County, Kansas, one with Natural Gas Pipeline Company of America in Ford County, Kansas, and one each with Southern Star Central Gas Pipeline, LLC, ANR Pipeline Company, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, and Kansas Gas Service Company in Kiowa County, Kansas;

- 32 mainline valves (MLVs), consisting of 1 at the Cheyenne Hub, 4 at interconnects in Kiowa County, Kansas, and 27 located independently along the mainline and laterals; and
- two pig³ launchers, two pig receivers, and five pig launcher and receivers, each collocated with new MLV sites.

Comment Procedures and Public Meetings

Any person wishing to comment on the DEIS may do so. Please carefully follow these instructions so that your comments are properly recorded:

- Send an original and two copies of your comments to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

- Label one copy of your comments for the attention of Gas Branch 1, DG2E;
- Reference Docket No. CP03-302-000 on the original and both copies; and
- Mail your comments so that they will be received in Washington, DC on or before November 24, 2003.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. Therefore, the Commission encourages electronic filing of comments. See Title 18 Code of Federal Regulations (CFR) Section 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at <http://www.ferc.gov> under the "eFiling" link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on "Sign-up" under "New User." You will be asked to select the type of filing you are making. This filing is considered a "Comment on Filing."

In addition to or in lieu of sending written comments, the FERC invites you to attend the public meetings the staff will conduct in the project area to receive comments on the draft EIS. All meetings will begin at 7 p.m., and are scheduled as follows:

Date	Location
Tuesday, November 18, 2003	Quality Inn, 14378 US Highway 34, Fort Morgan, Colorado, (970) 867-8208.
Wednesday, November 19, 2003	Old Town Museum, 420 S. 14th Street, Burlington, Colorado, (719) 346-7382.
Thursday, November 20, 2003	Scott City Fairgrounds, Fair Ground Road, Scott City, Kansas, (620) 872-2626.

Interested groups and individuals are encouraged to attend and present oral comments on the DEIS. Transcripts of the meetings will be prepared.

After comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a final EIS will be published and distributed by the staff. The final EIS will contain the staff's responses to timely comments received on the DEIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (Title 18 CFR 385.214).

Anyone may intervene in this proceeding based on this draft EIS. You must file your request to intervene as specified above.⁴ You do not need intervenor status to have your comments considered.

The DEIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 502-8371.

A limited number of copies of the DEIS are available from the Public Reference Room identified above. In addition, copies of the DEIS have been mailed to Federal, state, and local agencies; elected officials; Native American tribes; newspapers; public

libraries; intervenors to the FERC's proceeding; individuals who provided scoping comments; and individuals who requested the DEIS.

Additional information about the project is available from the Commission's Office of External Affairs, at 1-866-208 FERC (3372) or on the FERC Internet Web site (<http://www.ferc.gov>). Using the "eLibrary" (formerly FERRIS) link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" (*i.e.*, CP03-302-000), and follow the instructions. You may also search using the phrase "Cheyenne Plains" in the "Text Search" field. For assistance with access to eLibrary, the helpline can be reached at 1-866-208-

¹ A lateral is typically a smaller diameter pipeline that takes gas from the main system to deliver it to a customer, local distribution system, or another interstate transmission system.

² An interconnect is a connection to another pipeline system that is used to deliver or receive

gas. Metering and regulating facilities would typically be included at each interconnect.

³ A pig is an internal tool that can be used to clean and dry a pipeline and/or to inspect it for damage or corrosion.

⁴ Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov.

In addition, the Commission now offers a free service called eSubscription that 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. To register for this service, go to <http://www.ferc.gov/esubscribenow.htm>.

Information concerning the involvement of the FS is available from John Oppenlander at (970) 346-5005. Information concerning the involvement of the FWS is available from Dan Mulhern at (785) 539-3474 (ext. 109).

Magalie R. Salas,

Secretary.

[FR Doc. E3-00040 Filed 10-14-03; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2574-032 Maine]

Merimil Limited Partnership; Notice of Availability of Draft Environmental Assessment

October 3, 2003.

In accordance with the National Environmental Policy Act of 1969 (NEPA) and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for license for the Lockwood Hydroelectric Project, located on the Kennebec River in Kennebec County, Maine, and prepared a draft environmental assessment (DEA). The DEA contains staff's analysis of the environmental effects of the proposal and concludes that licensing the project, with additional staff recommended measures, would not constitute a major federal action significantly affecting the human environment.

A copy of the DEA is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-

free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Please file any comments (an original and 8 copies) within 45 days from the date of this letter. The comments should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix the Project No. 2574-032 to all comments. Comments 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 at www.ferc.gov under the "e-filing" link). The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. E3-00038 Filed 10-14-03; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2000-036]

Power Authority of the State of New York ; Notice of Comment Deadline

October 3, 2003.

On September 30, 2003, pursuant to Rule 602 (18 CFR 385.603) the Power Authority of the State of New York (PASNY) filed an offer of settlement on behalf of itself, the Allegheny Electric Cooperative, Inc., Public Power Association of New Jersey, Rhode Island Public Utilities Commission, and the Vermont Department of Public Service, in the relicensing proceeding for PASNY's St. Lawrence Hydroelectric Project No. 2000.

The offer of settlement was not joined in by intervenor Massachusetts Municipal Wholesale Electric Company.

Comments on the offer of settlement may be filed not later than 10 days after the filing of the offer, and reply comments may be filed not later than 15 days after the filing of the offer.

Magalie R. Salas,

Secretary.

[FR Doc. E3-00037 Filed 10-14-03; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL03-6-000]

Natural Gas Markets Conference; Supplemental Notice of Public Conference and Agenda

October 3, 2003.

1. As announced in the Notice of Conference issued September 23, 2003, the Federal Energy Regulatory Commission (FERC) will convene a public conference on October 14, 2003. To provide sufficient time for the agenda, the meeting time has been changed, and will now start at 9 a.m. in the Commission Meeting Room. This year's conference on natural gas markets will focus on the findings and recommendations contained in the National Petroleum Council's (NPC) report: *Balancing Natural Gas Policy—Fueling the Demands of a Growing Economy*.¹ All interested persons are invited to attend. No registration is required for attendance. All visitors must check-in at the First Street entrance and have picture identification readily available to ensure quick admittance.

2. The conference will consist of two sessions. The first session will feature three panel presentations by the NPC study team. Panel 1 will address gas supply. Panel 2 will address gas demand. Panel 3 will address infrastructure issues. A question and answer period will follow the presentations, with an opportunity for audience participation.

3. The second session will feature an open forum to discuss any issues the Commission should consider in shaping its future regulatory policies concerning the natural gas industry. The open forum will consist of oral presentations by interested parties, limited to five minutes, followed by responsive discussion.

4. To assist in organizing the conference, parties wishing to participate in discussions regarding the NPC presentations or to speak at the open forum are requested to submit an expression of interest by October 10, 2003, via e-mail to Robert Flanders at robert.flanders@ferc.gov. Parties should identify the speaker and indicate

¹ The NPC Report's summary of findings and recommendations was released by the NPC on September 25, 2003, and is available on the NPC Web site at www.npc.org. The entire integrated report is scheduled to be released by the NPC on or about the day of the conference on the NPC Web site. Printed copies of the integrated report will not be distributed at the conference.