



Regulatory Agenda

The period covered in this *Regulatory Agenda* is the month of April 2001

Annual Report for the Year 2000

On 20 April, the Honourable Ralph Goodale, Minister of Natural Resources Canada, tabled in Parliament the Board's Annual Report for the year 2000. A copy of the Report is available on the Board's Internet site at www.neb-one.gc.ca under the heading **Publications**.

Public Hearing Applications

Recent Hearing Decisions

- Westcoast Energy Inc. (WEI) - Purchase a Pipeline - GHW-3-2000 (Files 3200-W005-10 and 3400-W005-258)**

Reasons for Decision dated April; issued on 10 April.

The Board approved on an application by WEI to purchase a pipeline in the Maxhamish area of northeast British Columbia. WEI will purchase, from AEC Oil & Gas Co. Ltd. (AEC), approximately 67.6 kilometres (42 miles) of 323.9 millimetre (12 inch) pipeline and associated facilities. AEC built the pipeline during the winter of 1998/1999 to transport dehydrated hydrocarbon liquids. WEI plans to use the facility as a sour raw gas transmission pipeline.

The Board considered the application by way of a written public hearing.

- Westcoast Energy Inc. (WEI) - Pine River Gas Plant Sulphur Pipeline - MH-1-2001 (File 3050-W005-1)**

On 12 April, the Board decided not to permit WEI to reopen its Pine River Gas Plant Sulphur Pipeline (the Pipeline) until it is satisfied that certain issues have been fully addressed, or that a comprehensive plan is in place to address those issues. On 24 April, the Board sent a letter to WEI providing the scope for the comprehensive plan to be developed by the company.

On 16 March, the Board had issued an order, following a number of fires on the pipeline, directing WEI to stop all work on the pipeline,

In This Issue

Preface

The purpose of this agenda is to provide information on the Board's activities. Except where otherwise noted, jurisdiction over the items listed in the agenda is exercised pursuant to the National Energy Board Act R.S.C. 1985, c.N-7, as amended.

*"We promote Safety,
Environmental Protection and
Economic Efficiency"*

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except work required in an emergency situation, and to cease operating the pipeline pending further order of the Board.

The Board held a public hearing on the operation of WEI's pipeline from 9 to 12 April in Chetwynd, British Columbia. The purpose of the hearing was to determine if the sulphur pipeline may be safely operated; whether the Board should order WEI to repair, reconstruct or alter part of the sulphur pipeline in order to ensure that it may be safely operated; and, if conditions should be imposed on WEI in order to ensure the safe operation of the sulphur pipeline.

Hearing Decision Pending

1. Enbridge Pipelines Inc. (Enbridge) - Pipeline Construction, Terrace Expansion Phase II - OH-1-2000 (File 3200-E101-3)

The Board held a public hearing on 19 and 20 March, in Calgary, Alberta on an application from Enbridge to construct oil pipeline facilities which comprise Phase II of its Terrace Expansion Program.

Enbridge applied to construct approximately 123 kilometres (76 miles) of 914 millimetre (36 inch) pipeline over three separate construction segments located between its Hardisty, Alberta terminal and its Kerrobert, Saskatchewan terminal. The applied-for facilities are the second phase of a multi-phase Terrace Expansion Program agreed upon by industry and Enbridge. Terrace Phase I was approved by the Board in 1998. The estimated cost of the expansion facilities is \$140 million and the proposed in-service date is the first half of 2002.

Hearing Applications Filed

1. Maritimes & Northeast Pipeline Management Ltd. (M&NP) - 2001 and 2002 Tolls (File 420-0M124-1)

On 23 March, M&NP filed an application for the approval of final tolls for the period 1 October 2000 to 31 December 2001 (Test Period 2001) and the period 1 January 2002 to 31 December 2002 (Test Period 2002).

For Test Period 2001, M&NP is requesting approval of a revenue requirement of \$177.9 million, a rate base of \$883.2 million and a rate of return on rate base of 8.41 per cent. For Test Period 2002, M&NP is requesting approval of a revenue requirement of \$146.7 million, a rate base of \$900.1 million and a rate of return on rate base of 8.25 per cent.

Revenue requirement is the cost of providing service, including operating and maintenance expenses, depreciation, amortization, taxes and return on rate base. Rate base is the amount of investment on which a return is authorized to be earned. M&NP has been operating on interim tolls approved by the Board effective 1 October 2000.

2. Westcoast Energy Inc. (WEI) - Pipeline Construction - Grizzly Raw Gas Transmission System Expansion and the Weejay Lateral (File 3200-W005-11)

On 31 January, WEI applied to construct approximately 108.5 kilometres (67 miles) of 406.4 millimetre (16 inch) pipeline extending the Grizzly Raw Gas Transmission System from a point in northeast British Columbia to a proposed receipt point in Alberta. WEI also proposes to construct approximately 6.3 kilometres (4 miles) of 273 millimetre (10 inch) pipeline, to be known as the Weejay Lateral, from a well site in British Columbia to a tie-in point on the proposed Grizzly Extension Pipeline.

The proposed facilities will permit WEI to connect additional Grizzly Valley gas reserves in the Ojay/Weejay area of British Columbia and the Narraway area of Alberta. The estimated cost of the proposed facilities is \$64.5 million and the proposed in-service date is 1 December 2001.

3. Georgia Strait Crossing Pipeline Limited (GSCPL) - Georgia Strait Pipeline Crossing Project (GSX Project) (File 3200-G049-1)

On 24 April, GSCPL applied to construct and operate the Canadian portion of a natural gas pipeline from Sumas, Washington, across the ocean floor of Georgia Strait to a landfall point near Cobble Hill on Vancouver Island, interconnecting with the Centra Gas Transmission System. The proposed project is a joint undertaking by British Columbia Hydro and Power Authority (BC Hydro) and Williams Gas Pipeline Company (Williams), operating under the name of GSX.

The Canadian portion of the pipeline would originate at a point on the international border in Boundary Pass, west of the Strait of Georgia, to an interconnection with the existing Centra Gas British Columbia Inc. pipeline on Vancouver Island, south of Duncan. The Canadian portion of the pipeline would be approximately 60 kilometres (37.5 miles) in length, with approximately 44 kilometres (27.5 miles) being

offshore and 16 kilometres (10 miles) onshore. The 406.4 millimetre (16 inch) diameter pipeline would be designed to initially transport 2.66 million cubic metres (94 million cubic feet) per day of natural gas. The company is proposing an in-service date of October 2003. The estimated cost of the Canadian portion of the facilities is \$100 million.

Following a request from the Board, the Minister of the Environment announced on 4 October 2000 that the proposed Georgia Strait Crossing Pipeline Project will be sent to an independent environmental assessment review panel. The Board will announce at a later time how the application will be processed.

Proposed Hearing Application

1. **New Brunswick Power Corporation (NB Power) Construct an International Power Line (File 2200-N088-1)**

On 19 April, NB Power filed a preliminary submission to construct the Canadian portion of a 345 kilovolt international power line (IPL) from Point Lepreau, New Brunswick to Orrington, Maine. The purpose of the submission is to request the Board to initiate activities as the Responsible Authority under the **Canada Environmental Assessment Act** for the proposed IPL before NB Power applies for a certificate to construct the IPL.

NB Power proposes to apply in late Spring 2001 for a certificate of public convenience and necessity to construct and operate an IPL of approximately 90 kilometres (56 miles) in length running west from the Point Lepreau Peninsula through the counties of Saint John and Charlotte in New Brunswick to the international boundary near Woodland, Maine. NB Power expects, subject to the Board's approval, to commence

construction in the Spring of 2002. The New Brunswick portion of the project is estimated to cost \$25 million U.S. The United States portion of the project will consist of approximately 140 kilometres (87 miles) of power line running from Woodland to Orrington in Maine and is estimated to cost \$55 million U.S. Bango Hydro Electric Company is seeking state and federal approvals for the U.S. portion of the project.

Hearings Adjourned and Postponed

1. **St. Clair Pipelines (1996) Ltd. (St. Clair) - TransCanada PipeLines Limited (TCPL) - Pipeline Projects in Ontario - Canadian Millennium Pipeline Project - GH-1-2000 (Files 3200-S119-1 and 3200-T001-15)**

For more information on this matter, refer to item 1 under **Hearing Applications, Hearing Adjourned** in the June 2000 issue of the **Regulatory Agenda**.

2. **Sumas Energy 2, Inc.(SE2) - International Power Line (File 2200-S040-1)**

For more information on this matter, refer to item 1 under **Hearing Applications, Hearing Scheduled** in the February 2001 issue of the **Regulatory Agenda**.

3. **Mr. Robert A. Milne, 3336101 Ontario Limited, c.o.b. as Milne Crushing & Screening - MH-1-97**

For more information on this matter, refer to item 1 under **Hearing Applications, Hearings Postponed** in issue No. 62 of the **Regulatory Agenda** dated 1 October 1997.

4. **Crowsnest Pipeline Project - Natural Gas Pipeline**

For more information on this matter, refer to item 1 under **Hearing Applications, Hearing Application Suspended** in issue No. 63 of the **Regulatory Agenda** dated 1 January 1998.

Non Hearing Applications

Electricity Matters

Matters Under Consideration

1. **BP Canada Energy Company (BP) - Electricity Export (File 6200-B058-1-1)**

On 16 March, BP applied for permits to export up to 1 000 megawatts and 5 000 gigawatt hours of combined firm power and energy annually for a period of 10 years.

2. **El Paso Merchant Energy, L.P. (El Paso) - Electricity Export (File 6200-E036-1)**

On 11 December, El Paso applied for permits to export up to 1 000 megawatts of firm and interruptible power and up to 5 000 gigawatt hours of firm and interruptible energy per year for a period of 10 years.

On 20 April, the Board sent a letter to El Paso requesting additional information.

3. Independent Electricity Market Operator of Ontario (IMO) - Electricity Export (File 6200-J027-1)

On 15 December, IMO filed an application to export electricity as a border accommodation to provide emergency assistance to neighbouring jurisdictions in the United States for 25 years.

On 7 February and 20 April, the Board sent letters to IMO requesting additional information.

4. PanCanadian Energy Services (PanCanadian) - Electricity Export (File 6200-P080-1)

On 15 March, PanCanadian applied for permits to export up to 5 000 gigawatt hours of firm energy and 5 000 gigawatt hours of interruptible energy per year for a period of 10 years.

5. TransCanada Power Marketing Ltd. (TransCanada) - Electricity Export (File 6200-T074-1)

On 13 March, TransCanada applied for permits to export up to 500 megawatts firm power and 500 megawatts of interruptible power per month, and 2 terawatt hours of interruptible energy and 2 terawatt hours of firm energy per year for a period of 10 years.

Pipeline Matters

Matters Completed

1. Murphy Oil Company Limited (Murphy) and PMC (Nova Scotia) Company (PMC) - Sales of Pipelines (3400-P77-1 and 3400-M23-16)

The Board approved a joint application dated 8 March from Murphy and PMC to sell the Bodo, Wascana and Milk River Pipelines to Plains Marketing Canada, L.P. (Plains) (Order MO-07-2001 and MO-08-2001). PMC is the general partner of Plains and applied on behalf of Plains. The pipelines in question are as follows:

- (i) the Bodo pipeline is a 23.4 kilometre (14.5 mile), 168.3 millimetre (6 inch), condensate pipeline extending from Alberta to the Cactus Lake Pipeline in Saskatchewan;
- (ii) the Milk River Pipeline system consists of three parallel oil pipelines of 16 kilometres (10 miles) in length with diameters of 168.3 millimetres (6 inches), 273 millimetres (10 inches) and 323.9 millimetres (12 inches) extending from Alberta to the CENEX

Pipeline in Montana. In addition there is a 4.3 kilometre (3 mile), 323.9 millimetre (12 inch), lateral and a truck terminal; and,

- (iii) the Wascana Pipeline is a 173 kilometre (108 mile), 323.9 millimetre (12 inch), oil pipeline extending from Regina, Saskatchewan to the Equilon Pipeline in Montana.

2. Section 58 Applications

The Board has approved applications under section 58 of the National Energy Board Act involving routine pipeline facilities or the construction of Pipelines not exceeding 40 kilometres in length. See Appendix I for details of the applications approved.

Matters Under Consideration

3. AEC Suffield Gas Pipeline Inc. - Amber Energy Inc. - Natural Gas Pipeline Construction - Ekwan Pipeline Project (File 3400-A167-1)

For more information on this matter, refer to item 7 under Non Hearing Applications, Pipeline Matters in issue No. 72 of the Regulatory Agenda dated 1 April 2000.

4. Ricks Nova Scotia Co. (Ricks) and AEC Oil and Gas (AEC) - Sale of the Ladyfern Pipeline (Files 3400-A081-1 and 3400-R029-2)

On 1 March, Ricks and AEC filed a joint application for approval of the sale and purchase of Ricks Ladyfern Pipeline to AEC. The Ladyfern Pipeline is a 12 kilometre (7.5 mile), 273.1 millimetre (10 inch) natural gas pipeline originating in northeastern British Columbia and connecting with the Nova Gas Transmission Ltd. Owl Lake South Meter Station in Alberta.

5. Pouce Coupe Pipe Line Ltd. (Pouce Coupe) - Sale of Oil Pipelines (Files 3400-P123-2 and 3400-F72-1)

On 25 July, Pouce Coupe applied for approval of the following: i) sell the Pouce Coupe pipeline to Pembina Partnership; ii) sell the Federated Pipe Lines (Northern) Ltd. (Federated) pipeline to Pembina Partnership; iii) sell both these newly acquired pipelines by Pembina Partnership to Pembina Northern LP; iv) replace the name Pouce Coupe in Board Order XO-1-89 with "Pouce Coupe as agent and general partner of Pembina Northern LP"; and v) transfer Certificate OC-42 from Federated Pipe Lines (Northern) Ltd. to "Pouce Coupe as agent and general partner of Pembina Northern LP". Pouce Coupe is a wholly-

owned subsidiary of Pembina Corporation.

The Pouce Coupe facilities consists of 26 kilometres (16 miles) of 219 millimetre (eight inch) of oil pipeline extending from Dawson Creek, British Columbia to Bay Tree, Alberta. The Federated system consists of 172 kilometres (107 miles) of 273 millimetre (10 inch) of oil pipeline extending from Taylor, British Columbia to Belloy, Alberta.

On 11 August, the Board sent a letter to Pouce Coupe requesting additional information.

6. Westcoast Energy Inc. (WEI) - Kwoen Facilities (File 3400-W005-265)

On 15 December, WEI applied for approval to construct upstream facilities in order to debottle-neck the Pine River Plant, which is located 30 kilometres (18.6 miles) south of Chetwynd, British Columbia, and gas from the Grizzly Valley Raw Gas Transmission System. The applied-for facilities, which would expand raw gas deliveries to meet the Pine River Plant's initial design residue gas capability, include: (i) a booster compressor unit; (ii) an acid gas stripper facility; (iii) a 10-kilometre (6.2-mile) acid gas re-injection commodity pipeline; and, (iv) modifications to a re-injection disposal well. The proposed gas stripper facility and the booster compressor unit would be located 29 kilometres southeast of the Pine River Plant. The estimated cost of the project is \$95.5 million.

Traffic, Tolls and Tariff Matters

Matter Under Consideration

1. Murphy Oil Company Ltd. (Murphy) - Milk River Pipeline - Toll Complaint (File 4775-M23-1-2)

On 25 August, PanCanadian Petroleum Limited, Alberta Energy Company Ltd., Crestar Energy Inc. and EOTT Energy Canada Limited Partnership, collectively known as the Bow River South Group (BRS), filed a complaint concerning the tolls charged by Murphy for transportation of crude oil on the Milk River pipeline. The Milk River pipeline is a crude oil system approximately

18 kilometres (11 miles) long connecting the Home Oil Manyberries pipeline, the Bow River pipeline and a Murphy truck terminal in Alberta to the CENEX pipeline in Montana.

BRS has filed their complaint after they had been unsuccessful in obtaining a satisfactory explanation for the derivation of the tolls charged on the Milk River pipeline.

On 31 August, the Board decided to initiate a written proceeding to examine the tolls. The Board also decided that the existing tolls will, effective 1 September 2000, continue to be charged on an interim basis, pending a determination by the Board of just and reasonable tolls. On 26 September, the Board, at the request of Murphy, extended the dates for the filing of submissions.

Frontier Matters

Frontier Activities for March and April 2001

- 1. Imperial Oil Resources Limited** was given approval on 22 March to proceed with the construction facilities on Goose Island pursuant to paragraph 5.(1)(b) of the **Canada Oil and Gas Operations Act**.
- 2. Petro Canada** was given approval on 9 March to drill the well PC Anderson Kurk M-15 to 3500 metres pursuant to section 83(1) of the **Canada Oil and Gas Drilling Regulations**.
- 3. Devlan Exploration Inc.** was given approval on 3 April to drill the well Devlan et al Ontaratue River D-39 to a total depth of 1300 metres pursuant to section 83(1) of the **Canada Oil and Gas Drilling Regulations**.
- 4. Geological, geophysical or geotechnical operation** - three applications were approved pursuant to section 5.(1)(b) of the **Canada Oil and Gas Operations Act** as follows:

Company	Area	Operation ID	Date
Paramount Resources Ltd.	Arrowhead	9229-P033-004E	14 March
Petro-Canada	Kurk	9329-P028-005E	21 March
Explor Data Ltd.	Ft. Liard, NWT	9229-E034-007P	30 April

Appeal and Review

Appeal Pending

1. **Canadian Forest Oil Limited (Canadian Forest) v Chevron Canada Resources and Ranger Oil Limited (Chevron et al.)**

For more information on this matter, refer to item 1 under the heading Appeals of the 31 August 2000 issue of the Regulatory Agenda.

Review Pending

1. **Reservoir Safety Committee (RSC) - Review of Electricity Export Permits Issued to British Columbia Power Exchange Corporation (Powerex) and British Columbia Hydro and Power Authority (BC Hydro) (File 6200-B095-4-1)**

On 17 October, RSC applied for a review of electricity export permits EPE-118 and EPE-119 issued to Powerex and permits EPE-124, EPE-125, EPE-126 and EPE-127 issued to BC Hydro. In its application, RSC stated that since 1980, 11 drownings have occurred in BC Hydro's

Carpenter Reservoir. This is a consequence of BC Hydro's refusal to provide adequate protection to workers and members of the public traveling through the Bridge River Generating Facility, located within the Carpenter Reservoir. RSC further stated that widespread citizen concern with the operation of the facility, has led to the formation of the RSC. RSC's goal is to effect significant safety related improvements to the facility. RSC requested that the Board rescind permits related to the export of electricity generated through BC Hydro's Bridge River Hydro Electric Facility until such time as the safety of workers and the traveling public can be assured.

On 19 December, the Board sent a letter to RSC advising that it will hold the application in abeyance until RSC has complied with section 44 of the National Energy Board Rules of Practice and Procedure, 1995, including notification to potentially interested persons.

Amendments to Regulations and Rules

1. **National Energy Board Pipeline Crossing Regulations, Part II - Damage Prevention Regulations (File 185-A000-36)**

The Board intends to replace the existing Pipeline Crossing Regulations, Part II with regulations targeted at damage prevention (to be known as Damage Prevention Regulations). The new regulations will regulate activities on or adjacent to pipeline rights of way under the Board's jurisdiction in the interest of the safety of the public and of the company's employees and the protection of property and the environment.

On 15 February, the Board released the results of a survey conducted last summer on the proposed new regulations. The results of the survey can be found on the Board's Internet site at www.neb-one.gc.ca.

2. **Processing Plant Regulations (the Regulations) (File 185-A000-13)**

The Board is proposing new goal-oriented Processing Plant Regulations to complement the Onshore Pipeline Regulations, 1999. The Regulations, when promulgated, will govern the design, construction, operation, and abandonment of processing plants which are owned and

operated by federally regulated companies and whose function is integral with respect to transportation. Such facilities are presently regulated under the Onshore Pipeline Regulations, 1999.

The draft regulations have been sent to the Department of Justice for examination under the Statutory Instruments Act.

3. **National Energy Board Rules of Practice and Procedure, 1995 (the Rules) (File 341-A000-2)**

The Board is moving towards the implementation of Electronic Regulatory Filing (ERF). An analysis of the legal issues surrounding implementation of ERF has been prepared and is available on the Board's Internet site at www.neb-one.gc.ca under **Electronic Regulatory Filing, Other ERF Documents**. Regulations under the National Energy Board Act and the Canada Oil and Gas Operations Act have been examined. The most extensive changes are to the Rules. Amendments to the Rules will enable parties to file all required regulatory documentation via electronic means. Changes to the other regulations are largely of an administrative nature.

4. Canada Oil and Gas Diving Regulations (Diving Regulations) and Guidance Notes (File 2001-1)

The Board is proposing replacing the existing Diving Regulations with goal-oriented Diving Regulations. Instead of specifying various aspects of the diving operations, these new Regulations put the responsibility on the Operators to develop and demonstrate how their dive plan specifications and procedures meet the objectives of the Regulations.

The draft regulations have been sent to the Department of Justice for examination under the Statutory Instruments Act.

5. The Canada Oil and Gas Drilling Regulations (COGDR) and the Canada Oil and Gas Production and Conservation Regulations (COGPCR) (File 0406-14)

The above mentioned two regulations have been updated and re-structured into one Regulation

entitled the Canada Oil and Gas Drilling and Production Regulations (the Regulations). The Regulations will establish the requirements for engineering, safety and environmental, and conservation of resources issues pertaining to the design, construction, operation and abandonment of exploration and production facilities under the Canada Oil and Gas Operations Act.

The draft regulations have been sent to the Department of Justice for examination under the Statutory Instruments Act.

6. Regulations and Guidance Notes Pertaining to Canada Labour Code, Part II

The process of amending the Canada Oil and Gas Occupational Safety and Health Regulations pertaining to oil and gas activities, under the provisions of the Canada Labour Code, Part II, is continuing.

Administrative Matters

Instructions for Filing

All correspondence with the Board should be addressed to the Secretary, National Energy Board, 444 Seventh Avenue SW, Calgary, AB T2P 0X8 - Fax (403) 292-5503.

Applications - Copies Required to be Filed

For a list of the number of copies required for the different types of applications, see our Internet site under the heading **Regulatory Updates**.

Communication Numbers

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Appendix I

Section 58 Applications

Gas Pipelines

Applicant	File/Order	Application	Est. Cost
Westcoast Energy Inc.	File: 3400-W005-270 Order: XG-W005-13-2001	Application dated 15 February; approved on 20 April. Upgrading of SCADA system.	NA

Oil Pipelines

Applicant	File/Order	Application	Est. Cost
Montreal Pipe Lines Limited	File: 3400-E101-31 Order: XO-E101-05-2001	Application dated 6 February; approved on 6 April. Construct two new storage tank systems at the existing North Tank Field oil storage facility in Montréal-Est.	14 000 000
Trans Mountain Pipe Line Company Ltd.	File: 3400-T004-76 Order: XO-T004-11-2001	Application dated 27 February; approved on 12 April. Install additional facilities and modify the surge bypass at main-line valve K1122 in Surrey, British Columbia.	385 000

Profile

The National Energy Board is a federal regulatory tribunal that was created on 2 November 1959 by an Act of Parliament. Over the course of its history, it has played an important role in the development of Canada's energy sector.

The Board's regulatory powers under the **National Energy Board Act** include the granting of authorizations for the exportation of oil, natural gas and electricity, the certification of interprovincial and international pipelines and designated interprovincial and international power lines, and the setting of tolls and tariffs for oil and gas pipelines under federal jurisdiction.

In addition to its regulatory functions, the Board is responsible for advising the government on the development and use of energy resources.

The Act also requires that the Board keep under review the Canadian supply of all major energy commodities, with emphasis on electricity, oil,

natural gas, and the by-products derived from oil and natural gas, as well as the demand for Canadian energy in Canada and in export markets.

The Board's responsibilities under the **Canada Oil and Gas Operations Act** and certain provisions of the **Canada Petroleum Resources Act** encompass the regulation of exploration for and the development and production of oil and gas on Frontier Lands in a manner that promotes safety of the worker, protection of the environment, and conservation of hydrocarbon resources.

The Board also has specific responsibilities under the **Northern Pipeline Act** and the **Energy Administration Act**. In addition, Board inspectors have been appointed safety officers by Human Resources Development Canada to administer Part II of the **Canada Labour Code**.

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