

**[Docket No. RP96-268-000]****Tennessee Gas Pipeline Company;  
Notice of Motion to Place Tariff Sheets  
Into Effect on Systemwide Basis**

September 10, 1996.

Take notice that on September 4, 1996, Tennessee Gas Pipeline Company (Tennessee) filed a motion to place the following tariff sheets into effect on a systemwide basis effective September 1, 1996:

Second Revised Sheet No. 209E  
First Revised Sheet No. 209F  
First Revised Sheet No. 209G  
First Revised Sheet No. 209H  
Original Sheet No. 209I  
Original Sheet No. 593A  
Original Sheet No. 593B

Tennessee states that the foregoing tariff sheets implement a Downstream Swing Storage Option (DSSO) on a systemwide basis. The DSSO allows customers connected to downstream pipelines to use their firm storage entitlements with Tennessee to manage the difference between scheduled and actual flows on a daily basis at the downstream delivery points.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Section 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Copies of this filing are on file and available for public inspection in the Public Reference Room.

Lois D. Cashell,  
*Secretary.*

[FR Doc. 96-23599 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RP96-381-000]****Tennessee Gas Pipeline Company;  
Notice of Interruptible Services  
Revenue Report Filed**

September 10, 1996.

Take notice that on September 4, 1996, Tennessee Gas Pipeline Company (Tennessee) tendered for filing its second annual interruptible services revenue report for the September 1994 through August 1995 period.

Tennessee states that the report indicates that Tennessee has underrecovered \$3.358 million of Gas Supply Realignment costs and \$4.059

million of its cost of service allocated to interruptible services for the annual period. Of the \$4.059 million cost of service underrecovery, \$3.216 million is correlated to the revenue attribution methodology announced in *Tennessee Gas Pipeline Company*, 69 FERC § 61,094 (1994). Accordingly, Tennessee will roll forward \$6.574 million for collection from its interruptible service customers in future periods.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 17, 1996. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
*Secretary.*

[FR Doc. 96-23602 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. TM97-1-121-000]****WestGas Interstate, Inc., Notice of  
Proposed Changes in FERC Gas Tariff**

September 10, 1996.

Take notice that on September 5, 1996, WestGas Interstate, Inc. (WGI) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 5. The proposed effective date of the tariff sheet is October 1, 1996.

WGI states that, pursuant to section 154.402 of the Commission's regulations and Section 21 of the General Terms and Conditions of its tariff, WGI is making its Annual Charge Adjustment (ACA) filing to reflect a decrease of \$.0003 per Dth (from \$.0022 to \$.0019 per Dth) in its ACA surcharge.

WGI states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with 18 CFR 385.214 and 385.211 of the

Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.  
Lois D. Cashell,

*Secretary.*

[FR Doc. 96-23615 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. OR96-18-000]****Williams Pipe Line Company; Notice of  
Declaratory Order**

September 10, 1996.

Take notice that on August 23, 1996, Williams Pipe Line Company (WPL), pursuant to Rule 207(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 387.207(a)(2), tendered for filing a request for declaratory order.

WPL states that the matter concerns odorized propane delivered by WPL to one of its shippers, Empire Gas Corporation (Empire), which was trucked by Empire and delivered into a propane storage tank attached to a mobile home. WPL states that when the propane subsequently leaked into the mobile home, an explosion occurred, injuring the two occupants. Following settlement and payment of the claims, WPL sued Empire for indemnification, pursuant to the provisions of its FERC tariff. A District Court found that the tariff's indemnification clause was contrary to public policy and WPL appealed to the United States Court of Appeals for the Tenth Circuit. WPL states that invoking the doctrine of primary jurisdiction, the Tenth Circuit held that the Commission should, in the first instance, be entitled to rule on the scope and enforceability of the indemnification clause of WPL's tariff.

WPL further states that the Tenth Circuit determined that FERC's expertise should be sought on whether the indemnification provision violated FERC policy per se and, secondly, whether in light of the parties' stipulation on the absence of negligence on WPL's part, the Commission would require indemnification on the instant facts, notwithstanding that the tariff language itself might be found to be overly broad or otherwise invalid in whole or part. WPL asks that the

Commission find that WPL's tariff indemnity provision in effect at the time of the propane delivery in question was valid and enforceable against Empire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Regulations. All such motions or protests must be filed on or before October 3, 1996. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestants a party to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for inspection.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-23595 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8278-015, 8278-016 and 8278-017]

### **Crystal Springs Hydroelectric Limited Partnership; Notice of Availability of Environmental Assessment**

September 10, 1996.

An environmental assessment (EA) is available for public review. The DEA reviews an application to amend the license for the Cedar Draw Creek Project located on Cedar Draw Creek in Twin Falls County, Idaho. The license would be amended to: (1) allow the replacement of Unit No. 3 turbine with a new turbine which would reduce the project's total installed capacity from 2,914 kW to 2,878 kW; (2) reduce the minimum flow requirement from 25 cubic feet per second (cfs) to 10 cfs; and (3) replace 1/4 inch screens with 3/8 inch screens. The EA concluded that approving the installation of the variable flow turbine, reduction of the minimum flow requirement and increasing the mesh size of the fish screens would not constitute a major federal action significantly affecting the quality of the human environment.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be obtained by calling the Commission's Public Reference Room at (202) 208-1371.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-23596 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

### **Notice of Public Meeting**

September 10, 1996.

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

a. Type of Notice: Notice of Public Meeting.

b. Project No: 10813-011.

c. Applicant: Town of Summersville.

d. Name of Project: Summersville.

e. Location of Project: On the Gauley River in Nicholas and Fayette Counties, West Virginia, and would use surplus water from the U.S. Army Corps of Engineers' Summersville Dam.

f. Applicant Contact: James B. Price, President, Noah Corporation, 120 Calumet Court, Aiken, SC 29803, (803) 642-29803, (803) 642-2749.

g. FERC Contact: Mohamad Fayyad, (202) 219-2665.

h. Description: The Federal Energy Regulatory Commission (FERC) will hold a public meeting regarding an amendment of license for the Summersville Hydroelectric Project. The licensee is proposing the following design changes: (1) installing two instead of the authorized four generating units, but with the same total capacity of 8 MW, and (2) re-routing the project's transmission line. The proposed transmission line alignment will extend about 9.9 miles from project's switchyard in a southerly direction and connect to an Appalachian Power Company substation in Fayette County, WV. This proposed alignment would require the clearing of about 75 acres of woods.

The amendment application, which was filed on September 25, 1995, was public noticed on November 2, 1995, with December 4, 1995, as the last date to file comments, motions to intervene, or protests. Nothing was filed in response to that public notice. On April 29, 1996, we issued a Draft Environmental Assessment with a comment date of May 28, 1996. We received two comments in timely fashion. After the comment period, however the FERC received a numerous number of petitions from area residents and property owners commenting on the proposed transmission line route.

A public meeting will be held on September 19, 1996, to give the public another opportunity to comment on the amendment application. The meeting will be held at the Summersville Municipal Building, 400 N. Broad Street, Summersville, WV. The meeting will begin at 7:00 pm and is expected to last until approximately 10:00 pm. Persons unable to attend the meeting, or persons choosing not to speak at the

meeting, may submit statements to Secretary, Federal Energy Regulatory Commission, 888 North Capitol Street, NE., Washington, DC 20426, no later than September 20, 1996. All correspondence should clearly show the following caption on the first page—Summersville Project No. 10813. For further information, please contact Moe Fayyad at (202) 219-2665.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-23566 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

### **Office of Hearings and Appeals**

#### **Notice of Issuance of Decisions and Orders; Week of June 26 Through June 30, 1995**

During the week of June 26 through June 30, 1995, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585-0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at <http://www.oha.doe.gov>.

Dated: August 30, 1996.

Richard W. Dugan,

*Acting Director, Office of Hearings and Appeals.*

#### **Appeals**

*Richard W. Miller, 6/30/95, VFA-0046; VFA-0049*

Richard W. Miller filed an Appeal from three determinations issued by the Strategic Petroleum Reserve Project Management Office (SPRO) of the Department of Energy in response to a request from Mr. Miller under the Freedom of Information Act (FOIA). Mr. Miller sought documents related to three DOE contracts. In considering the Appeal, the Office of Hearings and Appeals found that SPRO had not adequately justified the withholding of the documents under FOIA Exemption