

missions have been relocated from Fort McClellan.

Donald L. Burchett,
Chief, Real Estate Division, U.S. Army
Engineer District, Mobile.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[FERC-567]

Agency Information Collection Under Review by the Office of Management and Budget

August 16, 1996.

AGENCY: Federal Energy Regulatory
Commission.

ACTION: Notice of request submitted for
review to the Office of Management and
Budget.

SUMMARY: The Federal Energy
Regulatory Commission (Commission)
has submitted the energy information
collection listed in this notice to the
Office of Management and Budget
(OMB) for review under provisions of
the Paperwork Reduction Act of 1995
(Pub. L. 104-13). Any interested person
may file comments on the collection of
information directly with OMB and
should address a copy of those
comments to the Commission, as
explained below. The Commission is
also responding in this submission to
comments it received to an earlier
Federal Register notice of April 22,
1996 (61 FR 17692).

DATES: Comments must be filed on or
before September 23, 1996.

ADDRESSES: Address comments to Office
of Management and Budget, Office of
Information and Regulatory Affairs,
Attention: Federal Energy Commission
Desk Officer, 726 Jackson Place NW.,
Washington, DC 20503. A copy of the
comments should also be sent to Federal
Energy Regulatory Commission,
Division of Information Services,
Attention: Mr. Michael Miller, 888 First
Street, NE., Washington DC 20426. Mr.
Miller may be reached by telephone at
(202) 208-1415 and by e-mail at
mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description: The energy information
collection submitted to OMB for review
contains:

1. Collection of Information: FERC-567, "Annual Reports of System Flow Diagrams and System Capacity".
2. Sponsor: Federal Energy Regulatory Commission.

3. Control No.: 1902-0005. The
Commission is now requesting that
OMB approve a three year extension of
these mandatory collection
requirements.

4. Necessity of Collection of
Information: Submission of the
information is necessary to enable the
Commission to carry out its
responsibilities in implementing the
provisions of both the Natural Gas Act
and the Natural Gas Policy Act. The
Commission uses the information
collected to obtain accurate data on
pipeline facilities and the peak day
capacity of these facilities. Specifically,
the FERC-567 is used in determining
the configuration and location of
installed pipeline facilities; evaluating
the need for proposed facilities to serve
market expansions; determining
pipeline interconnections and receipt
and delivery points; and developing and
evaluating alternatives to proposed
facilities as a means to mitigate
environmental impact of new pipeline
construction. The FERC-567 also
contains valuable information that
could be used to assist federal officials
in maintaining adequate natural gas
service in times of national emergency.

5. Respondent Description: The
respondent universe currently
comprises approximately 89 natural gas
pipeline companies that are engaged in
the transportation and storage of natural
gas.

6. Estimated Burden: 11,747 total
burden hours, 89 respondents, 144
responses annually, 81.58 hours per
response (average).

Statutory Authority: Sections 4-10, 16 of
the Natural Gas Act, Pub. L. 75-688, and
Sections 301(a), 303(a), 304(d), 401, 402, and
508 of the Natural Gas Policy Gas Policy Act
(Pub. L. 95-621).

Lois D. Cashell,

Secretary.

[FR Doc. 96-21383 Filed 8-21-96; 8:45 am]

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[Docket No. RP92-273-028]

Alabama-Tennessee Natural Gas Company; Notice of Motion To Amend Approved Settlement

August 16, 1996.

Take notice that on August 12, 1996,
Alabama-Tennessee Natural Gas
Company (Alabama-Tennessee) and the
Tennessee Valley Municipal Gas
Association (TVMGA) filed a motion to
amend the Stipulation and Agreement
(Settlement) approved by the
Commission on December 20, 1993, in
Docket No. RP92-273-010, *et al.* (65
FERC ¶ 61,441). Alabama-Tennessee

and TVMGA request Commission
approval to eliminate the provision
under the Settlement requiring
Alabama-Tennessee to file a general
case under Section 4 of the Natural Gas
Act on or before September 1, 1996. The
parties agreed that the Settlement be
amended and that Alabama-Tennessee
file revised tariff sheets implementing a
6% reduction in its transportation rates,
to be effected on the first day of the
month following a Commission order.

The parties request that the
Commission grant all necessary waivers
and other authorizations so that the
decreased rates can become effective as
soon as possible.

Any person desiring to protest said
filing should file a protest with the
Federal Energy Regulatory Commission,
888 First Street, N.E., Washington, D.C.,
20426 in accordance with Rule 211 of
the Commission's Rules of Practice and
Procedure (18 CFR 385.211). All such
protests must be filed on or before
August 23, 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.
Copies of this filing are on file with the
Commission and are available for public
inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96-21379 Filed 8-21-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-2150-000]

Edison Source; Notice of Issuance of Order

August 16, 1996.

Edison Source filed an application for
authorization to sell power at market-
based rates, and for certain waivers and
authorizations. In particular, Edison
Source requested that the Commission
grant blanket approval under 18 CFR
Part 34 of all future issuances of
securities and assumptions of liabilities
by Edison Source. On August 13, 1996,
the Commission issued an Order
Conditionally Accepting For Filing
Proposed Market-Based Rates And
Consolidating Proceedings (Order), in
the above-docketed proceeding.

The Commission's August 13, 1996
Order granted the request for blanket
approval under Part 34, subject to the
conditions found in Ordering
Paragraphs (H), (I), and (K):

(H) Within 30 days of the date of this
order, any person desiring to be heard
or to protest the Commission's blanket
approval of issuances of securities or
assumptions of liabilities by Edison

Source should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(I) Absent a request to be heard within the period set forth in Ordering Paragraph (H) above, Edison Source is hereby authorized, pursuant to section 204 of the FPA, to issue securities and to assume obligations and liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Edison Source, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(K) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Edison Source's issuances of securities or assumptions of liabilities. * * *

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 12, 1996.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

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or to protest the blanket approval of issuances of securities or assumptions of liability by EESC 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, EESC is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of EESC's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is September 9, 1996.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

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the vicinity of the projects. If the Commission accepts the staff's conclusions regarding navigability, the likely outcome will be a Commission determination that the projects are not required to be licensed pursuant to Section 23(b)(1) of the Federal Power Act (FPA). Because this determination may affect the resolution of matters at issue in the relicensing proceedings, all parties and interested persons are being given notice of the pending jurisdictional inquiry and an opportunity to comment on the navigability report. Comments may be filed within 30 days of the above date.

Jurisdiction

The Commission recently explained its licensing jurisdiction as follows:¹

Under the FPA, the Commission has two types of licensing jurisdiction: permissive and mandatory. Permissive licensing is authorized rather than required, and is governed by Section 4(e) of the FPA. Mandatory licensing is governed by Section 23(b)(1) of the FPA, which prohibits the unlicensed construction and operation of certain hydroelectric projects. Thus, it is possible for a voluntary applicant to obtain a license under Section 4(e) of the FPA for a project that would not require a license under Section 23(b)(1).

Under Section 23(b)(1) of the FPA, a license is required for a hydroelectric project if it: (1) is located on "navigable waters of the United States"; (2) occupies lands or reservations of the United States; (3) uses the surplus water or water power from a government dam; or (4) is located on a non-navigable Commerce Clause stream, affects the interests of interstate or foreign commerce, and has undergone construction or major modification after August 26, 1935.² If those conditions are not met, Section 4(e) of the FPA would permit licensing of a hydroelectric project in response to a voluntary application if the project is located on a Commerce Clause water.

The Commission staff has determined that the Messalonskee Stream projects would not be located on federal lands or make use of a government dam. Therefore, if licensing is required depends on whether conditions (1) or (4) above are met.

Regarding (4) above, the Commission staff has concluded that the Messalonskee Stream projects are located on a non-navigable Commerce Clause stream within the meaning of Section 23(b)(1) of the FPA.³ Because

¹ Swanton Village, Vermont, 70 FERC ¶ 61,325 at pp. 61,992-93 (1995) (citations omitted). See *Cooley v. FERC*, 843 F.2d 1464, 1471 (D.C. Cir. 1988), cert. denied, 109 S.Ct. 327 (1988).

² See *Farmington River Power Co. v. Federal Power Commission*, 455 F.2d 86 (2d Cir. 1972).

³ The Messalonskee Stream flows into the navigable Kennebec River. It is well-settled that Commerce Clause streams include the headwaters and tributaries of navigable rivers. See 70 FERC ¶ 61,325 at p. 61,994.

[Docket No. ER96-1731-000]

Engineered Energy Systems Corporation; Notice of Issuance of Order

August 16, 1996.

Engineered Energy Systems Corporation (EESC) submitted for filing a rate schedule under which EESC will engage in wholesale electric power and energy transactions as a marketer. EESC also requested waiver of various Commission regulations. In particular, EESC requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by EESC.

On August 8, 1996, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard

[Project Nos. 2555; 2556; 2557; 2559]

Kennebec Water District and Central Maine Power Company; Notice of Availability of Navigability Report for the Messalonskee Stream, Request for Comments, and Notice of Pending Jurisdictional Inquiry

August 16, 1996.

Kennebec Water District and Central Maine Power Company filed applications for subsequent licenses to continue operating Automatic Project No. 2555, Union Gas Project No. 2556, Rice Rips Project No. 2557, and Oakland Project No. 2559. The projects are located on the Messalonskee Stream near the city of Waterville, Kennebec County, Maine. As part of its review of these relicensing applications, the Commission staff is investigating the jurisdictional status of the projects and has prepared a navigability report for the Messalonskee Stream. The navigability report concludes that the Messalonskee Stream is not navigable in