

the Messalonskee Stream projects generate power for the interstate electric grid, the project affects the interests of interstate commerce within the meaning of Section 23(b)(1).<sup>4</sup> However, the projects were constructed between 1918 and 1924, and the Commission staff has found no evidence of any significant construction or major modification of the projects after 1935.

#### Navigability

In these circumstances, if licensing is required depends on whether the Messalonskee Stream projects are located on a "navigable river of the United States." The staff's navigability report concludes that the Messalonskee Stream is not navigable in the vicinity of the four Messalonskee Stream projects. It finds that, although recreational boaters use portions of the Messalonskee Stream in a continuous manner, from above, past and below the project sites. The staff's navigability report finds no evidence that the Messalonskee Stream, from the project sites to the Kennebec River, was ever used or suitable for use for the transportation of persons or property in interstate or foreign commerce.

If licensing is not required, a hydroelectric licensee may, following expiration of its original license, withdraw its relicensing application or reject a new or subsequent license and continue to operate the project without a license under the FPA, subject only to whatever other federal, state, or local laws may be applicable.<sup>5</sup>

Comments are invited on the staff's navigability report. If the Commission accepts the staff's conclusions regarding navigability, the likely outcome will be a Commission determination that the Messalonskee Stream projects are not required to be licensed under Section 23(b)(1) of the FPA.

Concurrent with publication of this notice, all persons whose names appear on the official service list for the Central Maine and Kennebec Water District relicensing proceedings will receive a copy of the navigability report. Additional copies are available for review in the Public Reference Branch, Room 2A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426. Comments should be filed within 30 days of the above date, and

should reference Projects No. 2555, 2556, 2557, and 2559. For further information, please contact John Blair at (202) 219-2845.

Lois D. Cashell,  
*Secretary.*

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#### [Docket No. ER96-2143-000]

#### Monterey Consulting Associates, Inc.; Notice of Issuance of Order

August 16, 1996.

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

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 30 days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Monterey should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., 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).

Absent a request for hearing within this period, Monterey 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 Monterey'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, N.E., Washington, DC 20426.

Lois D. Cashell,

*Secretary.*

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#### [Docket No. RP96-200-007]

#### NorAm Gas Transmission Company; Notice of Filing

August 16, 1996.

Take notice that on August 1, 1996, NorAM Gas Transmission Company (NGT) tendered for filing to become part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets, to become effective August 1, 1996:

Fourth Revised Sheet No. 7

NGT states that the tariff sheet is being filed to reflect specific negotiated rate transactions for the month of August 1996.

Any person desiring to protest this 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 Rule of Practice and Procedure (18 CFR 385.211). All such protest 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. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Secretary.*

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#### [Docket No. RP96-200-005]

#### NorAm Gas Transmission Company; Notice of Filing

August 16, 1996.

Take notice that on July 11, 1996, NorAm Gas Transmission Company (NGT) tendered for filing to become part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets, to be effective as shown:

Effective April 1, 1996:

Second Substitute First Revised Sheet No. 7

Effective May 1, 1996:

Substitute Second Revised Sheet No. 7

Effective June 1, 1996:

First Revised Substitute Second Revised Sheet No. 7

<sup>4</sup> See *Federal Power Commission v. Union Electric Co.* ("Taum Sauk"), 381 U.S. 90, 97 (1965).

<sup>5</sup> See *Pennsylvania Electric Co.*, 56 FERC ¶ 61,435 (1991) (hydroelectric licensee with a voluntary license under Section 4(e) of the FPA need not file a relicensing application and may continue operating without a license following expiration of the original license).