

214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before February 26, 1997. 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.

Lois D. Cashell,  
*Secretary.*

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**[Project No. 2082-013]**

**PacifiCorp; Notice Establishing Comment Period For Petition for Declaratory Order**

February 11, 1997.

On December 3, 1996, PacifiCorp filed a petition for declaratory order, pursuant to Rule 207 of the Commission's regulations, 18 CFR 385.207, to remove uncertainty and resolve a dispute involving the scope of a minimum flow requirement under its license for the Klamath Project No. 2082. The petition's statements in support of the relief requested are summarized in this notice.

The Klamath Project consists of six hydroelectric developments located on the Klamath River and one on a tributary of that river, Fall Creek, in Oregon and California. Under contract with the U.S. Department of the Interior's Bureau of Reclamation (Bureau), PacifiCorp also operates the Bureau's Link River Dam, located on Upper Klamath Lake in Oregon, which is the source of the water used to generate power at the six Klamath River developments. Water behind the Link River Dam is also used for irrigation in the Klamath Basin, and the contract requires PacifiCorp to make water available to the Bureau for irrigation purposes.

In 1954, the Commission determined that the project was required to be licensed under the Federal Power Act. In 1961, the Commission amended the project license to require PacifiCorp to release into the streambed below Iron Gate Dam, the development furthest downstream, a minimum flow of 1300 cubic feet per second (cfs) of water from September 1 through April 30 of each year. PacifiCorp claims that, to meet that requirement, it must release sufficient

water from Upper Klamath Lake through the Link River Dam.

PacifiCorp states that, in recent years, pressure has been increasing to ensure the availability of water both for species of fish living in Upper Klamath Lake that have been listed as endangered under the Endangered Species Act and for anadromous fish species downstream of Iron Gate Dam that have been proposed to be listed under that act. In addition, the State of California Department of Fish and Game has requested that above-normal flows be provided downstream of Iron Gate Dam at various times of the year to enhance the habitat for anadromous fish downstream of that development, and the Bureau has been coordinating its responsibilities regarding such releases with California Fish and Game, the U.S. Department of Commerce's National Marine Fisheries Service, the U.S. Department of the Interior's Fish and Wildlife Service (FWS), affected Indian tribes, irrigators, and PacifiCorp.

During the 1995-96 irrigation season, irrigators in the Klamath Basin requested that the Bureau and PacifiCorp not release more than 1000 cfs from the Link River Dam after September 1, 1996, to assure the refill of Upper Klamath Lake during the winter of 1996-97. FWS and the Bureau instructed PacifiCorp not to release more than 1000 cfs from the Link River Dam into early September 1996. When PacifiCorp, upon direction from the Bureau, began releasing 1300 cfs from behind Link River Dam on approximately September 4, several irrigators, alleging third-party beneficiary rights under the contract, threatened litigation against PacifiCorp.

PacifiCorp states that the position and threats of the irrigators cause uncertainty regarding its rights and obligations under its license, specifically, its obligation to provide minimum flows downstream of the Iron Gate development. PacifiCorp requests issuance of a declaratory order removing the uncertainty regarding the nature and scope of this obligation and the related issue of compliance with the requests and directives of the FWS and the Bureau regarding PacifiCorp's operations of the Link River Dam.

PacifiCorp requests a determination as to whether it must continue to release at least 1300 cfs from the Iron Gate and Link River Dams under the circumstances presented. It seeks a declaratory order on these issues for the purpose of clarifying any subsequent analysis regarding preemption of a state breach of contract action by federal regulation.

Pursuant to Rule 213(d) of the Commission's regulations, 18 CFR 385.213(d)(2), answers to petitions are due within 30 days after filing, unless otherwise ordered. To ensure adequate notice to all interested persons, the Commission staff has determined that notice of the petition for a declaratory order should be published and that the deadline for filing an answer, comments, protests, or petitions to intervene in connection with the licensee's petition for a declaratory order should be as established in this notice.

Any person may file an answer, comments, a protest, or a motion to intervene with respect to PacifiCorp's petition in accordance with the requirements of the Rules and Practice and Procedure, 18 CFR 385.210, 385.211, 385.213, and 385.214. In determining the appropriate action to take with respect to the petition, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any answers, comments, protests, or motions to intervene must be filed by March 20, 1997; and must bear in all capital letters the title "ANSWER," "COMMENTS," "PROTEST", or "MOTION TO INTERVENE", as applicable, and "Project No. 2082-013." Send the filings (original and 14 copies) to: the Secretary, Federal Energy Regulatory Commission, 888 1st Street, N.E., Washington, D.C. 20426. A copy of any filing must also be served upon each representative of the licensee specified in its petition. Copies of the petition are on file with the Commission and are available for inspection in the Public Reference Room.

Lois D. Cashell,  
*Secretary.*

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**[Docket No. CP97-226-000]**

**Sabine Pipe Line Company; Notice of Request Under Blanket Authorization**

February 11, 1997.

Take notice that on February 4, 1997, Sabine Pipe Line Company (Sabine) P.O. Box 4781, Houston, Texas 77210-4781, filed in the above docket, a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations for authorization to use an existing receipt tap to deliver gas through displacement to MidCon Gas Pipeline Corp. (MidCon). The receipt

tap, constructed under Sabine's blanket certificate issued on March 31, 1983, in Docket No. CP83-199-000, interconnects Sabine's 16-inch low-pressure mainline with MidCon's pipeline in Jefferson County, Texas, all as more fully set forth in the request which is file with the Commission and open to public inspection.

Sabine states that the maximum quantity of gas that will be delivered through the interconnect is 100,000 MMcf per day. Sabine also states that the delivery through displacement to the MidCon point will be available to all existing and potential shippers receiving service under Sabine's IT-1 Rate Schedule set forth in Sabine's FERC Gas Tariff, subject to prevailing operating conditions. Sabine states that no construction is required to operate the point as proposed, and therefore, no costs will be incurred.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.215) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity is deemed to be authorized effective on the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

*Secretary.*

[FR Doc. 97-3854 Filed 2-14-97; 8:45 am]

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**[Docket No. CP97-223-000]**

**Southern Natural Gas Company;  
Notice of Application**

February 11, 1997.

Take notice that on February 3, 1997, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed an application with the Commission in Docket No. CP97-223-000 pursuant to Section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon in place approximately 87.2 miles of pipeline and pursuant to Section 7(c) of the NGA to construct and operate approximately 5.5 miles of pipeline in Alabama, all as more fully

set forth in the application which is open to the public for inspection.

Southern purposes to abandon in place approximately (1) 40.1 miles of 12-inch diameter pipe and 23.5 miles of 10-inch diameter pipe on the Montgomery-Columbus line in Dallas and Elmore Counties; (2) 19.3 miles of 12-inch diameter pipe on the Montgomery-Columbus loop line in Dallas and Autauga Counties; (3) 4.3 miles of 6-inch diameter pipe on the Selma main line in Dallas County; and (4) abandon by removal auxiliary appurtenant facilities.<sup>1</sup> Southern also proposes to construct, install and operate approximately 4 miles of 30-inch diameter pipe in Macon County and 1.5 miles of 30-inch diameter pipe in Dallas County to restore the pipeline capacity lost as a result of the proposed abandonment on Southern's Montgomery-Columbus line and loop line. Southern estimates that it would cost \$6.4 million to construct the 5.5 miles of 30-inch diameter pipe on the South Main loop line.

Southern states that all current firm and interruptible transportation shippers who have contracts for natural gas deliveries via any of the facilities proposed for abandonment would continue to receive equivalent service upon completion of the above South Main loop line modifications.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the Protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the

<sup>1</sup> Southern states that it received authorization to operate these facilities under the grandfathered certificate issued October 6, 1942, in Docket No. G-296.

Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Southern to appear or be represented at the hearing.

Lois D. Cashell,

*Secretary.*

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**[Docket No. RP97-215-001]**

**Williston Basin Interstate Pipeline Company; Notice of Compliance Tariff Filing**

February 11, 1997.

Take notice that on February 7, 1997, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed effective date of these tariff sheets is February 1, 1997.

Williston Basin states that this compliance filing is being filed pursuant to the Commission's January 29, 1997 Letter Order in the above-referenced proceeding which required Williston Basin to remove the current level of electric costs included in its base rates associated with the operation of its electric compressors.

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 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with 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 in the Public Reference Room.

Lois D. Cashell,

*Secretary.*

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