

meter and associated appurtenant facilities with a larger meter and associated appurtenant facilities to accommodate the increase in delivery requested by Interenergy. The total cost of the abandonment and upgrade proposed herein is approximately \$8,000. The total cost would be reimbursed by Interenergy.

Any person or the Commission's staff may, within 45 days after the Commission has issued this notice, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the allowed time, the proposed activity shall be deemed to be authorized effective 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 If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of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 NGA.

Lois D. Cashell,

Secretary.

[FR Doc. 97-23667 Filed 9-5-97; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DR97-4-000, et al.]

Consumers Energy Company, et al.; Electric Rate and Corporate Regulation Filings

August 29, 1997.

Take notice that the following filings have been made with the Commission:

1. Consumers Energy Company

[Docket No. DR97-4-000]

Take notice that on August 22, 1997, Consumers Energy Company made a depreciation rate amnesty filing as provided for in the Commission's May 15, 1997, Order in MidAmerican Energy Co., Docket No. EL95-3-000. The filing relates to a change in electric depreciation rates implemented pursuant to November 14, 1996 and April 10, 1997 orders of the Michigan Public Service Commission.

Comment date: September 22, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Heartland Energy Services, Inc.

[Docket No. EC97-50-000]

Take notice that on August 19, 1997, Heartland Energy Services, Inc. (HES),

filed an application under Section 203 of the Federal Power Act to transfer its jurisdictional agreements to Cargill-IEC, L.L.C. (Cargill-IEC), a joint venture between WPL Holdings Commodities Trading, L.L.C. (WHCT), a member of which is HES, and Cargill, Incorporated (Cargill).

Comment date: September 29, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. The Detroit Edison Company

[Docket No. ER97-4096-000]

Take notice that on August 5, 1997, The Detroit Edison Company (Detroit Edison), tendered for filing a Service Agreement for Firm Point-to-Point Transmission Service between Detroit Edison Transmission Operations and American Electric Power Service Corp., under the Joint Open Access Transmission Tariff of Consumers Energy Company and Detroit Edison, FERC Electric Tariff No. 1, dated as of July 16, 1997. Detroit Edison requests that the Service Agreement be made effective as of July 16, 1997.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Bangor Hydro-Electric Company

[Docket No. ER97-4097-000]

Take notice that on August 6, 1997, Bangor Hydro-Electric Company filed an executed service agreement for firm point-to-point transmission service with the Central Maine Power Company.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Central Hudson Gas and Electric Corporation

[Docket No. ER97-4098-000]

Take notice that on August 4, 1997, Central Hudson Gas and Electric Corporation (CHG&E), tendered for filing pursuant to 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service Agreement between CHG&E and Delmarva Power & Light Company. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Electric Rate Schedule, Original Volume No. 1 (Power Sales Tariff) accepted by the Commission in Docket No. ER97-890-000. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Southern California Edison Company

[Docket No. ER97-4099-000]

Take notice that on August 6, 1997, Southern California Edison Company (Edison), tendered for filing executed an umbrella Service Agreement (Service Agreement) with the Arizona Public Service Company, for Short-Term Firm Point-To-Point Transmission Service under Edison's Open Access Transmission Tariff (Tariff).

Edison filed the executed Service Agreement with the Commission in compliance with applicable Commission regulations. Edison also submitted revised Sheet No. 165 (Attachment E) to the Tariff, which is an updated list of all current subscribers. Edison requests waiver of the Commission's notice requirement to permit an effective date of August 7, 1997 for Attachment E, and to allow the Service Agreement to become effective according to its terms.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Union Electric Company

[Docket No. ER97-4100-000]

Take notice that on August 6, 1997, Union Electric Company (UE), tendered for filing Service Agreements for Firm Point-to-Point Transmission Services between UE and AES Power, Inc., Heartland Energy Services, Inc., and Illinois Power Company. UE asserts that the purpose of the Agreements is to permit UE to provide transmission service to the parties pursuant to UE's Open Access Transmission Tariff filed in Docket No. OA96-50.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Union Electric Company

[Docket No. ER97-4101-000]

Take notice that on August 6, 1997, Union Electric Company (UE), the transmission provider, tendered for filing a Service Agreement with UE, the transmission customer, for Firm Point-to-Point Transmission Service. UE asserts that the purpose of the Agreement is for UE when it takes transmission service for itself in accordance with FERC regulations, and pursuant to its Open Access Transmission Tariff filed in Docket No. OA96-50.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Union Electric Company

[Docket No. ER97-4102-000]

Take notice that on August 6, 1997, Union Electric Company (UE), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between Vitol Gas & Electric LLC (VGE) and UE. UE asserts that the purpose of the Agreement is to permit UE to provide transmission service to VGE pursuant to UE's Open Access Transmission Tariff filed in Docket No. OA96-50.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Maine Public Service Company

[Docket No. ER97-4103-000]

Take notice that on August 6, 1997, Maine Public Service Company (Maine Public), filed an executed Service Agreement with Montaup Electric Company.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Orange and Rockland Utilities, Inc.

[Docket No. ER97-4104-000]

Take notice that on August 6, 1997, Orange and Rockland Utilities, Inc. (Orange and Rockland), filed a Service Agreement between Orange and Rockland and Constellation Power Source, Inc., (Customer). This Service Agreement specifies that Customer has agreed to the rates, terms and conditions of Orange and Rockland Open Access Transmission Tariff filed on July 9, 1996 in Docket No. OA96-210-000.

Orange and Rockland requests waiver of the Commission's sixty-day notice requirements and an effective date of July 28, 1997 for the Service Agreement. Orange and Rockland has served copies of the filing on The New York State Public Service Commission and on the Customers.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Illinois Power Company

[Docket No. ER97-4105-000]

Take notice that on August 6, 1997, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which PECO Energy Company will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of August 1, 1997.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Interstate Power Company

[Docket No. ER97-4106-000]

Take notice that on August 6, 1997, Interstate Power Company (IPW), tendered for filing a Transmission Service Agreement between IPW and Rainbow Energy Marketing Corporation (Rainbow). Under the Transmission Service Agreement, IPW will provide non-firm point-to-point transmission service to Rainbow.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma, Southwestern Electric Power Co.

[Docket No. ER97-4107-000]

Take notice that on August 6, 1997, Central Power and Light Company (CPL), West Texas Utilities Company (WTU), Public Service Company of Oklahoma (PSO) and Southwestern Electric Power Company (SWEPCO) (collectively, the CSW Operating Companies) submitted for filing service agreements under which the CSW Operating Companies will provide firm point-to-point transmission service to Delhi Energy Services, Inc. (Delhi), Electric Clearinghouse, Inc. (ECI), Entergy Power Marketing Corp. (Entergy), Koch Energy Trading, Inc. (Koch), NorAm Energy Services (NorAm), Southern Energy Trading and Marketing, Inc. (Southern), Tex-La Electric Cooperative of Texas, Inc. (Tex-La) and Vitol Gas & Electric L.L.C. (Vitol) and ancillary services to LG&E Power Marketing, Inc. (LG&E) in accordance with the CSW Operating Companies' open access transmission service tariff.

The CSW Operating Companies state that a copy of this filing has been served on Delhi, ECI, Entergy, Koch, NorAm, Southern, Tex-La, Vitol and LG&E.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Turner Energy, L.L.C.

[Docket No. ER97-4108-000]

Take notice that on August 4, 1997, Turner Energy, L.L.C. (TE), tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective October 3, 1997.

TE intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where TE sells electric energy it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. TE is not in the business of generating, transmitting, or distributing electric power.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. The Detroit Edison Company

[Docket No. ER97-4110-000]

Take notice that on August 7, 1997, The Detroit Edison Company (Detroit Edison), tendered for filing a Service Agreement for wholesale power sales transactions (the Service Agreement) under Detroit Edison's Wholesale Power Sales Tariff (WPS-2), FERC Electric Tariff No. 3 (the WPS-2 Tariff), between Detroit Edison and AYP Energy, Inc., dated as of June 30, 1997. Detroit Edison requests that the Service Agreement be made effective as of June 30, 1997.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Wisconsin Public Service Corporation

[Docket No. ER97-4111-000]

Take notice that on August 7, 1997, Wisconsin Public Service Corporation (WPSC), tendered for filing executed Transmission Service Agreements between WPSC and itself. The Agreements provide for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Carolina Power & Light Company

[Docket No. ER97-4112-000]

Take notice that on August 7, 1997, Carolina Power & Light Company (Carolina), tendered for filing executed Service Agreements between Carolina and the following Eligible Entities: Seminole Electric Cooperative Incorporated; and Jacksonville Electric Authority. Service to each Eligible Entity will be in accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Carolina Power & Light Company

[Docket No. ER97-4113-000]

Take notice that on August 7, 1997, Carolina Power & Light Company (CP&L), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service executed between CP&L and the following Eligible Transmission Customer: Western Resources; and a Service Agreement for Short-Term Firm Point-to-Point Transmission Service with Southern Energy Trading and Marketing, Inc. Service to each Eligible Customer will be in accordance with the terms and conditions of Carolina Power & Light Company's Open Access Transmission Tariff.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. Rochester Gas and Electric Corporation

[Docket No. ER97-4114-000]

Take notice that on August 7, 1997, Rochester Gas and Electric Corporation (RG&E), filed a Service Agreement between RG&E and the Constellation Power Source, Inc. (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of the RG&E open access transmission tariff filed on July 9, 1996 in Docket No. OA96-141-000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of August 1, 1997 for the Constellation Power Source, Inc., Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Rochester Gas and Electric Corporation

[Docket No. ER97-4115-000]

Take notice that on August 7, 1997, Rochester Gas and Electric (RG&E), filed a Service Agreement between RG&E and the Equitable Power Services Company (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of the RG&E open access transmission tariff filed on July 9, 1996 in Docket No. OA96-141-000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of August 1, 1997 for the Equitable Power

Services Company Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Entergy Services, Inc.

[Docket No. ER97-4118-000]

Take notice that on August 8, 1997, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Non-Firm Point-To-Point Transmission Service Agreement between Entergy Services, as agent for the Entergy Operating Companies, and Constellation Power Services, Inc.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. Entergy Services, Inc.

[Docket No. ER97-4119-000]

Take notice that on August 8, 1997, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Short-Term Firm Point-To-Point Transmission Service Agreement between Entergy Services, as agent for the Entergy Operating Companies, and Southern Energy Trading and Marketing, Inc.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. Duke Power Company

[Docket No. ER97-4120-000]

Take notice that on August 8, 1997, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Western Resources, Inc. (Transmission Customer), dated as of July 9, 1997 (TSA). Duke states that the TSA sets out the transmission arrangements under which Duke will provide the Transmission Customer non-firm point-to-point transmission service under Duke's Pro Forma Open Access Transmission Tariff. Duke requests that the Agreement be made effective as of July 9, 1997.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. Duke Power Company

[Docket No. ER97-4121-000]

Take notice that on August 8, 1997, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Koch Energy Trading, Inc. (Transmission Customer), dated as of July 9, 1997 (TSA). Duke states that the TSA sets out the transmission arrangements under which Duke will provide the Transmission Customer firm point-to-point transmission service under Duke's Pro Forma Open Access Transmission Tariff. Duke requests that the Agreement be made effective as of July 9, 1997.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Florida Power & Light Company

[Docket No. ER97-4122-000]

Take notice that on August 8, 1997, Florida Power & Light Company (FPL), tendered for filing proposed service agreements with The Energy Authority, Inc., for Non-Firm transmission service under FPL's Open Access Transmission Tariff.

FPL requests that the proposed service agreements be permitted to become effective on August 1, 1997.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. PECO Energy Company

[Docket No. ER97-4123-000]

Take notice that on August 8, 1997, PECO Energy Company (PECO) filed a Service Agreement dated July 28, 1997 with Valero Power Services Company (VALERO) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds VALERO as a customer under the Tariff.

PECO requests an effective date of July 28, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to VALERO and to the Pennsylvania Public Utility Commission.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

28. PacifiCorp

[Docket No. ER97-4124-000]

Take notice that on August 8, 1997, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the

Commission's Rules and Regulations, a notice of Cancellation of Service Agreements under PacifiCorp's FERC Electric Tariff, Fourth Revised Volume No. 3.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464-6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

29. Southern California Edison Company

[Docket No. ER97-4125-000]

Take notice that on August 8, 1997, Southern California Edison Company (Edison), tendered for filing executed an umbrella Service Agreement (Service Agreement) with Pacific Gas & Electric, for Short-Term Firm Point-To-Point Transmission Service under Edison's Open Access Transmission Tariff (Tariff).

Edison filed the executed Service Agreement with the Commission in compliance with applicable Commission regulations. Edison also submitted revised Sheet No. 165 (Attachment E) to the Tariff, which is an updated list of all current subscribers. Edison requests waiver of the Commission's notice requirement to permit an effective date of August 8, 1997, for Attachment E, and to allow the Service Agreement to become effective according to its terms.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

30. Madison Gas and Electric Company

[Docket No. ER97-4126-000]

Take notice that on August 8, 1997, Madison Gas and Electric Company (MGE), tendered for filing a service agreement with American Electric Power Service Corporation, AYP Energy, Inc., and Northern Indiana Public Service Company under MGE's Power Sales Tariff. MGE requests an effective date of August 11, 1997, which is the date the agreement is filed with the FERC.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

31. Virginia Electric and Power Company

[Docket No. ER97-4127-000]

Take notice that on August 8, 1997, Virginia Electric and Power Company (Virginia Power), tendered for filing eight Service Agreements for Firm Point-to-Point Transmission Service with The Wholesale Power Group under the Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. Under the tendered Service Agreement Virginia Power will provide firm point-to-point service to The Wholesale Power Group as agreed to by the parties under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

32. PacifiCorp

[Docket No. ER97-4128-000]

Take notice that on August 8, 1997, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, Non-Firm Transmission Service Agreement with Avista Energy, Inc. (Avista), Chelan County Public Utility District #1 (Chelan) and PacifiCorp's Merchant Function and Short-Term Firm Transmission Service Agreements with Avista and Chelan under PacifiCorp's FERC Electric Tariff, First Revised Volume No. 11.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464-6122 (9600 baud, 8 bits, no parity, 1 stop bit).

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

33. Cinergy Services, Inc.

[Docket No. ER97-4129-000]

Take notice that on August 8, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Equitable Power Services Company (Equitable).

Cinergy and Equitable are requesting an effective date of July 15, 1997.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

34. Cinergy Services, Inc.

[Docket No. ER97-4130-000]

Take notice that on August 8, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and The Energy authority, Inc. (Authority).

Cinergy and Authority are requesting an effective date of August 18, 1997.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

35. Cinergy Services, Inc.

[Docket No. ER97-4131-000]

Take notice that on August 8, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Wisconsin Electric Power Company (Wisconsin).

Cinergy and Wisconsin are requesting an effective date of July 7, 1997.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

36. Central Hudson Gas & Electric Corporation

[Docket No. ER97-4132-000]

Take notice that on August 8, 1997, Central Hudson Gas & Electric Corporation (CHG&E), tendered for filing pursuant to 35.12 of the Federal Energy Regulatory Commission's (Commission) Regulations in 18 CFR a Service Agreement between CHG&E and Public Service Electric and Gas Company. The terms and conditions of service under this Agreement are made pursuant to CHG&E's FERC Open Access Schedule, Original Volume No. 1 (Transmission Tariff) filed in compliance with the Commission's Order No. 888 in Docket No. RM95-8-000 and RM94-7-001 and amended in compliance with Commission Order dated May 28, 1997. CHG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: September 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

37. Citizens Utilities Company

[Docket No. ES95-36-003]

Take notice that on August 25, 1997, Citizens Utilities Company (Citizens

Utilities) filed an amendment to its application with the Commission seeking an extension to December 31, 1997, of the period during which Citizens Utilities may issue not more than \$189.5 million of securities in support of or to guarantee securities issued by governmental or quasi-governmental bodies for the benefit of Citizens Utilities.

Comment date: September 23, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. 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, 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 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. 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.

[FR Doc. 97-23719 Filed 9-5-97; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5887-5]

Notice of Final Decision To Grant Pharmacia and Upjohn a Modification of an Exemption From the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 Regarding Injection of Hazardous Wastes

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on a request to modify an exemption from the hazardous and solid waste amendments of the Resource Conservation and Recovery Act.

SUMMARY: Notice is hereby given by the United States Environmental Protection Agency (USEPA or Agency) that modification of an exemption to the land disposal restrictions under the

1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) has been granted to Pharmacia and Upjohn of Kalamazoo, Michigan. This modification allows Pharmacia and Upjohn to inject four (4) RCRA-regulated hazardous wastes which will be banned from land disposal on April 8, 1998, as a result of regulations promulgated on April 8, 1996, into two Class I injection wells at the Kalamazoo, Michigan, facility. The modification also increases the combined maximum injection volume for the two wells to 30 million gallons per year, as well as changing the name to Pharmacia and Upjohn. As required by 40 CFR part 148, Pharmacia and Upjohn has demonstrated, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the injection zone utilized by Pharmacia and Upjohn's waste disposal facility located near Kalamazoo, Michigan, for as long as the newly exempted waste remains hazardous. This decision constitutes a final Agency action for which there is no administrative appeal.

SUPPLEMENTARY INFORMATION: Pharmacia and Upjohn submitted a petition for an exemption from the restrictions on land disposal of hazardous wastes on February 22, 1988. Revised documents were received on September 21, 1988, and May 24, 1989 and several supplemental submittals were subsequently made. The exemption was granted on February 27, 1990.

On April 29, 1996, in their permit reapplications for Well #3 and #4 and in response to the Land Disposal Restrictions Rule published in the **Federal Register** at 61 FR 15566 et seq. on April 8, 1996, which set ban dates for a number of hazardous waste codes, Pharmacia and Upjohn submitted a request to add a total of four (4) additional RCRA waste codes to its exemption. These codes (D022, D028, D035, and D038) are banned by the April 8, 1996, rule. The newly-promulgated rule bans codes D022, D028, D035, and D038 from deep injection after April 8, 1998, unless Pharmacia and Upjohn makes a no-migration demonstration. Pharmacia and Upjohn made a no-migration demonstration in 1990. After careful review of the material submitted, the USEPA has determined, as required by 40 CFR part 148.20(f), that there is a reasonable degree of certainty that waste streams containing constituents designated by these codes will behave hydraulically and chemically like wastes for which Pharmacia and Upjohn

was granted its original exemption and will not migrate from the injection zone within 10,000 years. The injection zone is the Munising Formation. The confining zone is comprised of the Trempealeau Dolomite.

The petition exemption is also modified to change the name of the company to Pharmacia and Upjohn, to reflect the change in corporate ownership. All requirements and responsibilities remain in effect under this exemption approval.

Conditions: General conditions of this exemption are found at 40 CFR part 148. The exemption granted to Pharmacia and Upjohn on February 27, 1990, included a number of specific conditions. Conditions numbered (2) and (3) remain in force. Condition (1) is modified to increase the combined maximum injection volume into both Wells #3 and #4 to 30 million gallons a year. This increase in waste injectate volume requires that the model be reviewed in 2014 rather than 2018, to meet the modelled total lifetime injection volume.

Changes: The company name for the exemption approval is now Pharmacia and Upjohn. The waste codes approved under this exemption approval are: F001, F002, F003, F005, D001, D007, D022, D028, D035, and D038. The conditions of the exemption approval are:

(1) The combined annual injection volume for Well Numbers 3 and 4 must not exceed 30 million gallons

(2) The injection zone shall be limited to the Munising Formation; and

(3) Injection shall only occur into the Mt. Simon Member and into that portion of the Eau Claire Member which is below 4750 feet.

DATES: This action is effective as of September 8, 1997.

FOR FURTHER INFORMATION CONTACT: David Werbach, Lead Petition Reviewer, USEPA, Region 5, telephone (312) 886-4242. Copies of the petition and all pertinent information relating thereto are on file and are part of the Administrative Record. It is recommended that you contact the lead reviewer prior to reviewing the Administrative Record.

Rebecca L. Harvey,

Acting Director, Water Division.

[FR Doc. 97-23694 Filed 9-5-97; 8:45 am]

BILLING CODE 6560-50-P