

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-2611-000]

Powerhouse Systems, Inc.; Notice of Withdrawal

June 18, 1998.

Take notice that on June 15, 1998, Powerhouse Systems, Inc., tendered for filing a Notice of Withdrawal of its filing made on April 20, 1998, in Docket No. ER98-2611-000.

A copy of the notice is being served on Public Service Company of New Hampshire and the New Hampshire Public Utilities Commission.

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 Rules 211 and 216 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.216). All such motions and protests should be filed on or before June 30, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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.

David P. Boergers,

Acting Secretary.

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violation of the Federal Power Act and the Commission's regulations and policies because the District has retained excessive lands containing private homes and businesses within the project boundary. Complainants also request that the project boundary be changed to exclude privately developed areas on the island of Crescent Bar from the project boundary.

Pursuant to Rule 213(d) of the Commission's regulations, answers to complaints are due within 30 days after filing or, if noticed, after publication of the notice in the **Federal Register**, unless otherwise ordered.¹ In general, the Commission's policy is to publish notice in the **Federal Register** of complaints against hydroelectric licensees.²

Any person may file an answer, comments, protests, or a motion to intervene with respect to the complaint in accordance with the requirements of the Rules of 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 complaint, 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 received no later than 30 days after publication of this notice in the **Federal Register**.

David P. Boergers,

Acting Secretary.

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declaratory order in the above-captioned proceedings, pursuant to Section 385.207(a)(2) of the Commission's regulation, 18 CFR 385.207(a)(2). Mountain Rhythm seeks a determination from the Commission to terminate a controversy as to the status of its certification of project consistency with the Washington Coastal Zone Management Program for the proposed Boulder Creek Project No. 4270, one of six pending hydropower projects proposing development in the Nooksack River Basin in Whatcom County, Washington.¹

Mountain Rhythm submitted to the Washington Department of Ecology (Ecology) a certification of project consistency, in accordance with the Coastal Zone Management Act (CZMA)² in 1992.³ Ecology responded by letter, stating that the proposed project would affect land uses, water uses, and natural resources of the state's coastal zone, and that Ecology could not concur that the project is consistent with the Washington Coastal Zone Management Program until Mountain Rhythm provides necessary information and data, including an approved Shoreline Management Act permit.⁴ Most recently, in a letter dated March 13, 1998, Ecology reiterated its requirement that a shoreline permit is a prerequisite to the agency's concurrence and added that, as part of the state's Coastal Zone Management Program, Mountain Rhythm would need to conduct an Instream Flow Incremental Methodology Study to ensure that the state's water quality standards are met.⁵

¹ Mountain Rhythm's application for license for the Boulder Creek Project was evaluated by Commission staff in a multiple project final environmental impact statement issued for the Nooksack River Basin on September 1, 1997.

² 16 U.S.C. 1456(c)(3)(A). Section 307(c)(3)(a) of the CZMA provides that any applicant for a Federal license proposing to conduct an activity within or affecting a state's coastal zone must furnish to the state or CZMA agency all necessary information and data and a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. No license can be issued by the Federal agency until the state or the designated CZMA agency concurs with the applicant's certification, or the agency's concurrence is conclusively presumed by its failure to act within 180 days of its receipt of the applicant's certification.

³ See Certification of Consistency, attached as Exhibit A of Mountain Rhythm's Motion for Declaratory Order.

⁴ See Letter from Washington Department of Ecology to William Devine, dated October 1, 1992, attached as Exhibit B of Mountain Rhythm's Motion for Declaratory Order.

⁵ See Letter from Washington Department of Ecology to Bill Devine, attached to Letter from Glacier Energy Company, on behalf of Mountain Rhythm, to the Secretary of the Federal Energy Regulatory Commission, dated March 29, 1998.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2114-070]

Public Utility District No. 2 of Grant County, Washington; Notice Establishing Comment Period for Complaint

June 18, 1998.

On May 28, 1998, Crescent Bar, Inc., Crescent Bar Homeowners Association, Crescent Bar Resort condominium Association, and Commercial Leaseholders (complainants) filed a document entitled "Complaint of Crescent Bar Residents." The complainants request, pursuant to 18 CFR 385.206 of the Commission's regulations, that the Commission find the Public Utility District No. 2 of Grant County, Washington (District) to be in

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[Project Nos. 3721-001, 4270-001, 4282-001, 4312-001, 4628-001, 4738-002, and 9231-999]

Puget Sound Power & Light Company, Mountain Rhythm Resources, Mountain Water Resources, Watersong Resources, McGrew and Associates and City of Tacoma, Washington, McGrew, McMaster and Koch and City of Tacoma, Washington, and Scott Paper Company; Notice of Motion for Declaratory Order

June 18, 1998.

Public notice is given that on May 1, 1998, Mountain Rhythm Resources (Mountain Rhythm) filed a motion for

¹ 18 CFR 385.213(d). See also 18 CFR 385.202.

² 18 CFR 2.1(a)(1)(iii)(f).

Mountain Rhythm requests a Commission order establishing either that the project is not subject to the CZMA consistency requirement or that Ecology is conclusively presumed to have concurred with Mountain Rhythm's certification of project consistency based on the following grounds:

1. The Boulder Creek Project is not located within the state's "coastal zone," as defined in the CZMA.⁶
2. The Project does not involve coastal zone impacts.
3. Ecology has provided no substantive objection to the content of Mountain Rhythm's certification of project consistency and is therefore conclusively presumed to have concurred with the certification.
4. A permit is not "information or data" and thus, Ecology's requirement that Mountain Rhythm obtain a state shoreline permit as a prerequisite to the agency's concurrence with the applicant's certification is inconsistent with the CZMA, the state regulations implementing the act, and the Commission's licensing authority under the Federal Power Act.
5. The project is consistent with the intent and purpose of the Washington Coastal Zone Management Program, and is not prohibited by the state program.

Any person desiring to be heard or to make any protest with reference to said motion should file comments, a protest, or a motion to intervene with the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.210, 385.211, 385.214). All such comments, protests, and motions should be filed by [the 30th day following publication of this notice in the **Federal Register**] In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only persons that file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Copies of the motion for declaratory order are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-16715 Filed 6-23-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-604-000]

Tennessee Gas Pipeline Company; Notice of Request Under Blanket Authorization

June 18, 1998.

Take notice that on June 11, 1998, Tennessee Gas Pipeline Company (Tennessee), a Delaware corporation, P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP98-604-000 a request pursuant to Sections 157.205, 157.212, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212, 157.216) for authorization to abandon and replace delivery facilities in Wayne County, Tennessee under Tennessee's blanket certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

In order to meet company specifications and codes, Tennessee proposes to modify existing interconnecting pipe at milepost 556-1+5.75 in Wayne County, Tennessee. To accomplish this upgrade, Tennessee proposes to remove and abandon approximately forty-five feet of existing one-inch diameter interconnecting pipe located at taps 556-101.1 and 556-101.2 and extending to the inlet of the Waynesboro Tennessee sales meter and to replace it with approximately forty-five feet of two-inch diameter interconnecting pipe. Tennessee also proposes to replace a deteriorated check valve with a new valve of the same size.

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 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 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 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 Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-16709 Filed 6-23-98; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-140-001]

Tennessee Gas Pipeline Company; Notice of Filing

June 18, 1998.

Take notice that on June 12, 1998, Tennessee Gas Pipeline Company (Tennessee), filed pro forma Tariff Sheets 405C and 405D.

Tennessee states that the pro forma tariff sheets are being filed in response to the May 5, 1998 technical conference, in response to certain issues raised by Commission Staff and the customers in attendance, Tennessee proposed additional modifications to its currently effective tariff sheet, specifically to the tariff provision that allows Tennessee to reserve available capacity for future expansion projects. Tennessee further states that it committed to file these proposed modifications, in this docket and on pro forma tariff sheets, by June 12, 1998.

Any person desiring to protest this 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 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

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⁶ See 16 U.S.C. 1453(1).