

- a. *Type of Application*: Preliminary Permit.
- b. *Project No.*: P-11577-000.
- c. *Date filed*: April 15, 1996.
- d. *Applicant*: Summit Hydropower, Inc.
- e. *Name of Project*: Windsor Locks Hydro Project.
- f. *Location*: On the Connecticut River, near Suffield, Enfield, and Windsor Locks, Hartford County, Connecticut.
- g. *Filed Pursuant to*: Federal Power Act 16 USC §§ 791(a)-825(r).
- h. *Applicant Contact*: Mr. Duncan S. Broatch, 92 Rocky Hill Road, Woodstock, CT 06281, (860) 974-1620.
- i. *FERC Contact*: Edward Lee at (202) 219-2809.
- j. *Comment Date*: July 5, 1996.
- k. *Description of Project*: The proposed project would consist of: (1) the existing Windsor Locks Canal Company's 10-foot-high and 1,484-foot-long timber dam; (2) an existing 4,940 acre-foot reservoir; and (3) a powerhouse having a capacity of 1,450 Kw with an average annual generation of 10,400 Kwh.

No new access road will be needed to conduct the studies. The applicant estimates that the cost of the studies to be conducted under the preliminary permit would be \$43,000. The existing dam and site works are owned by Windsor Locks Canal Company, 2 Elm Street, Windsor Locks, CT 06096.

1. *Purpose of Project*: Project power would be sold to a local utility, Northeast Utilities.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely

notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division

of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-12849 Filed 5-21-96; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RM93-11-000]

### Revisions To Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992

(Issued May 16, 1996.)

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of Annual Change in the Producers Price Index for Finished Goods, Minus One Percent.

**SUMMARY:** The Commission is issuing the index that oil pipelines must apply to their July 1, 1995-June 30, 1996 rate ceiling levels to compute their rate ceiling levels for the period July 1, 1996, through June 30, 1997, in accordance with 18 CFR 342.3(d). This index, which is the percent change (expressed as a decimal) in the annual average Producer Price Index for Finished Goods from 1994 to 1995, minus one percent, is .009124. Oil pipelines must multiply their July 1, 1995-June 30, 1996 rate ceiling levels by 1.009124 to compute their rate ceiling levels for the period July 1, 1996 through June 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** Michelle Veloso, Office of Economic Policy, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 208-2008

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours

at 888 First Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397 if dialing locally or 1-800-856-3720 if dialing long distance. To access CIPS, set your communications software to use 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS indefinitely in ASCII and WordPerfect 5.1 format. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in the Public Reference Room at 888 First Street, NE., Washington, DC 20426.

Notice of Annual Change in the Producer Price Index for Finished Goods, Minus One Percent

Issued May 16, 1996.

The Commission's regulations include a methodology for oil pipelines to change their rate through use of an index systems that establishes ceiling levels for such rates. The index system as set forth at 18 CFR 342.3 is based on the annual change in the Producer Price Index for Finished Goods (PPI-FG), minus one percent. The regulations provide that each year the Commission will publish an index reflecting the final change in the PPI-FG, minus one percent, after the final PPI-FG is made available by the Bureau of Labor Statistics in May of each calendar year.

The annual average PPI-FG index figure for 1994 was 125.5 and the annual average PPI-FG index for 1995 was 127.9.<sup>1</sup> Thus, the percent change (expressed as a decimal) in the annual average PPI-FG from 1994 to 1995, minus one percent, is .009124.<sup>2</sup> Oil pipelines must multiply their July 1, 1995-June 30, 1996 rate ceiling levels by 1.009124 to compute their rate ceiling levels for the period July 1, 1996,

<sup>1</sup> The final figure for the annual average PPI-FG is published by the Bureau of Labor Statistics in mid-May of each year. This figure is publicly available from the Division of Industrial Prices and Price Indexes of the Bureau of Labor Statistics, at (202) 606-7705, and is available in print in August in Table 1 of the annual data supplement to the BLS publication *Producer Price Indexes*.

<sup>2</sup>  $[127.9 - 125.5] / 125.5 = .019124$ ;  $.019124 - .01 = .009124$ .

through June 30, 1997, in accordance with 18 342.3(d).

To obtain July 1, 1996-June 30, 1997 ceiling levels, pipelines must first calculate their ceiling levels for the January 1, 1995-June 30, 1995 index period, by multiplying their December 31, 1994 rates by 1.009175. Pipelines must then multiply those ceiling levels. Finally, pipelines must multiply their July 1, 1995-June 30, 1996 ceiling levels by 1.009124 to obtain the July 1, 1996-June 30, 1997 ceiling levels. See Explorer Pipeline Company, 71 FERC ¶ 61,416 at n. 6 (1995) for an explanation of how ceiling levels must be calculated.

Lois D. Cashell,

Secretary.

[FR Doc. 96-12850 Filed 5-21-96; 8:45 am]

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## Office of Hearings and Appeals

### Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of Implementation of Special Refund Procedures.

**SUMMARY:** The Office of Hearings and Appeals (OHA) of the Department of Energy announces procedures for disbursement of \$48,307.13 of crude oil overcharge funds obtained by the DOE from Texas American Oil Corporation (Texas American), Case No. VEF-0019. The OHA has determined that these funds, plus accrued interest, be distributed as direct restitution to individual claimants who were injured by crude oil overcharges.

**FOR FURTHER INFORMATION CONTACT:** Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Ave., SW., Washington DC 20585-0107, Telephone No. (202) 426-1575.

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR § 205.282(c), notice is hereby given of the issuance of the Decision and Order set forth below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute \$48,307.13 (plus accrued interest) remitted to the DOE by the trustee-in-bankruptcy for Texas American. The DOE is currently holding these funds in an interest-bearing escrow account pending distribution.

The OHA will allocate all of the crude oil overcharge funds obtained from Texas American for individual claimants. This is in accordance with *Texas American Oil Corp. v. DOE*, 44 F.3d 1557 (Fed. Cir. 1995) (en banc), in which the United States Court of

Appeals for the Federal Circuit held that the DOE's claim in the Texas American bankruptcy proceeding on behalf of individual claimants should have a higher priority than its claim on behalf of the states and federal government. Pursuant to that decision, the bankruptcy court distributed to the DOE an amount equivalent to only 20 percent of its liquidated claim in the Texas American bankruptcy proceeding, since under the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986), a maximum of 20 per cent of the crude oil overcharge funds remitted to the DOE are reserved for injured purchasers of refined petroleum products.

Refunds to eligible purchasers will be based on the volume of products that they purchased during the price control period. The volumetric refund amount is \$0.0016 per gallon. Because the June 30, 1995 deadline for crude oil refund applications has passed, no new applications for refund will be accepted in this proceeding. As we state in the Decision, the Texas American funds will be added to the general crude oil overcharge pool for direct restitution to claimants that have filed timely applications.

Dated: May 14, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

### Implementation of Special Refund Procedures

May 14, 1996.

*Name of Case:* Texas American Oil Corporation.

*Date of Filing:* September 1, 1995.

*Case Number:* VEF-0019.

On March 14, 1996, the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) issued a Proposed Decision and Order (PDO) which tentatively established refund procedures for the distribution of crude oil overcharge funds obtained from Texas American Oil Corporation (Texas American). *Texas American Oil Co.*, Case No. VEF-0019, 61 Fed. Reg. 13170 (March 26, 1996). After a review of the comments received, the DOE has determined that the procedures set forth in the Proposed Decision and Order should be adopted.

#### I. Background

On September 19, 1988, the OHA issued a Remedial Order (RO) that found that Texas American had violated 10 CFR § 211.67(e)(2) by receiving excessive small refiner bias benefits under the DOE's Entitlements Program.