

First Street, NE., Washington, DC 20426, in accordance with Section 385.214 and Section 385.211 of the Commission's Rules and Regulations. All such motions or 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 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 in the Commission's Public Reference Room.

**Lois D. Cashell,**

*Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP97-351-000]

#### Koch Gateway Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

May 2, 1997.

Take notice that on April 30, 1997, Koch Gateway Pipeline Company (Koch) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective June 1, 1997:

Second Revised Sheet No. 1902  
Fifth Revised Sheet No. 1906  
Fifth Revised Sheet No. 2707  
First Revised Sheet No. 2708  
Original Sheet No. 2709

Koch states that it is filing is submitted as an application pursuant to Section 4 of the Natural Gas Act, 15 U.S.C. § 717c (1988), and Part 154 of the Rules and Regulations of the Federal Energy Regulatory Commission.

Koch states that it files the above tariff sheets to provide certain options to the procedure for assessing the Unauthorized Gas penalty on its shippers.

Koch also states that it has served copies of this filing upon each affected customer, state commission, and interested parties.

Any person desiring to be heard or to protest this 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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations.

All such motions or protests must be filed as provided by 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. 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. 97-12039 Filed 5-7-97; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP97-359-000]

#### National Fuel Gas Supply Corporation; Notice of Application to Abandon Facilities and Petition for Declaratory Order

May 2, 1997.

Take notice that on April 21, 1997, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, and Lobo Energy, Inc. (Lobo), 3333 East Florida Avenue, No. 6, Denver, Colorado 80210, filed an application in Docket No. CP97-359-000. In the application, National Fuel requests permission and approval, pursuant to section 7(b) of the Natural Gas Act, to abandon/sell a certificated gathering line (Line N-50, in Erie County, New York) to Lobo, and Lobo requests a declaratory order from the Commission disclaiming jurisdiction over the Line N-50 facilities after it acquires them, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The Line N-50 facilities to be sold to Lobo include Line N-50 (approximately 6,086 feet of 2-inch and 4-inch pipeline), one uncertificated metering and regulating station (designated EM-MS-93-XX), and the applicable rights-of-way, easements, permits, and property interests related thereto. According to National Fuel and Lobo, Line N-50 is a dead-end system with five (5) production wells attached to it, that operates at a pressure of 60 psig, without compression or gas processing facilities.

National Fuel further states that Line N-50 was constructed under budget authorization granted to National Fuel on July 6, 1978 in Docket No. CP78-297,

and that it has agreed to sell the Line N-50 facilities to Lobo for \$1,000.

Lobo requests the Commission to determine that, subsequent to their transfer to Lobo, the Line N-50 facilities will not be subject to the Commission's jurisdiction. Lobo states that the Commission should find that the primary function of the Line N-50 facilities is gathering, given the characteristics of the facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 23, 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 Natural Gas Act (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 party 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 Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application, if no motion to intervene is filed within the time required herein, or 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 National Fuel and Lobo to appear or be represented at the hearing.

**Lois D. Cashell,**

*Secretary.*

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