

Room 2A of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix "Black River Project No. 2569-004" and/or "Beebe Island Project No. 2538-001" to all comments. For further information, please contact Tom Camp at (202) 219-2832.

Lois D. Cashell,  
Secretary.

[FR Doc. 96-6907 Filed 3-21-96; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. P-2660, et al.]

**Hydroelectric Applications [Georgia-Pacific Corporation, et al.]; Notice of Applications**

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. Type of filing: Notice of Intent to File an Application for a New License.

b. Project No.: 2660.

c. Date filed: August 21, 1995.

d. Submitted By: Georgia-Pacific Corporation, current licensee.

e. Name of Project: Forest City.

f. Location: On Forest City Stream, East Branch of the St. Croix River, in Aroostook and Washington Counties, Maine.

g. Filed Pursuant to: 18 CFR 16.6 of the Commission's regulations.

h. Effective date of original license: April 1, 1962.

i. Expiration date of original license: August 31, 2000.

j. The licensed project consists of: (1) the United States portion of a 500-foot-long dam having a 110-foot-long western embankment section, a 45-foot-long timber-crib spillway section containing two hand-operated wooden 8.3-foot-wide, 10-foot-high gates, and the western half of a 7-foot-wide center pier section; (2) the United States portion of a reservoir having a 17,040 acre surface area at normal pool elevation 434.94 feet m.s.l.; and (3) appurtenant facilities.

The unlicensed project works consist of: (1) the Canadian portion of a 500-foot-long dam having a 324-foot-long eastern embankment section, a pool and weir type fishway section containing six 6.5-foot-wide, 4.0-foot-deep pools, a hand-operated 8.3-foot-wide, 10.0-foot-high wooden gate, and the eastern half of a 7-foot-wide center pier section; and

(2) the Canadian portion of a reservoir having a 17,040 acre surface area at normal pool elevation 434.94 feet m.s.l.

The project has no installed generating capacity.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Woodland Mill, Main Street, Woodland, Maine 04694, (207) 427-3311.

l. FERC contact: Charles T. Raabe (202) 219-2811.

m. Pursuant to 18 CFR 16.11 and 16.19 each application for a new or subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by August 31, 1998.

2 a. Type of Application: Preliminary Permit.

b. Project No.: 11490-000.

c. Date Filed: July 11, 1994.

d. Applicant: Fall Line Hydro Company, Inc.

e. Name of Project: Augusta Canal Water Power Project.

f. Location: On the Savannah River, Richmond County, Georgia.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)-825(r).

h. Applicant Contact: Mr. Robert A. Davis III, Fall Line Hydro Company, Inc., P.O. Box 957265, Duluth, GA 30136, (404) 938-7769.

i. FERC Contact: Michael Dees (202) 219-2807.

j. Comment Date: May 17, 1996.

k. Description of Project: The proposed project would consist of: (1) an existing stone masonry dam approximately 1,600 feet long; (2) an existing 119-acre reservoir with a normal maximum surface elevation of 155 feet msl; (3) an existing section of the Augusta Canal; (4) a proposed intake structure; (5) a proposed powerhouse containing four 3.0 MW hydropower units; (6) a proposed tailrace structure approximately 150 feet long; (7) a proposed transmission line 1,600 feet long; and (8) appurtenant facilities. The applicant estimates that the annual energy generation would be 65,000 Mwh and that the cost of the studies to be performed under the permit would be \$25,000. Project energy would be sold to Oglethorpe Power Corporation or another utility. The dam and canal are owned by the City of Augusta, GA.

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

3 a. Type of filing: Notice of Intent to File An Application for a New License.

b. Project No.: 3030.

c. Date filed: February 27, 1996.

d. Submitted By: Antrim County, Michigan, current licensee.

e. Name of Project: Elk Rapids.

f. Location: On the Elk River, in the Village of Elk Rapids, Antrim County, MI.

g. Filed Pursuant to: 18 CFR 16.6(b) of the Commission's regulations.

h. Effective date of original license: February 28, 1981.

i. Expiration date of original license: February 27, 2001.

j. The project consists of: (1) a forebay; (2) an 87-foot-long, 23.5-foot-high concrete and brick powerhouse and integral dam structure containing two 350-kW generating units for a total installed capacity of 700-kW; (3) a concrete spillway having stoplog control located on the Elk River about 450 feet southwest of the powerhouse; (4) a reservoir having a 34,000 acre surface area and a 75,000 acre-foot storage capacity at normal summer pool elevation 588.26 feet IGLD; (5) a tailrace to Grand Traverse Bay; (6) a 50-foot-long, 4,160-volt underground transmission line; and (7) appurtenant facilities.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Antrim County Board of Commissioners, P.O. Box 520, Bellaire, MI 49615, (616) 533-6265.

l. FERC contact: Charles T. Raabe (202) 219-2811.

m. Pursuant to 18 CFR 16.19 and 16.20, each application for a new or subsequent license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by February 27, 1999.

4 a. Type of Application: New Major License.

b. Project No.: 2616-004.

c. Date Filed: December 18, 1991.

d. Applicant: Niagara Mohawk Power Corporation.

e. Name of Project: Hoosic River Hydroelectric Project.

f. Location: Hoosic River, Rensselaer and Washington counties, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. Jerry Sabattis, Hydro Licensing Coordinator, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, (315) 474-1511.

i. FERC Contact: Edward R. Meyer (202) 208-7998.

j. Deadline Date: The Director, Office of Hydropower Licensing, is waiving that part of section 4.34(b) of the

regulations (see Order No. 533 issued May 8 1991, 56 FR 23108 (May 20, 1991)), that sets the deadlines. Therefore, all comments, recommendations, terms and conditions, and prescriptions concerning this application must be filed with the Commission by May 24, 1996. All reply comments must be filed with the Commission by July 8, 1996.

Also see paragraph D10.

k. Status of Environmental Analysis: The application and the response to the Commission's additional information request have been accepted for filing and the application is ready for environmental analysis. See attached paragraph D10.

l. Description of Project: The Hoosic River Project is located in Rensselaer and Washington counties, New York. The project consists of two developments, Johnsonville and Schaghticoke, which are located on the Hoosic River approximately 13.3 and 7.1 miles, respectively, from its confluence with the Hudson River. The applicant currently operates both developments as storage-and-release peaking facilities. The Johnsonville Dam creates a 450 acre impoundment at a normal maximum water surface elevation of 346 feet above mean sea level, a usable storage capacity of 1,790 acre-feet, and a gross maximum storage capacity of 6,430 acre-feet. The normal maximum vertical fluctuation of the Johnsonville impoundment is 4 feet. The Schaghticoke Dam creates a 198 acre impoundment at a normal maximum water surface elevation of 267 feet above mean sea level, a usable storage capacity of 190 acre-feet, and a gross maximum storage capacity of 1,150 acre-feet. The normal maximum vertical fluctuation of the Schaghticoke impoundment is 1 foot.

#### *Schaghticoke Development*

The Schaghticoke development includes: (a) a concrete gravity dam with 2.5-foot-high wooden flashboards; (b) a waste gate structure containing two steel timber gates; (c) a canal that leads to the pipeline intake structure containing an ice sluice; (d) one steel pipeline that leads to a steel surge tank; (e) five steel penstocks that exit the surge tank and lead to the powerhouse; and (f) a powerhouse containing four vertical Francis turbine-generator units and associated controls and equipment.

The total installed capacity of the Schaghticoke development is 15.1 megawatts (MW) with an annual average energy generation of 68,300 megawatt-hours (MWh) and a hydraulic capacity of 240 to 1,640 cubic feet per second (cfs). The facility creates a 1.96 mile

bypass reach between the dam and powerhouse tailrace. The bypass reach currently receives no minimum flows. The powerhouse operates under a gross head of 153 feet. There are no transmission lines included in the existing development.

The applicant proposes to change the operation of the Schaghticoke development from storage-and-release peaking to storage-and-release pulsing. The applicant also proposes to repair and upgrade the plant facilities and automate operations via remote controls.

The applicant proposes to release a minimum flow of 10 cfs to the bypass reach and a base flow of 40 cfs downstream of the powerhouse. Impoundment fluctuations would be limited to 1 foot below the top of the flashboards or spillway crest.

The applicant proposes to replace the existing waterwheel exciters with two 150-kilowatt, 15 cfs fixed discharge propeller turbines. The installed capacity of the development would increase to 16.4 MW and, because of generator restrictions, the hydraulic capacity would decrease to 1,470 cfs.

#### *Johnsonville Development*

The Johnsonville development includes: (a) a concrete gravity dam with 2.5-foot-high wooden flashboards; (b) a gatehouse containing four iron sluice gates; (c) a concrete intake structure containing two bays; and (d) a powerhouse containing two horizontal double runner Francis turbines, two synchronous plant generators and associated controls and equipment.

The total installed capacity of the Johnsonville development is 4.8 MW with an annual average energy generation of 14,350 MWh and a hydraulic capacity of 380 to 1288 cfs. There is no substantial bypassed reach associated with the facility. The powerhouse operates under a gross head of 38 feet. There are no transmission lines included in the existing development.

The applicant proposes to change the operation of the Johnsonville development from storage-and-release peaking to storage-and-release pulsing. The applicant would also repair and upgrade the plant facilities and automate operations via remote controls. The applicant proposes to reduce the normal fluctuations in the impoundment from 4 feet to 1 foot. The applicant would release a base flow of 40 cfs downstream of the powerhouse.

The applicant proposes to enhance recreational facilities by: providing a recreational/educational trail system along the north shore downstream of the

Buskirk Bridge (including an observation deck, interpretive signs, picnic area, fishing access points, and parking area); constructing car-top boat launch sites with picnic facilities on the southeast shore near the dam; constructing a canoe portage around the dam; and constructing a car-top boat launch near the Buskirk Bridge for access to the Johnsonville impoundment.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: A4 and D10.

o. Available Location of Application: A copy of this application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2A, Washington, D.C., 20426, or by calling (202) 208-1371. A copy is also available for inspection and reproduction at Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, or by calling (315) 474-1511.

5 a. Type of filing: Notice of Intent to File An Application for a New (Subsequent) License.

b. Project No.: 2585.

c. Date filed: July 28, 1995.

d. Submitted By: Duke Power Company, current licensee.

e. Name of Project: Idols.

f. Location: On the Yadkin River, in Forsyth County, NC.

g. Filed Pursuant to: 18 CFR 16.6 of the Commission's regulations.

h. Effective date of original license: April 1, 1962.

i. Expiration date of original license: July 31, 2000.

j. The project consists of: (1) a 15-foot-high, 660-foot-long rubble masonry dam having an ungated spillway; (2) a 1-mile-long reservoir having a 35 acre surface area and no appreciable storage at normal pool elevation; (3) an integral stone masonry and wood powerhouse containing six generating units with a total installed capacity of 1,411-kW; and (4) appurtenant facilities.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Duke Power Company, 422 South Church Street, Charlotte, NC 28242, (704) 382-8104.

l. FERC contact: Charles T. Raabe (202) 219-2811.

m. Pursuant to 18 CFR 16.19 and 16.20, each application for a new or subsequent license and any competing license applications must be filed with the Commission at least 24 months prior

to the expiration of the existing license. All applications for license for this project must be filed by July 31, 1998.

6 a. Type of Application: Minor License.

b. Project No.: 11574-000.

c. Date filed: February 23, 1996.

d. Applicant: City of Norwich, Department of Public Utilities.

e. Name of Project: Occum Project.

f. Location: on the Shetucket River, near the City of Norwich, New London County, Connecticut.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791 (a)-825(r).

h. Applicant Contact: Mr. Peter Polubiatko, Electric Division Manager, City of Norwich, Department of Utilities, 16 Golden Street, Norwich, CT 06360, (203) 823-4153.

i. FERC Contact: Michael Dees (202) 219-2807.

j. Comment Date: 60 days from the filing date in paragraph c.

k. Description of Project: The project would consist of the following features: (1) An existing dam, (2) a 90 acre reservoir, (3) a forebay, (4) an intake structure, (5) an existing powerhouse housing a hydropower unit with a capacity of 800 Kw; (6) a proposed fish passage facility; (7) an existing 4.8 Kv transmission line; and (8) appurtenant facilities.

l. With this notice, we are initiating consultation with the Connecticut State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

In addition to filing under the above paragraph, requests for additional studies may be submitted on a 3½-inch diskette formatted for MS-DOS based computers. In light of our ability to translate MS-DOS based materials, the text need only be submitted in the format and version that it was generated (i.e., MS Word, Wordperfect 5.1/5.2, ASCII, etc.). It is not necessary to reformat word processor generated text to ASCII. For Macintosh users, it would be helpful to save the documents in Macintosh word processor format and

then write them to files on a diskette formatted for MS-DOS machines.

7 a. Type of Application: Transfer of License.

b. Project No.: 10468-015.

c. Date Filed: February 28, 1996.

d. Applicant: Marsh Valley Hydroelectric Company Marsh Valley Development, Inc.

e. Name of Project: Marsh Valley.

f. Location: On the Portneuf River, in Bannock County, Idaho.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)-825(r).

h. Applicant Contact: Ted S. Sorenson, President, Marsh Valley Development, Inc., 5203 South 11th East, Idaho Falls, ID 83404, (208) 522-8069.

i. FERC Contact: Regina Saizan, (202) 219-2673.

j. Comment Date: May 3, 1996.

k. Description of Request: Marsh Valley Hydroelectric Company (MVHC), licensee, and Marsh Valley Development, Inc. (MVDI) request that the license for the Marsh Valley Project be transferred from MVHC to MVDI.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

#### *Standard Paragraphs*

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

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.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "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. A copy of any 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.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (May 13, 1996 for Project No. 2616-004). All reply comments must be filed with the Commission within 105 days from the date of this notice (June 26, 1996 for Project No. 2616-004).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of

good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required 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, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Dated: March 18, 1996, Washington, D.C.  
Lois D. Cashell,  
*Secretary.*

[FR Doc. 96-6966 Filed 3-21-96; 8:45 am]  
BILLING CODE 6717-01-P

## 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 the procedures for disbursement of \$721,973.05 (plus accrued interest) in alleged or adjudicated crude oil overcharges obtained by the DOE from Brio Petroleum, Inc. (Case No. VEF-0017), Merit Petroleum Company (Case No. VEF-0018), Transcontinental Energy Corp. (VEF-0020) and Utex Oil Co. (Case No. VEF-0021). The OHA has determined that the funds obtained from

these firms, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

**FOR FURTHER INFORMATION CONTACT:** Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585-0107, (202) 586-2860.

**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 tentatively formulated to distribute a total of \$721,973.05, plus accrued interest, remitted to the DOE by Brio Petroleum, Inc., Merit Petroleum, Inc., Transcontinental Energy Corp., and Utex Oil Co. The DOE is currently holding these funds in interest bearing escrow accounts pending distribution.

The OHA will distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP, crude oil overcharge monies are divided among the federal government, the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the volume of petroleum products that they purchased and the extent to which they can demonstrate injury.

Because the June 30, 1995, deadline for crude oil refund applications has passed, no new applications from purchasers of refined petroleum products will be accepted for the 20 percent of these funds allocated to individual claimants.

Dated: March 14, 1996.

Thomas O. Mann,  
*Acting Director, Office of Hearings and Appeals.*

### Implementation of Special Refund Procedures

#### Names of Firms:

Brio Petroleum, Inc.  
Merit Petroleum Company  
Transcontinental Energy Corporation  
Utex Oil Company

#### Date of Filings:

September 1, 1995

#### Case Numbers:

VEF-0017  
VEF-0018  
VEF-0020  
VEF-0021