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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–1690 Filed 1–23–97; 8:45 am]

BILLING CODE 6717–01–M

Notice of Request for Extension of Time To Commence Project Construction

January 17, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. Type of Filing: Request for Extension of Time To Commence Project Construction.

b. Applicant: City of Marion, Kentucky and Smithland Hydroelectric Partners, Inc.

c. Project No.: The proposed Smithland Lock and Dam Hydroelectric Project, FERC No. 6641–026, is to be located at the United States Army Corps of Engineers' Smithland Lock and Dam on the Ohio River in Livingston County, Kentucky.

d. Date Filed: December 16, 1996.

e. Pursuant to: Public Law 104–258.

f. Applicants Contact: Donald H. Clarke, Counsel for licensee, Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, N.W., Washington, D.C. 20006, (202) 783–4141.

g. FERC Contact: Mr. Lynn R. Miles, (202) 219–2671.

h. Comment Date: February 28, 1997.

i. Description of the Request: The licensee for the subject project has requested that the deadline for commencement of construction at its project be extended. The deadline to commence project construction for FERC Project No. 6641 would be extended to June 15, 1998. The deadline for completion of construction would be extended to June 15, 2000.

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

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.

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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–1692 Filed 1–23–97; 8:45 am]

BILLING CODE 6717–01–M

Request for Extension of Time to Commence Project Construction

January 17, 1997.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. Type of Filing: Request for Extension of Time to Commence Project Construction.

b. Applicant: Cannelton Hydroelectric Project, L.P.

c. Project No.: The proposed Cannelton Hydroelectric Project, FERC No. 10228–009, is to be located on the Ohio River in Hancock County, Kentucky.

d. Date Filed: December 4, 1996.

e. Pursuant to: Public Law 104–249.

f. Applicant Contact: Donald H. Clarke, Counsel for Licensee, Wilkinson, Barker, Knauer & Quinn, 1735 New York Avenue, N.W., Washington, D.C. 20006, (202) 783–4141.

g. FERC Contact: Mr. Lynn R. Miles, (202) 219–2671.

h. Comment Date: February 28, 1997.

i. Description of the Request: The licensee for the subject project has requested that the deadline for commencement of construction at its project be extended. The deadline to commence project construction for FERC Project No. 10228 would be extended to June 20, 1999. The deadline for completion of construction would be extended to June 20, 2001.

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

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.

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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–1694 Filed 1–23–97; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of October 28 Through November 1, 1996

During the week of October 28 through November 1, 1996, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: January 16, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 5—Week of October 28 Through November 1, 1996

Appeals

Action and Associates, Inc., 10/28/96, VFA–0224

Action and Associates, Inc. (Action) filed an Appeal from a determination issued to it by the DOE's Savannah River Operations Office (DOE/SR). In its Appeal, Action asserted that DOE/SR did not conduct an adequate search for records that Action had requested pursuant to the FOIA. Action also challenged the amount it was charged for the documents it obtained pursuant to its FOIA Request. The DOE determined that DOE/SR had conducted an adequate search for records and that its assessment of fees was appropriate and reasonable. Consequently, Action's Appeal was denied.

Harold Bibeau, 10/28/96, VFA–0223

Harold Bibeau filed an Appeal from a denial issued to him by the DOE's Office of Human Radiation Experiments (OHRE) of a Request for Information which he had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that OHRE had conducted a search reasonably calculated to find the requested information, and that all responsive documents had been released to Mr. Bibeau. However, in his Appeal, Mr. Bibeau expanded his original request. OHRE agreed to do a new search for the newly-requested documents. Therefore, the Appeal was denied.

Malcolm Parvey, 11/1/96, VFA–0225

Malcolm Parvey filed a Motion for Reconsideration of a Decision and Order which denied his Appeal of two determinations by the Western Area Power Administration (WAPA) under the Freedom of Information Act (FOIA). In those determinations, WAPA released some information to Mr. Parvey and charged him a total fee of $96.25. Mr. Parvey's Motion reiterates the arguments made in his original Appeal. Because Mr. Parvey did not present any new evidence or arguments, the DOE denied his Motion for Reconsideration.

Personnel Security Review

Oakland Operations Office, 10/28/96, VSA–0088

The DOE's Office of Safeguards and Security (OSS) filed a Request for Review of a DOE Hearing Officer's recommendation to restore the access authorization of an individual. The individual's access authorization was suspended upon receipt of information indicating the individual had tested positive for the presence of marijuana. The Hearing Officer found that the individual had mitigated DOE security concerns through his explanation that his marijuana use was limited and through his participation in a drug rehabilitation program. In considering the OSS Request for Review, the Director of the Office of Hearings and Appeals found that the Hearing Officer did not have sufficient evidence before him to support the finding that the individual's use of marijuana was limited. The Director noted that the individual failed to provide any evidence to corroborate the circumstances surrounding his marijuana use. The Director found that since the Hearing Officer's conclusions concerning rehabilitation were premised on limited marijuana use, these conclusions could not be sustained. Accordingly, the Director recommended that the individual's access authorization not be restored.

Refund Applications

Good Hope Refineries/Ashland Company, 10/30/96, RF339–6

Ashland Petroleum Company filed an Application for Refund in the Good Hope Refineries II Refund Proceeding. The DOE denied Ashland's application after finding that Ashland had failed to establish injury by rebutting the spot purchaser presumption.

Tajon, Inc., 11/01/96, RR272–229

The DOE considered a Motion for Reconsideration filed by Tajon, Inc. in the crude oil overcharge refund proceeding. In that Motion, Tajon argued that the DOE had improperly rescinded a prior crude oil overcharge refund granted to the firm. The prior refund was rescinded because Tajon had submitted a waiver of its rights to receive such a refund in connection with filing a refund claim in the Surface Transporters refund proceeding. In the Motion, Tajon contended that the waiver should not be considered valid because (a) gallonage information accompanying the claim was incomplete and (b) the required notarization was not made. However, in reviewing the waiver, the DOE found that the specification of gallonage was adequate, even if not fully corroborated, and that an affirmation by the firm's attorney had been substituted for the notarization. In view of these findings the DOE determined that the waiver should be considered effective, and that the Motion for Reconsideration should be denied.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

ASPHALT PRODUCTS CORP RF272–69293 11/1/96