

31. Virginia Electric and Power Company

[Docket No. ER96-2834-000]

Take notice that on August 28, 1996, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between South Carolina Public Service Authority and Virginia Power under the Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. Under the tendered Service Agreement Virginia Power will provide non-firm point-to-point service to South Carolina Public Service Authority as agreed to by the parties under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

32. Virginia Electric and Power Company

[Docket No. ER96-2835-000]

Take notice that on August 28, 1996, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service between PanEnergy Power Services, Inc. (PanEnergy) and Virginia Power under the Open Access Transmission Tariff to Eligible Purchasers dated July 9, 1996. Under the tendered Service Agreement Virginia Power will provide non-firm point-to-point service to PanEnergy as agreed to by the parties under the rates, terms and conditions of the Open Access Transmission Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

33. UtiliCorp United Inc.

[Docket No. ER96-2836-000]

Take notice that on August 28, 1996, UtiliCorp United Inc., tendered for filing on behalf of its operating division, Missouri Public Service, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 10, with *Sam Rayburn G&T Electric Cooperative, Inc.* The Service Agreement provides for the sale of capacity and energy by Missouri Public Service to *Sam Rayburn G&T Electric Cooperative, Inc.* pursuant to the tariff.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *Sam Rayburn G&T Electric Cooperative, Inc.*

UtiliCorp requests waiver of the Commission's Regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: September 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

34. UtiliCorp United Inc.

[Docket No. ER96-2837-000]

Take notice that on August 28, 1996, UtiliCorp United Inc., tendered for filing on behalf of its operating division, WestPlains Energy-Kansas, a Service Agreement under its Power Sales Tariff, FERC Electric Tariff Original Volume No. 12, with *Sam Rayburn G&T Electric Cooperative, Inc.* The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Kansas to *Sam Rayburn G&T Electric Cooperative, Inc.* pursuant to the tariff.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *Sam Rayburn G&T Electric Cooperative, Inc.*

UtiliCorp requests waiver of the Commission's regulations to permit the Service Agreement to become effective in accordance with its terms.

Comment date: September 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

35. Northwest Public Service Company

[Docket No. OA96-222-000]

Take notice that on August 28, 1996, Northwest Public Service Company tendered for filing a request for waiver of Part 37 of the requirements of the regulations of the Federal Energy Regulatory Commission.

Comment date: September 27, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. 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 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. 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. 96-23136 Filed 9-10-96; 8:45 am]
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Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of February 5 Through February 9, 1996

During the week of February 5 through February 9, 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, S.W., 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: August 28, 1996.

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

Decision List No. 958

Personnel Security Hearings

Albuquerque Operations Office, 2/5/95, VSO-0063

An Office of Hearings and Appeals Hearing Officer issued an opinion in a personnel security case involving a contractor employee at Los Alamos National Laboratory. Based upon the record, the opinion recommends against granting the employee an access authorization. In particular, the opinion concludes that neither the testimony of lay witnesses nor generally applicable published material is sufficient to rebut the informed, first-hand medical testimony of two board certified DOE-consultant psychiatrists, i.e., that the individual is a habitual user of alcohol to excess without adequate evidence of rehabilitation or reformation.

Oak Ridge Operations Office, 2/7/96, VSO-0059

An Office of Hearings and Appeals Hearing Officer issued an opinion concerning an individual whose access authorization was suspended because he had abused family members and because he was diagnosed as alcohol dependent by a DOE consultant psychiatrist. The Hearing Officer found that incidents of child abuse by the individual demonstrated a lack of judgment and reliability. The Hearing Officer further found that in view of the fact that the individual continued to use significant amounts of alcohol in the face of family and health problems, he was alcohol dependent. Accordingly, the Hearing Officer found that the individual's access authorization should not be restored.

Appeal

A. *Victorian*, 2/7/96, LFA-0387

A. *Victorian* (*Victorian*) filed an Appeal from a determination issued to him by the Deputy Assistant Secretary for Military Application and Stockpile Support of the Department of Energy (DOE/MA). In his Appeal, *Victorian* asserted that DOE/MA improperly withheld portions of a document identified as responsive to *Victorian's* Freedom of Information Act (FOIA) Request. In his Request, *Victorian* requested copies of all documents containing information pertaining to the DOE's FALCON program. In its determination letter, DOE/MA provided

Victorian with one document in its entirety and a redacted copy of another document entitled "DOE Reactor-Pumped Laser Research Program" (Laser Document). DOE/MA stated in its determination letter that the withheld portions of the Laser Document contained classified information and were being withheld pursuant to Exemptions 1 and 3 of the FOIA. In his Appeal, *Victorian* asserted that the information withheld in the Laser Document had been inappropriately classified and should be provided to him. The DOE determined that almost all of the withheld information in the Laser Document had been properly withheld under Exemptions 1 and 3. However, the DOE also found that a small portion of the previously withheld material could now be declassified and released to *Victorian*. Consequently, the DOE granted, in part, *Victorian's* Appeal.

Requests for Exception

Martin Petroleum Corporation, 2/5/96, LEE-0153

Martin Petroleum Corporation filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." *Martin* argued that the amount of time

it took the firm to prepare the required forms constituted a burden. However, the DOE determined that *Martin* was not suffering a special hardship, inequity or unfair distribution of burdens. Accordingly, exception relief was denied.

Pitcher Sales, Inc., 2/5/96, VEE-0004

Pitcher Sales, Inc., filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-782B and Form EIA-863, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report" and "Petroleum Product Sales Identification Survey," respectively. *Pitcher* argued that filing these surveys was time consuming and onerous. However, the DOE determined that *Pitcher* was not suffering a special hardship, inequity or unfair distribution of burdens. Accordingly, exception relief was 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.

Arnold Heiden et al	RK272-368	02/05/96
Charles W. Combs et al	RK272-2671	02/05/96
County Line School District et al	RF272-95402	02/05/96
Crude Oil Supple. Refund Dist	RB272-66	02/05/96
Farmers Cooperative Assn. et al	RK272-2475	02/05/96
Gulf Oil Corporation/Aranki Gulf #1 et al	RF300-14990	02/05/96
Gulf Oil Corporation/Woods & Helton Gulf et al	RF300-18298	02/07/96
Gulf Oil Corporation/Zachary Gulf et al	RF300-13978	02/07/96
Harkins & Company et al	RK272-3209	02/07/96
Heyman Truck, Inc. et al	RF272-77606	02/05/96
Rogers Transportation Co., Inc	RK272-71	02/07/96
Floyd Mining Co., Inc	RK272-72
American Jet Aviation	RK272-73
W.V. Wall Legging et al	RK272-1141	02/07/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Allied Towing Corp	RF300-19784
Anchor Pointe Boat	RF300-18070
Balcones Gulf	RF300-20992
Bubb's Gulf	RF300-19967
C.M. Bullock Gulf	RF300-18186
Camargo Gulf	RF300-19741
Carolina Moving & Storage, Inc	RF300-18535
Chris A. Schaefer	VFA-0114
Dee's Fuel Service	RF304-15002
Florida East Coast Highway Dispatch	RF272-78177
Florida East Coast Railway Company	RF272-78175
J. Preston Moore	RF300-19923
Mac's ARCO	RF304-15040
Orsid Realty	RF272-78572

Name	Case No.
Piper Aircraft Corp.	RF300-19993
Radiant Oil Company	RF300-19988
Repetz Brothers ARCO	RF304-13134
Repetz Brothers ARCO	RF304-12910
Richard's Gulf Service	RF300-18709
Shahum Service Station	RF304-15060
Stratford ARCO	RF304-15050
Thor Lieungh	RF304-13536
Thrifty Oil Company	RF300-19922
Walt's ARCO	RF304-14667
Woodautomatic Gas Co	RF304-14996

[FR Doc. 96-23180 Filed 9-10-96; 8:45 am]

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Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of July 1 through July 5, 1996

During the week of July 1 through July 5, 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, S.W., 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: August 28, 1996.

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

Decision List No. 979

Week of July 1 through July 5, 1996

Appeals

Marlene Flor, 7/2/96, VFA-0175

The Department of Energy (DOE) issued a Decision and Order granting a Freedom of Information Act Appeal that was filed by Marlene Flor. In her Appeal, Ms. Flor contested the accuracy

of a cost estimate provided to her by the DOE's Albuquerque Operations Office for processing her request for information under the Freedom of Information Act. In the Decision, the OHA found that Ms. Flor fell into the "all other requesters" category of FOIA requesters, and that she could not be charged for time spent by DOE employees in reviewing responsive documents for exempt material. The DOE therefore remanded her request to the Albuquerque Office for the formulation of a new estimate.

Tenaska Washington Partners II, L.P., 7/2/96, VFA-0176

Tenaska Washington Partners II, L.P. (TWP) filed an Appeal from a determination issued to it on May 21, 1996 by the Deputy Inspector General for Audit Services of the Office of Inspector General (IG) of the Department of Energy (DOE). In that determination, the IG partially denied a request for information that TWP filed pursuant to the Freedom of Information Act (FOIA). In its Appeal, TWP contends that the IG improperly withheld factual information pursuant to FOIA Exemption 5 and that the IG "waived" its ability to withhold a document pursuant to FOIA Exemptions 6 and 7. In considering the Appeal, the DOE confirmed that the redacted information does not contain any factual information and that the IG properly withheld the requested information pursuant to Exemption 5. The DOE also found that there is no merit to TWP's argument that the IG "waived" its ability to withhold a document pursuant to FOIA Exemptions 6 and 7. Accordingly, the DOE denied the appellant's request.

Refund Applications

Moore Brothers, 7/2/96, RR272-232

Moore Brothers was a trucking company that filed an Application for Refund in the Subpart V crude oil refund proceeding. In its original

application (Case No. RF272-4527), Moore Brothers was denied a refund due to a lack of adequate documentation (January 26, 1990). On February 20, 1996, Moore Brothers filed a Motion for Reconsideration, requesting that the DOE reconsider its 1990 Decision. In the Motion for Reconsideration, Moore Brothers provided documentation adequate to substantiate the applicant's estimate of petroleum products consumed during the price control period. Accordingly, the Motion for Reconsideration was granted.

Perry Gas Processors, Inc./Alabama, RQ183-604, Charter Company/Alabama, RQ23-605, National Helium Corp./Alabama, RQ3-606, Coline Gasoline Corp./Alabama, 7/2/96, RQ2-607

The DOE issued a Decision and Order granting a second-stage refund application filed by the State of Alabama. Alabama requested that all remaining funds allocated to it in the Perry Gas Processors, Charter Company, National Helium Corp. And Coline Gasoline special refund proceedings be used to fund the state's Energy Conservation Loan Program. As of May 31, 1996, the amount of those funds totaled \$370,540 (\$102,445 in principal and \$268,095 in interest). The DOE found that Alabama's proposal would provide timely restitutionary benefits to injured consumers of refined petroleum products. Accordingly, Alabama's second-stage refund application was granted.

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.

Allied-Signal, Inc	RF272-77990	07/01/96
Bronaugh Motor Express, Inc. et al	RF272-89203	07/05/96
Crude Oil Supple. Ref	RB272-00082	07/01/96