

Commission find that WPL's tariff indemnity provision in effect at the time of the propane delivery in question was valid and enforceable against Empire.

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 Sections 385.214 and 385.211 of the Commission's Regulations. All such motions or protests must be filed on or before October 3, 1996. All protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestants a party 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 inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96-23595 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8278-015, 8278-016 and 8278-017]

Crystal Springs Hydroelectric Limited Partnership; Notice of Availability of Environmental Assessment

September 10, 1996.

An environmental assessment (EA) is available for public review. The DEA reviews an application to amend the license for the Cedar Draw Creek Project located on Cedar Draw Creek in Twin Falls County, Idaho. The license would be amended to: (1) allow the replacement of Unit No. 3 turbine with a new turbine which would reduce the project's total installed capacity from 2,914 kW to 2,878 kW; (2) reduce the minimum flow requirement from 25 cubic feet per second (cfs) to 10 cfs; and (3) replace 1/4 inch screens with 3/8 inch screens. The EA concluded that approving the installation of the variable flow turbine, reduction of the minimum flow requirement and increasing the mesh size of the fish screens would not constitute a major federal action significantly affecting the quality of the human environment.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be obtained by calling the Commission's Public Reference Room at (202) 208-1371.

Lois D. Cashell,

Secretary.

[FR Doc. 96-23596 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

Notice of Public Meeting

September 10, 1996.

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

a. Type of Notice: Notice of Public Meeting.

b. Project No: 10813-011.

c. Applicant: Town of Summersville.

d. Name of Project: Summersville.

e. Location of Project: On the Gauley River in Nicholas and Fayette Counties, West Virginia, and would use surplus water from the U.S. Army Corps of Engineers' Summersville Dam.

f. Applicant Contact: James B. Price, President, Noah Corporation, 120 Calumet Court, Aiken, SC 29803, (803) 642-29803, (803) 642-2749.

g. FERC Contact: Mohamad Fayyad, (202) 219-2665.

h. Description: The Federal Energy Regulatory Commission (FERC) will hold a public meeting regarding an amendment of license for the Summersville Hydroelectric Project. The licensee is proposing the following design changes: (1) installing two instead of the authorized four generating units, but with the same total capacity of 8 MW, and (2) re-routing the project's transmission line. The proposed transmission line alignment will extend about 9.9 miles from project's switchyard in a southerly direction and connect to an Appalachian Power Company substation in Fayette County, WV. This proposed alignment would require the clearing of about 75 acres of woods.

The amendment application, which was filed on September 25, 1995, was public noticed on November 2, 1995, with December 4, 1995, as the last date to file comments, motions to intervene, or protests. Nothing was filed in response to that public notice. On April 29, 1996, we issued a Draft Environmental Assessment with a comment date of May 28, 1996. We received two comments in timely fashion. After the comment period, however the FERC received a numerous number of petitions from area residents and property owners commenting on the proposed transmission line route.

A public meeting will be held on September 19, 1996, to give the public another opportunity to comment on the amendment application. The meeting will be held at the Summersville Municipal Building, 400 N. Broad Street, Summersville, WV. The meeting will begin at 7:00 pm and is expected to last until approximately 10:00 pm. Persons unable to attend the meeting, or persons choosing not to speak at the

meeting, may submit statements to Secretary, Federal Energy Regulatory Commission, 888 North Capitol Street, NE., Washington, DC 20426, no later than September 20, 1996. All correspondence should clearly show the following caption on the first page—Summersville Project No. 10813. For further information, please contact Moe Fayyad at (202) 219-2665.

Lois D. Cashell,

Secretary.

[FR Doc. 96-23566 Filed 9-13-96; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of June 26 Through June 30, 1995

During the week of June 26 through June 30, 1995, 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 30, 1996.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

Appeals

Richard W. Miller, 6/30/95, VFA-0046; VFA-0049

Richard W. Miller filed an Appeal from three determinations issued by the Strategic Petroleum Reserve Project Management Office (SPRO) of the Department of Energy in response to a request from Mr. Miller under the Freedom of Information Act (FOIA). Mr. Miller sought documents related to three DOE contracts. In considering the Appeal, the Office of Hearings and Appeals found that SPRO had not adequately justified the withholding of the documents under FOIA Exemption

5. Accordingly, the Appeal was remanded to SPRO to either release the documents or issue a new Determination.

Sangre De Cristo Animal Protection, Inc., 6/30/95, VFA-0047

SDCAP filed an Appeal from a denial by the Albuquerque Operations Office of a Request for Information which they had submitted under the Freedom of Information Act. In considering the appeal, the DOE found that DOE-owned contractor records, which were not in the possession of the DOE at the time of the request, were not subject to the FOIA under 10 C.F.R. § 1004.3(e) because the contractor claimed the "critical self-evaluative privilege" that was found by the DOE to be recognized under federal or state law. The DOE found that the names and faces of contractor employees were properly redacted from responsive records and photographs under Exemption 6. The DOE also found that Albuquerque's search for responsive documents was adequate.

Wilbert L. Townsend, 6/28/95, VFA-0044

Wilbert L. Townsend filed an Appeal from a denial by the Nevada Operations Office of a request for information that he filed under the Freedom of Information Act (FOIA). In considering the information that was withheld, the DOE determined that all of previously withheld material, which concerned personal information submitted by the top three candidates for an industrial hygienist position, had been properly withheld pursuant to Exemption 6 of the FOIA. Accordingly, the Appeal was denied.

Personnel Security Hearing

Office of Security Affairs, 6/28/95, VSA-0011

The DOE Office of Security of Affairs (OSA) filed a Request for Review, 10 C.F.R. § 710.28(a), of an Opinion issued by a Hearing Officer on March 22, 1995, concerning the eligibility of an individual to hold a level "Q" access authorization under regulations set forth at 10 C.F.R. Part 710. In the Opinion, the Hearing Officer considered the determination of DOE Albuquerque Operations Office to suspend the individual's access authorization based upon criterion set forth in 10 C.F.R.

§ 710.8(h), i.e. that the individual has a mental condition of a nature that in the opinion of a board-certified psychiatrist causes, or may cause, a significant defect in her judgment or reliability. The Hearing Officer determined in the Opinion that based upon the weight of the psychiatric testimony and other evidence presented in the proceeding, the individual's access authorization should be restored. In considering OSA's Request for Review, the reviewing official appointed by the Director of the Office of Hearings and Appeals determined that two matters raised by OSA concerning the testimony of the individual's psychiatrist and supervisor were satisfactorily resolved by evidence presented in the record. The reviewing official further determined that restoring the individual's access authorization will not endanger the common defense and security and will be clearly consistent with the national defense. Accordingly, the reviewing official concurred in the Opinion of the Hearing Officer.

Request for Exception

Kyle's Friendly Service, 6/28/95, VEE-0003

Kyle's Friendly Service filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that the firm was suffering a variety of hardships. Accordingly, the DOE issued a Decision and Order granting the firm temporary relief of six months, effective immediately.

Refund Applications

Atlantic Richfield Company/Seago Enterprises, Inc., 6/30/95, RF304-13736

The DOE granted in part an Application for Refund filed by Seago Enterprises, Inc., in the ARCO special refund proceeding. The firm had applied for a refund based upon product purchased during 1973, and 1974, part of which was resold to ARCO. Seago's 1973 ARCO purchases were subject to a fixed-price contract based upon January 1973 prices. Seago's purchases during the refund period were therefore at prices significantly below prevailing market prices, and the DOE found that

Seago was not injured with respect to these purchases. With respect to the product that was resold to ARCO, because the contracts guaranteed Seago a fixed profit margin, the firm was also not injured with respect to these purchases. Therefore, the DOE determined that Seago was entitled to a refund only for its 1974 purchases that were not resold to ARCO.

Interstate Power Company, 6/28/95, RF272-92278

The DOE issued a Decision and Order concerning an Application for Refund filed in the Subpart V crude oil overcharge refund proceeding by Interstate Power Company. The DOE determined that Interstate Power Company was not entitled to a refund since it had filed a Utilities Escrow Settlement Claim Form and Waiver, thereby waiving its right to a Subpart V crude oil refund. Accordingly, the Application for Refund was denied.

Texaco Inc./Major Brands, 6/28/95, RR321-179

Two owners of Major Brands filed a Motion for Reconsideration of a Decision and Order that had previously been issued to Major Brands. In that Decision, the DOE had granted a refund to Major Brands, but determined that only the owner that signed the Application for Refund was entitled to receive a share of the refund. The other two owners stated in their motion that they were under the assumption that Major Brands' original Application for Refund was intended to represent all of the eligible owners of the firm since the Application was filed in the name of the firm. These co-owners further stated that the original Application failed to acknowledge them as partners in Major Brands. In considering this request, the DOE found that the Motion for Reconsideration should be granted. Therefore, the DOE issued a Decision and Order granting refunds to the two owners that submitted the Motion.

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.

BRICK & TILE ET AL	RF272-77213	06/28/95
CITY OF NORTH MIAMI ET AL	RF272-95506	06/28/95
CRUDE OIL SUPPLE REF DIST	RB272-6	06/28/95
GULF OIL CORPORATION/PANCALLO GULF	RF300-21829	06/28/95
PATRICIA JOHNSON ET AL	RK272-2	06/28/95
TEXACO INC./G & G TEXACO	RF321-21075	06/28/95
TEXACO INC./LES TEXACO SERVICE ET AL	RF321-20267	06/28/95

TEXACO INC./RICHARD SHORT OIL CO., INC	RF321-7365	06/28/95
CHARLES F. WEAVER TEXACO	RF321-19727	

Dismissals

The following submissions were dismissed:

Name	Case No.
ABB POWER T&D COMPANY, INC	RF272-92406
ALAN CORP	RF321-20679
AVERITT EXPRESS	RF272-95135
BO JACKSON'S TEXACO SERVICE STATION	RF321-20191
BUCKEYE COUNTRYMARK, INC	RG272-14
CANTON'S TEXACO	RF321-20779
EAST PROVIDENCE FUEL OIL CO., INC	RF321-20696
FARMERS COOPERATIVE CO	RG272-255
FARMERS UNION OIL COMPANY	RG272-264
GURRAN OIL CO., INC	RF321-20553
HOLT BROTHERS	RF272-99106
JIM DEWEIN'S TEXACO	RF321-20225
KLOSTER CRUISE LIMITED	RF321-20756
LEWISVILLE TEXACO	RF321-19856
M.A. MALIK	VFA-0048
MUNIR A. MALIK	VFA-0053
NORCO FUEL SERVICE, INC	RF321-20180
PANCO OIL COMPANY	RF321-20587
RAMOS' TEXACO	RF321-20489
ST. JOSEPH'S CHURCH	RF272-99104
WEST DAVIE TEXACO	RF321-20735
WINFORD COMPANY, INC	RF321-20663

[FR Doc. 96-23627 Filed 9-13-96; 8:45 am]
BILLING CODE 6450-01-P

Notice of Issuance of Decisions and Orders; Week of June 12 Through June 16, 1995

During the week of June 12 through June 16, 1995, 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.

Personnel Security Hearing

*Albuquerque Operations Office,
6/16/95, VSA-0005*

An individual whose access authorization had been suspended filed a request for review of a DOE Hearing Officer's recommendation against its restoration. The individual's access authorization had been suspended by the Department of Energy's (DOE) Albuquerque Operations Office (Albuquerque) upon its receipt of derogatory information indicating that the individual was a habitual user of alcohol to excess, used illegal drugs and had deliberately provided DOE security officials with false or misleading information.

Upon review, the individual claimed that she had been rehabilitated, and in the alternative, requested that the Director of the Office of Hearings and Appeals (the Director) stay her security proceeding in order to provide her with a sufficient time period to complete her rehabilitation. The Director found that she had not established her rehabilitation, and that her request for a stay of the proceeding should not be granted.

Implementation of Special Refund Proceedings

*Mockabee Gas & Fuel Oil Co., 6/12/95,
VEF-0001*

The OHA issued a Decision and Order announcing procedures for disbursement of \$75,638 plus accrued interest, in overcharges on No. 2 fuel oil and kerosene that were remitted to the DOE by Mockabee Gas & Fuel Oil Co. under a Modified Remedial Order issued to the firm in 1985. Under the procedures established in the Decision, end-users who purchased those products from Mockabee during the period November 1, 1973 through December 31, 1975, may apply for refunds. Successful applicants will receive refunds of \$.0612 per gallon. The deadline for filing Mockabee refund applications is September 29, 1995.

Murphy Oil Corp., Murphy Oil USA, Inc., Murphy Exploration & Production Co., 6/15/95, VEF-0003

The OHA issued a Decision and Order announcing procedures for disbursement of \$10,700,00 plus accrued interest, in alleged crude oil overcharges obtained by the DOE under a Settlement Agreement with Murphy Oil Corp., Murphy Oil USA, Inc., and Murphy Exploration & Production Co. The Murphy funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in