

river. The 3.03 miles of pipeline would include:

- 7,425 feet in Dakota County;
- 4,750 feet in an open cut crossing of the Mississippi River; and
- 3,825 feet in Washington County.

The general location of the project facilities is shown in appendix 1.<sup>2</sup>

#### *Land Requirements for Construction*

Construction of the proposed loop would require about 48.6 acres of land. Following construction, about 36.7 acres would be maintained as permanent right-of-way. The remaining 11.9 acres of land would be restored and allowed to revert to its former use.

#### *The EA Process*

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Land use
- Cultural resources
- Public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on

the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

#### *Currently Identified Environmental Issues*

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed loop and the environmental information provided by Northern. This preliminary list of issues may be changed based on your comments and our analysis.

- Three Federally listed endangered or threatened species may occur in the proposed project area.
- Northern plans to open cut the Mississippi River for 4,750 feet.
- The Mississippi River at the crossing location is designated as the Mississippi National River & Recreational Area.

#### *Public Participation*

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to:  
Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426;
- Reference Docket No. CP96-690-000;
- Send a copy of your letter to:  
Ms. Dawn Deibert Neumann, EA Project Manager, Federal Energy Regulatory Commission, 888 First St., NE., PR-11.2, Washington, DC 20426; and
- Mail your comments so that they will be received in Washington, DC on or before October 21, 1996.

If you wish to receive a copy of the EA, you should request one from Ms. Deibert Neumann at the above address.

#### *Becoming an Intervenor*

In addition to involvement in the EA scoping process, you may want to

become an official party to the proceeding or become an "intervenor". Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Ms. Dawn Deibert Neumann, EA Project Manager, at (202) 208-1046.

Lois D. Cashell,

*Secretary.*

[FR Doc. 96-24256 Filed 9-20-96; 8:45 am]

BILLING CODE 6717-01-M

## **Office of Hearings and Appeals**

### **Notice of Issuance of Decisions and Orders; Week of July 8 Through July 12, 1996**

During the week of July 8 through July 12, 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, DC 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>.

<sup>2</sup> The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208-1371. Copies of the appendices were sent to all those receiving this notice in the mail.

Dated: September 11, 1996.

George B. Breznay,  
Director, Office of Hearings and Appeals.

Decision List No. 980

## Appeals

*Burlin McKinney, 7/9/96, VFA-0177*

Burlin McKinney (McKinney) filed an Appeal from a denial by the Department of Energy's Office of the General Counsel (OGC) of a Request for Information which he had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the document requested by McKinney, a memorandum prepared by the OGC advising the Assistant Secretary for Environment, Safety and Health, was an attorney-client, attorney work-product document exempt from disclosure under Exemption 5 of the FOIA. Therefore, the Appeal was denied.

*William H. Payne, 7/10/96, VFA-0178*

William H. Payne (Payne) filed an Appeal from a determination issued to him by the Albuquerque Operations Office (AO) of the Department of Energy (DOE). In his Appeal, Payne asserted that AO did not conduct an adequate search for records he had requested pursuant to the FOIA. The DOE determined that AO had conducted an adequate search for records and Payne's Appeal was denied.

## Personnel Security Hearing

*Idaho Operations Office, 7/11/96, VSO-0087*

Hearing Officer from the Office of Hearings and Appeals issued an Opinion regarding the eligibility of an individual for access authorization under the provisions of 10 CFR Part 710.

After carefully considering the record of the proceeding in view of the standards set forth in Part 710, the Hearing Officer found that the individual's one-time use of marijuana was unintentional and therefore did not raise a significant security concern. The Hearing Officer found that the individual's explanation of the incident was credible, and therefore, that he did not falsify information when he provided this explanation at his personnel security interview. The Hearing Officer also found that although the individual had engaged in unusual conduct, he had taken steps to prevent this conduct from recurring. Accordingly, the Hearing Officer found that the individual's access authorization should be restored.

## Request for Exception

*Boyd Jolley Company, 7/12/96, VEE-0006*

Boyd Jolley Company filed an Application for Exception from the requirement that it file the Energy Information Administration's form entitled "Resellers' Monthly Petroleum Product Sales Report" (Form EIA-782B). In considering this request, the DOE found that the firm did not meet the standards for exception relief, as it was not experiencing a serious hardship or gross inequity as a result of this reporting requirement. Accordingly, exception relief was denied.

## Refund Applications

*Anderson/The States, Et Al., Standard Oil (Indiana)/West Virginia, Belridge Oil Co./Rhode Island, Standard Oil (Indiana)/Rhode Island, Charter Co./Mississippi, 7/12/96, RQ14-11, et al.; RM251-296; RQ8-608; RQ251-609; RQ23-610*

The DOE issued a Decision and Order disbursing all remaining second stage funds, totaling \$15,491,367, to eligible state energy conservation offices. The funds are to be used to supplement other oil overcharge funds, including funds obtained from the Stripper Well Settlement Agreement, for various overcharge-related energy restitution and conservation programs. The funds can be used by both state governments and federally-recognized Indian Tribes. In addition, the Decision rescinds a portion of a previous second-stage refund granted to the State of Mississippi in the Charter special refund proceeding.

*R. Y. Management, et al., 7/11/96, RG272-1001, et al.*

The Office of Hearings and Appeals of the Department of Energy (DOE) issued a Decision and Order dismissing three Applications for Refund submitted in the crude oil overcharge refund proceeding conducted under 10 CFR Part 205, Subpart V. The claims were dismissed because they were filed after the deadline for submitting applications. As published in the Federal Register on April 21, 1995, all applications were to be postmarked by June 30, 1995.

## 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.

EASON OIL COMPANY/BRISCOE'S LP-GAS SERVICE, INC. ....	RF352-3	07/10/96
ATLANTIC RICHFIELD COMPANY .....	RF352-8	
HEINZ PET PRODUCTS ET AL .....	RF272-92540	07/12/96
JOHN TINNEY DELIVERY SERVICE ET AL .....	RF272-97708	07/10/96
MR. AND MRS. J.D. PIAR ET AL .....	RK272-03374	07/11/96
THE TIMKEN COMPANY .....	RR272-136	07/10/96
U.S. TURBINE CORP. ET AL .....	RG272-205	07/08/96

## Dismissals

The following submissions were dismissed:

Name	Case No.
ACME RESIN CORPORATION .....	RD272-58053
COPOLYMER RUBBER & CHEMICAL CORPORATION .....	RD272-58418
DANIEL INTERNATIONAL CORPORATION .....	RK272-3400
DIGITAL EQUIPMENT .....	RD272-58469
LEWISVILLE SHELL .....	RF315-5908
NATIONAL-STANDARD .....	RD272-17314
OXFORD AUTO SALES, INC. ....	RF300-19946
REPUBLIC TAXI COMPANY .....	RD272-55465
SOUTHWEST OIL DISTRIBUTORS .....	RF304-15427
THORNTON OIL COMPANY .....	RF304-15061
TIPTON SHELL .....	RF315-988
TRUCKSTOPS CORP. OF AMERICA .....	RF304-14293

Name	Case No.
UNITED TRUCK & BUS SERVICE .....	RF300-21715
WASHINGTON PARISH .....	RF272-97762

[FR Doc. 96-24294 Filed 9-20-96; 8:45 am]

BILLING CODE 6450-01-P

# **Notice of Issuance of Decisions and Orders; Week of August 26 Through August 30, 1996**

During the week of August 26 through August 30, 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: September 11, 1996.

George B. Breznay,  
Director, Office of Hearings and Appeals.

Decision List No. 987

Appeal

*Carolina Power & Light Co., 8/28/96,  
VEA-0005*

Carolina Power & Light Co. filed an Appeal from a determination by the DOE's Office of Environmental Management of CP&L's assessment for the Uranium Enrichment Decontamination and Decommissioning Fund (D&D Fund). CP&L argued that its assessment should not include DOE enrichment services associated with (1) leased enriched uranium, (2) a waste stream purchased from a foreign utility, or (3) fabrication allowances. After considering CP&L's arguments, the DOE determined that the requested exclusions would be inconsistent with the statute establishing the D&D Fund and the implementing regulations. Accordingly, the Appeal was denied.

## **Refund Applications**

*Fairmont Foods, Inc., 8/29/96, RF272-92292*

The DOE issued a Decision and Order concerning one Application for Refund filed by Fairmont Foods, Inc. In the Subpart V crude oil overcharge refund proceeding, the DOE determined that Fairmont Foods, Inc. was not entitled to a refund since it had filed a Reseller's Escrow Settlement Claim Form and Waiver. In that filing, Fairmont Foods, Inc. had requested a Stripper Well refund from the Reseller's escrow, thereby waiving its right to a Subpart V crude oil refund. Accordingly, the DOE denied the Application for Refund.

*Franklin Oil Corp., 8/29/96, RF272-98162*

The Department of Energy (DOE) issued a Decision and Order denying an Application for Refund that was filed by

Franklin Oil Corp. (Franklin) in the crude oil refund proceeding. In the Decision, the DOE concluded that Franklin was a refiner of petroleum products, and therefore was required to show that it was injured as a result of the alleged crude oil overcharges. Because Franklin failed to make such a showing, its application was denied.

*H&D Excavating, Inc., 8/30/96, RC272-348*

The DOE issued a Supplemental Order to H&D Excavating, Inc. rescinding a part of a Decision and Order that granted the application of 15 claimants in the Subpart V crude oil refund proceeding. See *Burnup & Sims, Inc.*, Case No. RF272-92013 (December 19, 1994). In that Decision, the DOE granted H&D Excavating, Inc. (Case No. RF272-92350), a refund of \$88 based on its purchases of 110,050 gallons of refined petroleum products. The United States Post Office returned as undeliverable the refund check mailed to H&D Excavating, Inc. Since the DOE was also unable to contact or locate H&D Excavating, Inc., the DOE rescinded the refund approved for H&D Excavating, Inc.

## **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.

CLAIRMONT TRANSFER COMPANY .....	RC272-349	08/29/96
COMMERCIAL TRUCK CO., LTD .....	RF272-97307	08/26/96
GREENWOOD MOTOR LINES, INC. ET AL .....	RF272-75953	08/28/96
IES INDUSTRIES INC .....	RF272-98185	08/28/96
MERCER MOTOR FREIGHT, INC. ET AL .....	RF272-97332	08/28/96
NASHVILLE ELECTRIC SERVICE ET AL .....	RF272-99115	08/28/96
NORTHEAST PETROLEUM INDUSTRIES/HUCKINS OIL COMPANY, INC. ....	RR264-1	08/29/96

## **Dismissals**

The following submissions were dismissed:

NAME	CASE NO.
ALMEIDA BUS LINES, INC. ....	RG272-0080
ASHCRAFT'S MARKETS, INC. ....	RF272-97807
BAKER AVIATION, INC. ....	RF272-98023
BARKER TIMBER COMPANY .....	RF272-95155
CHRYSLER TRANSPORT .....	RF272-97934
COCA-COLA BOTTLING CO .....	RF272-90191
DOLE FRESH VEGETABLES, INC .....	RF272-95152
ESTATE OF R.E. WILLIAMS .....	RF272-97906