

**20. UtiliCorp United Inc.**

[Docket No. ER96-2873-000]

Take notice that on September 3, 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 *PacifiCorp Power Marketing*. The Service Agreement provides for the sale of capacity and energy by WestPlains Energy-Kansas to *PacifiCorp Power Marketing* pursuant to the tariff, and for the sale of capacity and energy by *PacifiCorp Power Marketing* to WestPlains Energy-Kansas pursuant to *PacifiCorp Power Marketing's* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *PacifiCorp Power Marketing*.

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

*Comment date:* September 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

**21. UtiliCorp United Inc.**

[Docket No. ER96-2874-000]

Take notice that on September 3, 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 *PacifiCorp Power Marketing*. The Service Agreement provides for the sale of capacity and energy by Missouri Public Service to *PacifiCorp Power Marketing* pursuant to the tariff, and for the sale of capacity and energy by *PacifiCorp Power Marketing* to Missouri Public Service pursuant to *PacifiCorp Power Marketing's* Rate Schedule No. 1.

UtiliCorp also has tendered for filing a Certificate of Concurrence by *PacifiCorp Power Marketing*.

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

*Comment date:* September 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

**22. PacifiCorp**

[Docket No. ER96-2875-000]

Take notice that on September 3, 1996, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, Transmission Service Agreements with various customers under, PacifiCorp's

**FERC Electric Tariff, Original Volume No. 10.**

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

A copy of this filing may be obtained from PacifiCorp's Regulatory Administration Department's Bulletin Board System through a personal computer by calling (503) 464-6122 (9600 baud, 8 bits, no parity, 1 stop bit).

*Comment date:* September 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

**23. Pennsylvania Power & Light Company**

[Docket No. OA96-221-000]

Take notice that on August 16, 1996, Pennsylvania Power & Light Company tendered for filing an informational filing setting forth the rates for transmission service and ancillary services, and the charge for power service applicable under its requirements wholesale electric service contracts providing for bundled fixed rates.

*Comment date:* September 20, 1996, in accordance with Standard Paragraph E at the end of this notice.

**24. Vineland Municipal Electric Utility**

[Docket No. OA96-223-000]

Take notice that on September 3, 1996, Vineland Municipal Electric Utility (VMEU) tendered for filing an application for waiver from the requirements of Order No. 888 to submit a transmission open access tariff and of Order No. 889 to maintain an Open-Access Same Time Information System and comply with associated standards of conduct.

*Comment date:* October 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

**25. Citizens Utilities Company**

[Docket No. OA96-224-000]

Take notice that on September 3, 1996, Citizens Utilities Company (Citizens) tendered for filing a request for waiver for Vermont Electric Division, in which Citizens requests that the Commission grant a waiver of Citizens' Vermont Electric Division from compliance with the Standards of Conduct set in Commission Order No. 889 and Section 37.4 of the Commission's Regulations, 18 CFR § 37.4.

*Comment date:* October 3, 1996, in accordance with Standard Paragraph E at the end of this notice.

**26. People's Electric Cooperative**

[Docket No. OA96-225-000]

Take notice that on September 3, 1996, People's Electric Cooperative filed in the above docket a request pursuant to Section 35.28(e) of the Commission's Regulations for a waiver of the requirements of Order No. 889 that it establish or participate in an OASIS and implement Standards of Conduct.

*Comment date:* October 3, 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, N.E., Washington, D.C. 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. 96-23494 Filed 9-12-96; 8:45 am]

BILLING CODE 6717-01-M

**Office of Hearings and Appeals****Issuance of Decisions and Orders During the Week of October 2 Through October 6, 1995**

During the week of October 2 through October 6, 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, 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: August 28, 1996.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

## Appeals

### *Cohen & Cotton, 10/2/95, VFA-0073*

Cohen & Cotton filed an Appeal from a partial denial by the Western Area Power Administration (WAPA) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that material which WAPA withheld by claiming the protection of Exemption 5 was similar to information, contained in the same document, that had been released in response to the Request. Although the statements in a portion of the withheld information were inaccurate, inaccuracy cannot shield factual information from release.

### *Iko Kawata, 10/4/95 VFA-0063*

Iko Kawata filed an Appeal from a denial by the FOIA/Privacy Act Division of the Office of the Executive Secretariat of a Request for Information submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the request was

unclear, and the resulting search produced no responsive documents. Accordingly, the Appeal was denied.

### *Quanterra Environmental Services, 10/2/95, VFA-0078*

Quanterra Environmental Services (Quanterra) filed an Appeal from a determination issued by the Richland Field Office (Richland) in response to a request for information Quanterra submitted under the Freedom of Information Act (FOIA). Quanterra asserted that the search was inadequate. The DOE determined that the search was adequate and that any information Richland may have was not in the form Quanterra requested or desired. Accordingly, the Appeal was denied.

### Personnel Security Hearing

### *Albuquerque Operations, 10/2/95, VSO-0038*

An OHA Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization under the provisions of 10 CFR Part 710. The individual was alleged to be suffering from alcohol abuse. In addition, he was alleged to be unreliable because he violated a commitment to abstain from alcohol when he indicated in an interview that he would try to quit using alcohol. With respect to whether the respondent had violated an agreement to abstain from

alcohol, the Hearing Officer found that the respondent's statement that he would attempt to stop using alcohol was not a binding agreement. The principal issue in the case was whether the respondent was rehabilitated, as he agreed that he was an alcoholic. The respondent ceased drinking in December 1994 and had not resumed the use of alcohol as of the August 22, 1995 hearing. The Hearing Officer determined that there was insufficient evidence of rehabilitation since both the DOE psychiatrist and the respondent's psychologist testified that to demonstrate rehabilitation, the respondent would have to abstain from alcohol use for one year and participate in a formal alcohol treatment program. Accordingly, the Hearing Officer found that the respondent's access authorization should not be reinstated. However, the Hearing Officer recommended that the respondent be considered for the Employee Assistance Program Referral Option.

### 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.

Atlantic Richfield Company/Suburban Motor Freight, Inc. et al .....	RF304-12423	10/05/95
City of Raleigh et al .....	RF272-86122	10/05/95
Crude Oil Supply Ref Dist .....	RB272-53	10/02/95
Crude Oil Supply Ref Dist .....	RB272-29	10/02/95
Crude Oil Supply Ref. Dist. ....	RB272-52	10/05/95
Farmers Union Oil Co. et al .....	RK272-152	10/05/95
Gulf Oil Corporation/Kemmer & Bristow Grocery .....	RF300-18375	10/06/95
McKelvey Trucking Company .....	RJ272-1	10/03/95
Tennessee Truck Lines .....	RC272-296	10/02/95
Texaco Inc./Bill's Texaco et al .....	RF321-10575	10/02/95
Texaco Inc./Pacific Service Stations Co .....	RF321-20674	10/05/95
Texaco Inc./Pecan Shoppe of Santa Rosa et al .....	RF321-13958	10/02/95
Texaco Inc./Stuckey's Store #228 .....	RF321-16333	10/02/95
Stuckey's Store #248 .....	RF321-16334	
Stuckey's Store #244 .....	RF321-16335	

## Dismissals

The following submissions were dismissed:

Name	Case No.
Albuquerque Operations Office .....	VSO-0052
Ernest A. Lado .....	VFA-0072
Glockner Oil Co .....	RF321-20704
Hawn Freeway Texaco .....	RF321-20203
Jay M. Baylon .....	VFA-0081
Northwest Inter-District Council .....	RF272-88268
Stepan Chemical Company .....	RF321-20673
U.S. Borax .....	RF272-99132

[FR Doc. 96-23486 Filed 9-12-96; 8:45 am]  
BILLING CODE 6450-01-P

### Issuance of Decisions and Orders During the Week of September 25 Through September 29, 1995

During the week of September 25 through September 29, 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>.

Crude Oil Supplemental Refund Distribution .....	RB272-49	09/25/95
Grant Joint Union High School et al .....	RF272-97528	09/28/95
Gulf Oil Corporation/Hydro Conduit Corp. et al .....	RF300-21349	09/27/95
Gulf Oil Corporation/Medfield Gulf .....	RF300-21408	09/28/95
Magna Corp. (BPCI) .....	RF300-21413	
Town of West Warwick .....	RF300-21414	
Texaco Inc./4-Way Service et al .....	RF321-16408	09/27/95
Texaco Inc./Bill Lee Ivans .....	RF321-12207	09/28/95
Hunts Point Fuel Corp. ....	RF321-17353	
Walcoal, Inc. et al .....	RK272-77	09/28/95

### Dismissals

The following submissions were dismissed:

Name	Case No.
Government Accountability Project .....	VFA-0085
Government Accountability Project .....	VFA-0086

[FR Doc. 96-23487 Filed 9-12-96; 8:45 am]  
BILLING CODE 6450-01-P

### Issuance of Decisions and Orders During the Week of September 18 Through September 22, 1995

During the week of September 18 through September 22, 1995, the decisions and orders summarized below were issued with respect to appeals,

Dated: August 29, 1996.  
Richard W. Dugan,  
*Acting Director Office of Hearings and Appeals.*

### Personnel Security Hearing Oak Ridge Operations Office, 9/26/95, VSO-0034

Under the provisions set forth in 10 C.F.R. Part 710, the Department of Energy, Oak Ridge Operations Office (DOE/OR) suspended the access authorization ("L" level security clearance) of an individual based upon derogatory information received by the DOE/OR incident to the individual's arrest on a charge of indecent exposure. Following a personnel security interview and evaluation by a DOE consultant psychiatrist, DOE/OR suspended the individual's access authorization under disqualifying criteria set forth in: (1) 10 C.F.R. § 710.8(h), that the individual has "[a]n illness or mental condition of a nature which, in the opinion of a board-certified psychiatrist \* \* \* causes, or may cause, a significant defect in judgment or reliability," and (2) 10 C.F.R. § 710.8(1), that the individual has "[e]ngaged in [] unusual conduct or is subject to circumstances which tend to show that the individual is not honest, reliable, or trustworthy; or which furnishes reason to believe that the

individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security." Following a hearing convened at the request of the individual, the Office of Hearings and Appeals Hearing Officer found in the Opinion that (i) despite conflicts in the psychiatric testimony, it was clear that the individual suffered from a mental condition which caused a significant defect on his judgment and reliability, (ii) the individual was not rehabilitated but needed to continue medication and psychotherapy indefinitely, and (iii) there was a distinct possibility that the individual continues to conceal the nature of his condition and therefore would be subject to blackmail or coercion in the event of future incidents. Accordingly, the Hearing Officer concluded in the Opinion that the individual's access authorization should not be restored.

### 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.

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>.