

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. 97-5140 Filed 2-28-97; 8:45 am]

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Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: February 24, 1997, 62 FR 8237.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 26 1997, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Number and Company have been added to the Agenda scheduled for the February 26, 1997 meeting.

Item No.	Docket No. and company
CAG-7	RP97-137-000, Southern Natural Gas Company.

Lois D. Cashell,
Secretary.

[FR Doc. 97-5268 Filed 2-27-97; 11:50 am]

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Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of January 20 Through January 24, 1997

During the week of January 20 through January 24, 1997, 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.

Clark Oil Dealer
E.D. Fee Transfer, Inc., E.D. Fee Transfer, Inc

Gulf Stream Lumber Co

Halifax County, et al

J.J. Carter & Son of Nashville, et al

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>.

Dated: February 21, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 17

Week of January 20 through January 24, 1997

Appeals

Cascade Scientific, Inc., 1/23/97, VFA-0257

Cascade Scientific, Inc., filed an Appeal from a determination issued to it by the Richland Operations Office (Richland). In its Appeal, Cascade asserted that Richland improperly withheld unit price figures from a document requested pursuant to the FOIA. The DOE determined that Richland had correctly applied Exemption 4 to the unit price figures and the Appeal was denied.

Refund Applications

Department of the Navy, RF272-00464
U.S. Army Engineer District, RF272-77326

Charleston Naval Shipyard, RF272-77502

Accounting & Finance Office, 1/23/97, RF272-78004

The DOE dismissed Applications for Refund filed by four elements of the Department of Defense (DOD). The DOE noted that the Defense Logistics Agency had already received a refund for the total DOD consumption of domestic petroleum products during the refund period.

Ward Transport, Inc./William R. Ward, 1/23/97, RK272-04007

William R. Ward submitted an Application for a Supplemental Refund in the crude oil refund proceeding. As the former owner of the original Applicant, Ward Transport, Inc., Mr. Ward sought supplemental refund monies due to the corporation despite the fact that he sold the entire capital stock of the firm in 1989. After reviewing the purchase agreement, the DOE determined that Mr. Ward had not retained the right to receive a refund based on the corporation's refined product purchases when he sold the capital stock. Accordingly, Mr. Ward's Application for Supplemental Refund was denied.

Department of Veteran Affairs, 1/23/97, RR272-00111

The DOE denied a Motion for Reconsideration filed by a group of States from a Decision and Order granting a refund to a Department of Veterans Affairs (Veterans) medical center. The DOE rejected the States' argument that Veterans' status as a Federal agency was a bar to a crude oil refund. The DOE also rejected the States' argument that the purchases specified in the Veterans' Applications had already formed the basis for an earlier refund.

Land Paving Company, 1/21/97, RR272-00274

DOE denied a Motion for Reconsideration of a prior crude oil refund decision. The DOE found that the refund should go to the debtor in possession of the applicant company in a pending chapter 11 bankruptcy proceeding, rather than to either the estate of the owner of the firm or to a related firm.

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.

Clark Oil Dealer	RF342-274	
E.D. Fee Transfer, Inc., E.D. Fee Transfer, Inc	RG272-387,	1/23/97
	RR272-261	
Gulf Stream Lumber Co	RK272-01037	1/21/97
Halifax County, et al	RF272-86421	1/23/97
J.J. Carter & Son of Nashville, et al	RK272-03252,	1/21/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Lee Britton Clark	RF342-93

[FR Doc. 97-5124 Filed 2-28-97; 8:45 am]

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Notice of Issuance of Decisions And Orders During the Week of January 27 Through January 31, 1997

Office of Hearings and Appeals

During the week of January 27 through January 31, 1997, 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.o.ha.doe.gov>.

Dated: February 21, 1997.

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

Decision List No. 18

Week of January 27 through January 31, 1997

Appeals

Consolidated Edison Company of New York, Inc., 1/28/97, VFA-0006

The DOE denied an appeal of a utility from a determination of its liability to the Uranium Enrichment Decontamination and Decommissioning Fund established under the Energy Policy Act of 1992. The DOE determined that the utility was properly assessed for separative work it purchased in leasing uranium from the DOE and for separative work used to enrich excess uranium the utility provided to its nuclear fuel fabricator.

Ezra A. Beattie, Sr., 1/28/97, VFA-0247

The DOE denied a Freedom of Information Act (FOIA) Appeal filed by Ezra A. Beattie, Sr. Beattie sought information concerning a particular Office of the Inspector General (IG) investigation. The OHA found that the IG's withholding of the identities of individuals who had provided information to the IG was appropriate under FOIA Exemptions 6 and 7(C).

Eugene Maples, 1/31/97, VFA-0258

Eugene Maples filed an Appeal from a determination issued by the Office of Inspector General (OIG) on November 25, 1996. The determination released information Mr. Maples had requested but deleted all personal names in that information under Exemptions 6 and 7(C). The DOE determined that not all of the names deleted were eligible for withholding under these Exemptions, because some of them were of persons who were neither the focus of the OIG's investigation nor witnesses. Therefore, the DOE granted the Appeal in part, and remanded the matter to the OIG to determine whether any of the names withheld could be released.

Request for Exception

LePiers' Inc., 11/28/97, VEE-0034

LePiers' Inc., filed an Application for Exception from the requirement that it file Form EIA-782B, entitled "Resellers/Retailers' Monthly Petroleum Products Sales Report." The DOE found that exception relief was not warranted in this case, because LePiers' was not experiencing a special hardship, inequity or unfair distribution of burdens as a result of the requirement that it file the Form. Consequently, the DOE concluded that the Application for Exception filed by LePiers' should be denied.

Personnel Security Hearing

Personnel Security Hearing, 11/28/97, VSO-0101

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization. The DOE Personnel Security Division alleged that the individual: (1) Deliberately misrepresented in a personnel security interview his use of marijuana and problems with prescription drugs; and (2) used, or experimented with drugs or other controlled substance. The DOE alleged that this conduct tends to show that the individual is not honest, reliable, or

trustworthy. The Hearing Officer determined that the individual did not deliberately falsify information in a personnel security interview. However, the Hearing Officer also determined that the individual used an illegal drug and abused prescription medication, which indicated that he is not honest, reliable or trustworthy. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Refund Applications

Oivind Lorentzen Shipping As, 11/27/97, RG272-613

The DOE denied an Application for Refund filed on behalf of Oivind Lorentzen Shipping AS in the crude oil refund proceeding. The basis for the denial was the finding that the estimation method used by the firm to determine its petroleum product purchases during the refund period was not reasonable.

Wells Cargo, Inc., 11/28/97, RR272-124

Wells Cargo, Inc., filed a Motion for Reconsideration in the Supart V crude oil overcharge refund proceeding. The Office of Hearings and Appeals had previously rescinded the firm's crude oil refund because the firm had waived the right to receive such a refund by participating as a Surface Transporter in the Stripper Well refund proceeding. The firm requested that the Office of Hearings and Appeals reconsider that rescission, contending that it should have been able to claim refunds in the Subpart V refund proceeding that it could not have claimed in the Stripper Well refund proceeding. The OHA found no merit in this argument, stating that this very position had already been clearly considered and rejected by the Temporary Emergency Court of Appeals. Accordingly, Wells Cargo's Motion 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.