

regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One

copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 96-30416 Filed 11-27-96; 8:45 am]

BILLING CODE 6717-01-M

### Office of Hearings and Appeals

#### Notice of Cases Filed; Week of October 14 Through October 18, 1996

During the Week of October 14 through October 18, 1996, the appeals, applications, petitions or other requests

listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585-0107.

Dated: November 20, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

### LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 14 through October 18, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 15, 1996	Ashok K. Kaushal, Albuquerque, New Mexico.	VFA-0228	Appeal of an Information Request Denial. IF GRANTED: The September 26, 1996 Freedom of Information Request Denial issued by the Office of Inspector General would be rescinded, and Ashok K. Kaushal would receive access to certain Department of Energy information.
Oct. 16, 1996	Le Piers, Inc., Fosston, Minnesota .....	VEE-0034	Exception to the Reporting Requirements. IF GRANTED: Le Piers, Inc. would not be required to file Form EIA-782B Reseller's/Retailer's Monthly Petroleum Product Sales Report.
Oct. 16, 1996	Nugent Motor Company, Colebrook, New Hampshire.	VEE-0033	Exception to the Reporting Requirements. IF GRANTED: Nugent Motor company would not be required to file Form EIA-782B Reseller's/Retailer's Monthly Petroleum Product Sales Report.
Oct. 17, 1996	META, Inc., Arlington, Virginia .....	VWZ-0007	Motion for Dismissal. IF GRANTED: C. Lawrence Cornett's Part 708 complaint would be dismissed.
Oct. 17, 1996	Nathaniel Hendricks, Putney, Vermont .....	VFA-0229	Appeal of an Information Request Denial. IF GRANTED: The January 26, 1996 Freedom of Information Request Denial issued by the Argonne Group would be rescinded, and Nathaniel Hendricks would receive access to certain Department of Energy information.

[FR Doc. 96-30449 Filed 11-27-96; 8:45 am]

BILLING CODE 6450-01-P

#### Notice of Issuance of Decisions and Orders During the Week of October 7 Through October 11, 1996

During the week of October 7 through October 11, 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, 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: November 20, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

#### Decision List No. 2

Week of October 7 Through October 11, 1996

#### Personnel Security Hearing

##### ALBUQUERQUE OPERATIONS OFFICE, 10/9/96, VSO-0099

An Office of Hearings and Appeals Hearing Officer issued an opinion addressing the continued eligibility of an individual for access authorization

under the provisions of 10 C.F.R. Part 710. The Hearing Officer found that the Albuquerque Operations Office had presented sufficient evidence to show that the individual (i) deliberately omitted significant information from a security questionnaire, (ii) is a user of alcohol habitually to excess and suffers from alcohol abuse, and (iii) has engaged in conduct which tends to show that he is not reliable. The Hearing Officer also found that the individual had not shown he was rehabilitated or presented evidence which mitigated the security concerns of the DOE. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

#### Whistleblower Proceeding

##### META, INC., LOGISTICS APPLICATIONS, INC., 10/08/96, VWA-0006, VWA-0012

Eugene Greer filed a complaint under the Department of Energy's Contractor

Employee Protection Program. Greer alleged that he lost his employment with META, Inc., as a result of his cooperation with an investigation conducted by the Office of Inspector General into misuse of government property by two DOE employees responsible for supervising the META contract. The investigation resulted in a reprimand for one of the DOE employees. There was no allegation that META intentionally did anything improper, but that the two DOE officials who were the subjects of the IG investigation orchestrated Greer's dismissal by making negative comments about his work to META officials. META claimed that Greer's dismissal was the result of a corporate reorganization and that the DOE officials had no input into the decision.

The Hearing Officer found that Greer had not sustained his burden of demonstrating that DOE officials contributed in any way to his dismissal. The Hearing Officer noted that it is often impossible for the complainant to find a "smoking gun" that proves an employer's retaliatory intent and that the testimony of contractor officials who

have been accused of retaliating must be viewed with some skepticism. However, since there was no allegation of intentional wrongdoing and the testimony presented by META officials was consistent and reasonable, the Hearing Officer found their testimony to be credible. Consequently, he found that Greer's role in the IG investigation had no bearing upon the loss of his employment. Consequently, the relief Greer requested was denied.

#### Refund Applications

##### *STATE ESCROW DISTRIBUTION, 10/11/96, RF302-19*

The Office of Hearings and Appeals ordered the DOE's Office of the Controller to distribute \$15,400,000 to the State Governments. The use of the funds by the States is governed by the Stripper Well Settlement Agreement.

##### *THE 341 TRACT UNIT OF THE CITRONELLE FIELD/NATIONAL COOPERATIVE REFINERY, ET AL., 10/10/96, RF345-69, ET AL.*

The Department of Energy granted Applications for Refund filed by five refiner cooperatives in the 341 Tract

Unit of the Citronelle Field refund proceeding. The DOE rejected arguments by a group of Utilities, Transporters and Manufacturers and a group of States to the effect that these refiner cooperatives had previously waived their rights to receive more than the 5.4 percent share allocated to other refiners. The DOE also determined that the refunds should not be disbursed until it was clear that no appeal of the determination had been filed. The funds will be placed in a separate interest bearing account earmarked for these refiner cooperatives, who will be entitled to their refunds as well as accrued interest, should the outcome of any litigation be favorable to them. The total refund granted was \$1,746,845.

#### 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.

Name of firm	Case No.	Received
CITY OF KERNERSVILLE .....	RC272-354	10/10/96
TOWNSHIP OF PRINCETON .....	RC272-355	
CRUDE OIL SUPPLE REF DIST .....	RB272-00088	10/8/96
EAST POINT TRAWLERS, INC .....	RJ272-23	10/7/96
GRAY TRUCK CO., ET AL .....	RF272-97946	10/11/96
KEIGHTLY BROS. INC .....	RC272-333	10/8/96
POLK CNTY FARMERS COOP., ET AL .....	RF272-97804	10/8/96
REDWING CARRIERS, INC., ET AL .....	RG272-00096	10/7/96

#### Dismissals

The following submissions were dismissed.

Name	Case No.
AMERICAN FALCON CORP. ....	RF272-90314
COCA-COLA BOTTLING CO. CONSOLIDATED .....	RF272-92518
COLUMBUS CONSOLIDATED GOVT .....	RF272-95156
EQUITY COOPERATIVE .....	RG272-706
GREAT WESTERN AIRLINES, INC .....	RG272-1004
ITALIANO & PLACHE, L.L.P. ....	VFA-0219
MONTGOMERY TANK LINES .....	RG272-465
OAK RIDGE OPERATIONS OFFICE .....	VSO-0107
SCHENECTADY NAVAL REACTORS OFF .....	VSO-0112
SQUAW LAKE COOPERATIVE CO .....	RG272-707
SUTHERLAND FARMERS COOP .....	RG272-491

[FR Doc. 96-30448 Filed 11-27-96; 8:45 am]  
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#### **Notice of Issuance of Decisions and Orders; Week of September 30 Through October 4, 1996**

During the week of September 30 through October 4, 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