

Room 2-A, of the Commission's offices at 888 First Street, N.E., Washington, D.C. 20426.

For further information, please contact Robert Bell, Project Manager, at (202) 219-2806.

Lois D. Cashell,

Secretary.

[FR Doc. 96-4324 Filed 2-26-96; 8:45 am]

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[Projects Nos. 2582-002 and 2583-004]

Rochester Gas and Electric Corporation, New York; Notice of Availability of Final Multiple Project Environmental Assessment

February 21, 1996.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) Regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Hydropower Licensing has reviewed the applications for major new licenses for the Station 2 and Station 5 Projects, both located on the Genesee River, in Livingston and Monroe Counties, New York, and has prepared a Final Multiple Project Environmental Assessment (FMPEA) for the projects. In the FEA, the Commission's staff has analyzed the potential environmental impacts of the existing projects and has concluded that approval of the projects, with appropriate mitigation measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the FMPEA are available for review in the Public Reference Branch, Room 2-A, of the Commission's offices at 888 1st Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

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Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of May 8 Through May 12, 1995

During the week of May 8 through May 12, 1995, the decisions and orders summarized below were issued with respect to applications for exception or other relief 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.

Requests for Exception

Lovelace Gas Service, Inc., 5/11/95 LEE-0131

Lovelace Gas Service, Inc. (Lovelace) 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 Lovelace's request, the DOE found that the firm was not suffering a gross inequity or serious hardship. On October 4, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. A Statement of Objections to the Proposed Decision and Order was filed by William Lovelace, President of the company. After analyzing the arguments in the Statement of Objections, the DOE determined that Mr. Lovelace had not offered any additional evidence that the firm was experiencing a serious hardship or gross inequity. Therefore, the DOE issued a final Decision and Order denying Lovelace's Application for Exception.

Personal Security Hearing

Albuquerque Operations Office, 5/12/95 VSO-0020

An OHA Hearing Officer issued an opinion concerning the access authorization of an individual whose security clearance was suspended because he used illegal drugs. The individual, who represented himself, indicated at the hearing that he had been advised not to say anything at the hearing, and therefore did not present any witnesses, cross-examine the DOE's witnesses or offer any evidence on his own behalf. The Hearing Officer found that under the applicable regulations the purpose of a hearing is to allow the individual to provide support for his access eligibility. If he does not wish to offer such support, the regulations indicate that the Manager of the relevant Operations Office is to make a determination as to the access authorization issue. Accordingly, the Hearing Officer determined that the case file should be closed and the matter resolved by the Manager on the basis of the existing record.

Oak Ridge Operations Office, 5/8/95, VSO-0014

An Office of Hearings and Appeals Officer issued an opinion concerning the continued eligibility of an individual for access authorization under 10 CFR Part 710, entitled, "Criteria and Procedures for Determining Eligibility for Access Authorization to Classified Matter or Special Nuclear Material." After

considering the record in view of the standards set forth in Part 710, the Hearing Officer found that the individual: (i) Had been diagnosed by a board-certified psychiatrist as having a mental disorder which could cause a significant defect in the individual's judgment or reliability; (ii) was a user of alcohol habitually to excess and had been diagnosed by a board-certified psychiatrist as "alcohol dependent"; and (iii) had engaged in criminal behavior which cast aspersions on the individual's reliability. In rejecting the individual's claim that he had been rehabilitated from his alcohol problem, the Hearing Officer found that the individual had not abstained from using alcohol for a sufficient period of time. With respect to the individual's mental disorder, the Hearings Officer found that there was no evidence in the record that the individual's condition was in remission or controlled by medication to the extent that recurrence of the condition was small. As for the individual's criminal conduct, the Hearing Officer found that the individual's alcohol problem and mental disorder were inextricably intertwined with the incident which resulted in criminal charges being brought against the individual. Next, the Hearing Officer found that the circumstances surrounding the individual's criminal behavior raised questions about his reliability in a security context. Finally, the Hearing Officer concluded that there were no mitigating factors present in the case which could overcome the security concerns raised by the Department of Energy's Oak Ridge Operations Office. Accordingly, the Hearing Officer found that the individual's access authorization should not be restored.

Refund Applications

Morgan Products, Inc., 5/10/95, RF272-92251

The DOE issued a Decision and Order concerning the Application for Refund of a claimant in the Subpart V crude oil overcharge refund proceeding. The DOE determined that the applicant resold the refined petroleum products that formed the basis of its application and thus passed on the costs of any crude oil overcharges to its customers. Therefore, the DOE concluded that the claimant was not injured by any of the overcharges associated with the gallons that it purchased. Accordingly, the DOE denied the Application for Refund.

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.

Canadian Pacific Limited	RF272-90435	05/12/95
Southeastern Trailways, Inc	RF272-92940
Corey Brothers, Inc	RC272-288	05/11/95
Dunham's Bay Boat Company	RF272-97318	05/11/95
Gulf Oil Corporation/Smith-Cale Co., Inc	RF300-16050	05/11/95
Morning Treat Coffee Company	RC272-289	05/11/95
Richard Vardeman, Inc	RC272-287	05/11/95
Ring Around Products, Inc	RF272-94081	05/10/95
Texaco Inc./Indresco, Inc	RF321-20560	05/11/95
The Bovaird Supply Co.	RF272-92824	05/10/95
Stebbins-Anderson Co., Inc	RF272-98116

Dismissals

The following submissions were dismissed:

Name	Case No.
Anderson's Texaco Service	RF321-20680
Austin Texaco #2	RF321-12048
B&J Service	RF321-17755
Big Pine Trucking Co., Inc	RF272-97341
Greg T. Causey	RF321-15055
Idaho Operations	VSO-0026
Ken's Arco	RF304-15382
Mr. Mac's Texaco	RF321-11079
Oak Ridge Operations	VSO-0024
Tex Mart Texaco	RF321-19685
Thomas R. Caldwell	RF321-12952
Tony's Texaco	RF321-20656

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, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: February 14, 1996.

George B. Breznay,
Director, Office of Hearings and Appeals.
[FR Doc. 96-4405 Filed 2-26-96; 8:45 am]
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Notice of Issuance of Decisions and Orders During the Week of May 15 Through May 19, 1995

During the week of May 15 through May 19, 1995, the decisions and orders summarized below were issued with respect to appeals and applications for other relief 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.

Appeal

International Federation of Professional and Technical Engineers, 5/18/95, VFA-0034

IFPTE filed an Appeal from a denial by the Idaho Operations Office of a Request for Information which it had submitted under the Freedom of Information Act. The Idaho Operations Office has refused to release the short list of best qualified candidates for the position of Deputy Assistant Manager for Program Execution. In considering the Appeal, the DOE found that the list was properly withheld under Exemptions 5 and 6.

U.A. Plumbers and Pipefitters, Local 36, 5/19/95, VFA-0035

U.A. Plumbers and Pipefitters, Local 36 (the Union) filed an appeal from a denial by the Department of Energy's (DOE) Idaho Operations Office (the Operations Office) of a Request for Information which the Union had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found the Operations Office's finding that DOE owned documents that were not in the DOE's possession are not subject to the FOIA to be erroneous. The DOE's finding was based upon the Operations Office's failure to apply DOE FOIA Regulation 10 CFR 1004.3(e)(1). The DOE also found that some of the

documents requested by the Union were not subject to the FOIA because those documents were neither in DOE's possession nor owned by the DOE. Accordingly, the Appeal was remanded to the Operations Office.

Personnel Security Hearing

Albuquerque Operations Office, 5/19/95, VSO-0016

Under the provisions set forth in 10 CFR Part 710, the Department of Energy, Albuquerque Operations Office (DOE/AL) suspended the access authorization ("Q" level security clearance) of an individual based upon disqualifying criteria set forth in 10 CFR 710.8(j), viz., that the individual "has been, or is a user of alcohol habitually to excess, or has been diagnosed by a board-certified psychiatrist as alcohol dependent or as suffering from alcohol abuse." Following a hearing convened at the request of the individual, the Hearing Officer found that (i) the individual was properly diagnosed by a DOE consultant-psychiatrist as alcohol dependent, based upon substantial derogatory information contained in the record which was uncontroverted by the individual, and (ii) the individual has failed to present adequate evidence of rehabilitation, reformation or other mitigating factors. Accordingly, the Hearing Officer concluded that the