

date of this notice. (June 16, 1995 for Project No. 11316-002).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (May 2, 1995 for Project No. 2705-003). All reply

comments must be filed with the Commission within 105 days from the date of this notice (June 16, 1995 for Project No. 2705-003).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: March 6, 1995, Washington, DC.

**Lois D. Cashell,**  
Secretary.

[FR Doc. 95-5967 Filed 3-9-95; 8:45 am]  
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## Office of Hearings and Appeals

### Issuance of Decisions and Orders During the Week of November 14 Through November 18, 1994

During the week of November 14 through November 18, 1994, 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.

## Appeals

*Brenda Wolfenbarger, 11/16/94, VFA-0007*

Brenda Wolfenbarger (Wolfenbarger) filed an Appeal under the Freedom of Information Act of a September 30, 1994 Determination Letter issued to her by the Department of Energy's (DOE's) Oak Ridge Operations Office (Oak Ridge). Wolfenbarger had requested all medical and personnel records held by Oak Ridge concerning her father, who had worked for a contractor at Oak Ridge during the 1940's. On Appeal, Wolfenbarger contended that the DOE's search for responsive documents was inadequate. After considering her Appeal, the DOE found that Oak Ridge's search for responsive documents was adequate and therefore denied her Appeal.

*Robert Heitmann, 11/16/94, VFA-0005*

Robert Heitmann filed an Appeal from a denial by the FOI and Privacy Acts Branch, Reference and Information Management Division, at the Department of Energy Headquarters (DOEHQ) of a Request for Information which he had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that one office had not adequately searched for responsive documents, and that the records of the searches of two other offices were contradictory. The matter was therefore remanded for a new search of these three offices.

## Requests for Exception

*Leonard Wall Oil Co., 11/18/94, LEE-0155*

Leonard Wall Oil Company (Leonard Wall) filed an Application for Exception requesting permanent relief from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that Leonard Wall was not experiencing a serious hardship, gross inequity or an unfair distribution of burdens as a result of the requirement that it file Form EIA-782B. On September 26, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. No Notice of Objection to the Proposed Decision and Order was filed within the prescribed time period. Therefore, the DOE issued the Proposed Decision and Order in final form, denying Leonard Wall's Application for Exception.

*Shuster Oil Co., Inc., 11/17/94, LEE-0142*

Shuster Oil Company, Inc., 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 this request, the DOE found that the firm was not suffering a gross inequity or serious hardship. On September 13, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. No Notice of Objection to the Proposed Decision and Order was filed within the prescribed time period. Therefore, the DOE issued the Proposed Decision and Order in final form, denying Shuster's Application for Exception.

*Tommy Carr's Tire and Automotive Service Center, Inc., 11/18/94, LEE-0151*

Tommy Carr's Tire and Automotive Service Center, Inc. (Carr) filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." The DOE determined that Carr should be granted exception relief for a period of three years because it was experiencing a gross inequity. The recent destruction of the business by fire as well as pressing financial obligations in Mr. Carr's personal life, i.e., the facial operations his newborn baby has received, made the filing of Form EIA-782B unusually burdensome. Accordingly, exception relief was granted.

**Supplemental Order**

*Ronald A. Sorri, 11/18/94, LWX-0014*

This Decision supplements an Initial Agency Decision, dated December 16, 1993, issued by an OHA Hearing Officer in a case involving a "Whistleblower" complaint filed by Ronald A. Sorri (Sorri) under the DOE Contractor Employee Protection Program, 10 CFR Part 708. In the December 16 Decision,

the Hearing Officer determined that Sorri should be awarded backpay lost as a result of the reprisals taken against him, as well as all costs and expenses reasonably incurred by him in bringing his complaint.

After submitting a full accounting of his hourly charges for attorney's fees together with costs, expenses, and expert witness fees incurred in representing Sorri, Thad M. Guyer (Guyer), attorney for Complainant, filed a Motion for attorney's fees and costs on September 26, 1994. In considering the motion, the Hearing Officer found that Guyer's request for attorney's fees, legal assistant costs, and litigation costs and expenses was reasonable and should be approved. Accordingly, Guyer's Motion for attorney's fees and costs was granted. The Hearing Officer awarded Guyer \$25,356.43 in attorney's fees and costs.

**Refund Applications**

*Hay & Forage Industries, 11/16/94, RF272-92459*

The DOE issued a Decision and Order concerning one Application for Refund in the Subpart V crude oil overcharge refund proceeding. The refund application was filed by Hay & Forage Industries. The DOE determined that Hay & Forage Industries was not entitled to a refund since a parent company had filed a Surface Transporters Escrow Settlement Claim Form and Waiver. In this filing, a parent company of Hay & Forage Industries requested a Stripper Well refund from the Surface Transporters escrow, thereby waiving Hay & Forage Industries' right to a Subpart V crude oil refund. Accordingly, the DOE denied Hay & Forage Industries' Application for Refund.

*Nekoosa Papers, Inc., et al., 11/14/94, RC272-257, et al.*

The DOE issued a Decision and Order concerning Applications for Refund submitted in the Subpart V crude oil refund proceeding by four affiliates of Great Northern Nekoosa Corporation: Nekoosa Papers, Inc., Bibler Bros., Inc.,

Great Northern Paper Company, and Great Southern Paper Company. The DOE previously granted crude oil refunds to these four applicants. The four applicants, however, were subsequently found to have been affiliated with both Chattahoochee Industrial Railroad (Chattahoochee) and Great Southern Plywood (Plywood) on August 7, 1986. Chattahoochee had filed a refund claim in the Rail and Water Transporters Stripper Well proceeding, and Plywood had filed a refund claim in the Surface Transporters Stripper Well proceeding. In doing so, Chattahoochee and Plywood had executed waivers and releases waiving their rights and the rights of their affiliates on August 7, 1986, to receive crude oil overcharge refunds. Accordingly, this Decision rescinded the original refunds granted to the four applicants.

*Scalzo Utilities, Inc., 11/18/94, RF272-92378*

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 Application for Refund was based on purchases of kerosene and residual fuel the applicant purchased and resold during the crude oil price control refund period. The DOE determined that the applicant had filed to show that it has been unable to pass on the crude oil overcharges in its sales of kerosene and residual fuel. 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.

Anaheim Union High School District et al .....	RF272-79602	11/14/94
Arundel Corporation .....	RF272-85	11/17/94
Atlantic Richfield Company/Ray Lumber Co. et al .....	RF304-14624	11/17/94
Atlantic Richfield Company/Searles Arco et al .....	RF304-14720	11/18/94
Chambersburg Area School District et al .....	RF272-95574	11/18/94
Clark Oil & Refining Corp./Commonwealth Edison Company .....	RF342-325	11/17/94
D.L. Stowe Trucking et al .....	RF272-91020	11/17/94
E.D.G. Inc./Smith Oil Company, Inc .....	RR311-2	11/18/94
Gulf Oil Corporation/Winston C. Bresett .....	RR300-258	11/16/94
Macke Laundry Service et al .....	RF272-97127	11/17/94
Newark Housing Authority .....	RF272-68961	11/18/94
Ralston Purina Company et al .....	RC272-261	11/17/94
Stanley G. Flagg & Co. et al .....	RF272-92009	11/18/94
Texaco Inc./Art and Speck's Texaco et al .....	RF321-17165	11/18/94

Texaco Inc./Hershey Foods Corporation .....	RF321-17106	11/16/94
Texaco Inc./Richmond Texaco et al .....	RF321-20188	11/14/94
Texaco Inc./Rodriguez Service Station et al .....	RF321-20852	11/18/94
Texaco Inc./Shorts Oil Co., Inc .....	RF321-20443	11/14/94
T.B. Smith Co., Inc .....	RF321-20651	.....
Texaco Inc. V&F Svara, Inc .....	RF 321-20946	11/18/94
V&F Svara, Inc .....	RF321-20951	.....
Texaco Inc./Windsor Texaco .....	RF321-16854	11/17/94
Delsea Texaco Service Station .....	RF321-16855	.....
Burlington Texaco .....	RF321-16856	.....
Woodbury Service Station .....	RF321-16857	.....

**Dismissals**

The following submissions were dismissed:

Name	Case No.
Cass County, MN .....	RF272-86744
Edmonson County Trucking Co .....	RF300-21532
General Motors Saginaw Division .....	RF272-93270
Homer Tesoro Service .....	LEE-0165
Jessee Rogers Sand & Gravel .....	RF272-95291
L.P. Shanks Company .....	RF272-94627
Mt. Sinai School of Medicine .....	RF321-20801
Philip Morris Management Corp .....	RF272-93294
Rodriguez Texaco .....	RF321-20642

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 28, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 95-6013 Filed 3-9-95; 8:45 am]

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**Issuance of Decisions and Orders During the Week of January 9 Through January 13, 1995**

During the week of January 9 through January 13, 1995, the decisions and orders summarized below were issued with respect to applications for 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.

**Refund Applications**

*Gulf Oil Corporation/Donati's Auto Repair, 1/9/95, RF300-15980*

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding by the owner of Donati's Auto Repair, a retailer of Gulf petroleum products. The applicant requested reconsideration of an Application for Refund that he filed in a previous Gulf refund proceeding. The DOE had dismissed that application. The applicant filed his request nearly five years after his previous Application was dismissed, and did not provide any reason as to why his claim should be reconsidered. In addition, the DOE had disbursed all of the remaining funds in the proceeding's escrow account pursuant to the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986. Accordingly, the DOE determined that it would not be appropriate to reopen the earlier proceeding and denied the Application.

*Shell Oil Company/Briggs Transportation Company; Texaco Inc./Briggs Transportation Company 1/11/95, RF315-10286, RF321-21054*

The DOE issued a Supplemental Order rescinding refunds granted to Brigg Transportation Company (Briggs) in the Shell Oil Company and Texaco Inc. special refund proceedings. Prior to the filing of Briggs' refund applications, Briggs had filed for bankruptcy. The

Trustee in Bankruptcy authorized a private filing service, LK, Inc. (LK), to file the two applications. Pursuant to the Trustee's request, the DOE ordered each refund check to be made payable to Briggs and mailed to LK. When LK received each check, it deposited the check in its account, retained its commission and sent the remainder to the Trustee. The Trustee later informed the DOE that because the Bankruptcy Court found the proposed distribution to Briggs' creditors to be inefficient, the refunds should be returned to the DOE. The Trustee also enclosed Briggs' share of the two refunds. Accordingly, the DOE rescinded the refunds issued to Briggs and ordered the two checks received from the Trustee deposited in the Texaco Inc. and Shell Oil Company escrow accounts. Further, it ordered LK to repay its commissions, but did not assess interest on the commissions for the period of time during which LK had use of these funds.

**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/Burholme Fuel Oil Co. et al .....	RF304-13599	01/12/95
Atlantic Richfield Company/Kim's Arco .....	RF304-15466	01/12/95
Butte Public Schools et al .....	RF272-79708	01/11/95
Campbell's Auto Express et al .....	RF272-97029	01/11/95
Carlton Towers et al .....	RF272-77813	01/09/95
Chickasaw Cnty Secondary Road Department .....	RF272-96151	01/09/95