

Southern states that copies of the filing will be served upon its shippers and interested state commissions.

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, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR Sections 385.211 and 385.214). All such motions and protests should be filed on or before May 3, 1995. Protests will not be considered by the Commission in determining the 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. 95-10682 Filed 5-1-95; 8:45 am]

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**[Project No. 2964, Michigan]**

**City of Sturgis, Michigan; Notice of Intent To File an Application for a New License**

April 26, 1995.

Take notice that the City of Sturgis, Michigan, the existing licensee for the Sturgis Hydroelectric Project No. 2964, filed a timely notice of intent to file an application for a new license, pursuant to 18 CFR 16.6 of the Commission's Regulations. The original license for Project No. 2964 was issued effective April 14, 1961, and expires March 31, 2000.

The project is located on the St. Joseph River in St. Joseph County, Michigan. The principal works of the Sturgis Project include a dam with a concrete section 300 feet long and 25 feet high and an earth section 500 feet long with an average height of 12.5 feet; a reservoir with a surface area of 480 acres at elevation 825.5 feet m.s.l.; two powerhouses with a total installed capacity of 2,600 kW; a 24-kV transmission substation and a 24-kV transmission line, about 18 miles long, extending to a substation in Sturgis; and appurtenant facilities.

Pursuant to 18 CFR 16.7, the licensee is required henceforth to make available certain information to the public. This information is now available from the licensee at 130 North Nottawa, Sturgis, MI 49091.

Pursuant to 18 CFR 16.8, 16.9 and 16.10, each application for a new license and any competing license applications must be filed with the

Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by March 31, 1998.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-10681 Filed 5-1-95; 8:45 am]

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**[Docket No. RP95-244-000]**

**Williams Natural Gas Co.; Notice of Proposed Changes in FERC Gas Tariff**

April 26, 1995.

Take notice that on April 21, 1995, Williams Natural Gas Company (WNG) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, Second Revised Sheet No. 240. The proposed effective date of these tariff sheets is May 4, 1995.

WNG states that the purpose for the instant filing is to comply with the Commission's order in Docket No. RM95-5 issued March 29, 1995. Second Revised Sheet No. 240 includes revisions to Article 11 of WNG's FERC Gas Tariff to provide that releases for a period of one month or less will be considered short term releases, and releases for more than one month are long term releases. It also provides that long term pre-arranged releases at the maximum rate will be exempted from the advance posting and bidding requirements.

WNG states that a copy of its filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 3, 1995. 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 in the Public Reference Room.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95-10683 Filed 5-1-95; 8:45 am]

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**Office of Hearings and Appeals**

**Notice of Issuance of Decisions and Orders During the Week of April 3 Through April 7, 1995**

During the week of April 3 through April 7, 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.

**Personnel Security Hearing**

*Albuquerque Operations Office, 4/4/95, VSO-0012*

An OHA Hearing Officer issued an opinion restoring the access authorization and PSAP authorization of a Respondent. The Respondent's authorizations had been suspended when it was discovered that he had once smoked marijuana. The Hearing Officer found that the Respondent's youth was a significant factor in his decision to engage in an experimental use of marijuana. In addition, the Hearing Officer found that the Respondent had shown adequate rehabilitation and growth in his sense of responsibility since the incident.

**Refund Applications**

*Dalco Petroleum/Farmland Industries Inc., et al., 4/3/95, RF248-8 et al.*

The DOE issued a Supplemental Decision and Order concerning four Applications for Refund filed by purchasers of propane from Dalco Petroleum Inc. In an earlier Decision, the applicants were granted refunds from monies collected from Dalco pursuant to the terms of a consent order with DOE. Recently, Dalco made a supplemental payment to the DOE. *Dalco Petroleum Inc./Farmland Industries Inc.*, 16 DOE ¶ 85,057 (1987). Prior to granting supplemental refunds, DOE modified the terms by which the refund proceeding is conducted by increasing the small claims injury presumption refund ceiling from \$5,000 to \$10,000. In addition, the DOE applied a medium-range injury presumption under which applicants could receive a refund of 40% of their maximum potential refund without presenting detailed evidence of injury, subject to \$50,000 ceiling. The supplemental refunds granted in this proceeding total \$672,930 (\$639,224 principal plus \$33,706 interest). The DOE also stated its intention to make all residual funds in the Dalco settlement fund available for indirect restitution pursuant to the Petroleum Overcharge Distribution and

Restitution Act of 1986 as of September 30, 1995.

*Enron Corp./Austin Hydro Gas Co., et al., 4/5/95, RF340-189, RF340-195*

The DOE issued a Decision and Order concerning refund applications that Austin Hydro Gas Company, Inc. (Austin) and General Development Utilities, Inc. (GDU) submitted in the Enron Corporation (Enron) special refund proceeding. The DOE found that those firms were retailers of Enron products who qualified for refunds under the 60% mid-range presumption of injury. However, the DOE found that both firms claimed gallonage purchased outside the refund period and that GDU had inadvertently overestimated its average monthly purchases by including a disproportionate number of winter months in its estimate. Accordingly, the DOE reduced the total gallonage estimates submitted by these firms. The DOE granted Austin and GDU a total refund of \$125,396.

*Texaco Inc./MAPCO, Inc., 4/5/95, RR321-152, RF321-21063*

The DOE issued a Decision and Order in the Texaco Inc. special refund proceeding granting a Motion for Reconsideration filed by MAPCO, Inc. (MAPCO) and rescinding a refund granted to MAPCO previously. In the Motion, MAPCO sought a refund equal to its full allocable share based on its purchases of Texaco propane. In support of its claim of injury above the medium-range presumption level, the firm submitted information showing the status of its cumulative banked propane cost at the end of the "banking" regulation period, as well as competitive disadvantage analysis for its Texaco purchases of propane. The data submitted showed that MAPCO had accumulated sufficient banks to justify a full volumetric refund, and that the firm may have experienced a substantial competitive disadvantage as a result of its Texaco purchases. Accordingly, the

Motion was granted, and MAPCO received a total refund of \$766,274 (\$526,685 principal and \$239,589 interest). However, MAPCO had previously been granted a refund in the Texaco Inc. special refund proceeding based on the medium-range presumption of injury for its Texaco propane purchases. In its Motion MAPCO chose to abandon the medium-range presumption of injury in its efforts to show injury so as to receive its full allocable share. Therefore MAPCO's prior refund of \$50,000 plus interest was rescinded.

**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/Bowers Oil Co., Inc. et al .....   | RF304-13611 | 04/07/95 |
| Gulf Oil Corporation/James River Corporation .....            | RF300-21352 | 04/07/95 |
| Gulf Oil Corporation/Ward School Bus Manufacturing, Inc ..... | RF300-21387 | 04/07/95 |
| Monsanto Chemical Company .....                               | RF272-98770 | 04/05/95 |
| Monsanto Chemical Company .....                               | RF272-98771 |          |
| Monsanto Chemical Company .....                               | RF272-98772 |          |
| Monsanto Chemical Company .....                               | RF272-98773 |          |
| Monsanto Chemical Company .....                               | RF272-98774 |          |
| Monsanto Chemical Company .....                               | RF272-98821 |          |
| Monsanto Chemical Company .....                               | RF272-98822 |          |
| Monsanto Agrucultural Company .....                           | RC272-286   |          |
| Parker Brothers & Company, Inc .....                          | RF272-77544 | 04/07/95 |
| Pay-N-Save, Inc .....   | RF272-98812 | 04/05/95 |
| Shell Oil Company/St. Regis Forest Prod. Div .....            | RF315-8235  | 04/05/95 |
| Texaco Inc./Bill Boyd's Texaco et al .....                    | RF321-20871 | 04/03/95 |
| Texaco Inc./Glenview Texaco .....                             | RF321-19295 | 04/03/95 |
| Greenbay Pit Stop Service .....                               | RF321-19296 |          |
| Holiday Texaco .....  | RF321-19297 |          |
| Zion Pit Stop #2 Texaco .....                                 | RF321-19298 |          |
| Ravinia Texaco .....  | RF321-19299 |          |
| Countryside Texaco .....                                      | RF321-19300 |          |
| Pit Stop #3 Texaco .....                                      | RF321-19301 |          |
| Tower Texaco .....  | RF321-19302 |          |
| North Chicago Pit Stop #4 .....                               | RF321-19303 |          |
| Texaco Inc./Lewis & Son Texaco .....                          | RF321-21062 | 04/03/95 |
| Texaco Inc./Monte's Texaco #1 .....                           | RF321-11318 | 04/03/95 |
| Charles William Newell .....                                  | RF321-21061 |          |
| Texaco Inc./Stewart's Texaco et al .....                      | RF321-20395 | 04/05/95 |
| Texaco Inc./the Waysider et al .....                          | RF321-9371  | 04/03/95 |

**Dismissals**

The following submissions were dismissed:

| Name                             | Case No.    |
|----------------------------------|-------------|
| Bamberg Texaco .....             | RF321-8230  |
| Better Roads Inc .....           | RF272-90949 |
| Bill & Bob's Texaco .....        | RF321-19939 |
| Bud Lord's Arco #1 .....         | RF304-14836 |
| Bud Lord's Arco #2 .....         | RF304-14837 |
| Burt's Texaco .....              | RF321-12873 |
| Central Texaco .....             | RF321-5976  |
| Convenience Marketing Corp ..... | RF321-12599 |
| Dewey County, OK .....           | RF272-86283 |
| Flowers Snack of Tennessee ..... | RF272-94440 |
| Grant's Dairy, Inc .....         | RF272-92810 |
| Ho Ho Kus Texaco .....           | RF321-20811 |

| Name  | Case No.    |
|---|-------------|
| Huntsville Utilities .....                                  | RF272-78672 |
| Lake Region Union High School .....                         | RF272-96586 |
| Live Oak LPG .....  | RF304-14816 |
| Lockheed Environmental Systems & Technologies Company ..... | VWD-0001    |
| Mound Bayou Public Schools .....                            | RF272-88263 |
| Redmond Sand & Gravel Co .....                              | RF272-98122 |
| Sam Denaro's Texaco Service .....                           | RF321-20331 |
| Santee's Arco .....   | RF304-14809 |
| Southside Texaco of Monroe .....                            | RF321-8134  |
| West Park Texaco .....                                      | RF321-11379 |
| Winn-Dixie Atlanta, Inc .....                               | RF272-77493 |

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, 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.

Dated: April 21, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 95-10756 Filed 5-1-95; 8:45 am]

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### Notice of Issuance of Decisions and Orders During the Week of February 20 Through February 24, 1995

During the week of February 20 through February 24, 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.

#### Appeals

*David K. Hackett, 2/24/95, VFA-0021*

David K. Hackett filed an Appeal from a determination issued by the Oak Ridge Operations Office (Oak Ridge) of the Department of Energy in response to a request from Mr. Hackett under the Freedom of Information Act (FOIA). Mr. Hackett sought a copy of the transcript of the deposition taken of him in the case of *Hackett v. Martin Marietta*. In denying Hackett's request, Oak Ridge stated that it did not possess the requested document. In considering the Appeal, the Office of Hearings and Appeals found that although Oak Ridge did not possess the requested transcript, it did own that document. The OHA found that since Oak Ridge owned the deposition transcript, it should have

considered whether the document should have been released. Accordingly, the matter was remanded to Oak Ridge.

*J/R/A Associates, 2/23/95, VFA-0022*

J/R/A Associates filed an Appeal from a determination issued to it by the Associate Deputy Secretary for Field Management of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Office of Contractor Employee Protection (OCEP) had improperly withheld the name of corporate contractors and subcontractors named in ongoing "whistleblower" investigations. OCEP had withheld this information under Exemptions 6 and 7(C), which protect personal privacy. The DOE found that corporations do not have protectable privacy interests for the purposes of these FOIA exemptions. Accordingly, the Appeal was granted in part, denied in part and remanded with instructions to either release the requested information or to issue a new determination fully explaining its reasons for continuing to withhold the information.

#### Refund Applications

*Atlantic Richfield Co./Coast Gas, Inc., 2/23/95 RR304-63*

Coast Gas, Inc. filed a Motion for Reconsideration from the dismissal of an Application for Refund that it had filed the Atlantic Richfield Company special refund proceeding. Since Coast Gas was seeking a refund in excess of \$5,000, it was required to demonstrate that it was injured by ARCO's alleged overcharges on its sales of natural gas liquids. The firm submitted evidence that it maintained banks of unrecovered product costs in excess of its refund claim and that the firm's ARCO purchases placed it at a competitive disadvantage vis-a-vis other resellers of propane and butane in its marketing area. The firm was not however, at a competitive disadvantage with respect to its purchases of ARCO natural gasoline. Accordingly, the firm was

granted a refund of its full allocable share with respect to its propane and butane purchases, and a refund equal to its above-market volumetric share with respect to its purchases of natural gasoline. The total refund issued to the firm was \$88,339 (\$49,699 in principal and \$38,640 in interest).

*Texaco Inc./Cadoret Oil Company, 2/22/95 RF321-14165*

The DOE issued a Decision and Order granting an Application for Refund in the Texaco Inc. special refund proceeding. Francis Cadoret filed an Application for Refund on behalf of Cadoret Oil Co., a firm he owned with his partner, Joseph Cadoret, for its purchases of Texaco petroleum products. Francis Cadoret claimed that he alone was entitled to the entire refund since he had purchased his partners share of the business. After examining the language of the relevant partnership dissolution agreement, the DOE found that the agreement had transferred Joseph Cadoret's right to a refund to Francis Cadoret. Consequently, the DOE determined that Francis Cadoret was eligible to receive a refund equal to Cadoret Oil's full allocable share. Accordingly, Francis Cadoret was granted a refund of \$1,166 (\$805 principal plus \$361 interest).

*Texaco Inc./27 W. Landis Texaco, Langhorne Texaco Service Station, D'ippolito Oil Company R.A. Reiff Fuels, Inc., 2/23/95 RF321-16943, RF321-16944, RF321-16950, RF321-16951*

The DOE issued a Decision and Order concerning four Applications for Refund submitted by indirect purchases of Texaco products. The DOE determined that the four applicants were affiliated through varying degrees of common ownership and considered the claims together in order to determine one combined allocable share for the four firms. Further, one of the owners of R.A. Reiff Fuels, Inc. also owns 75 percent of the shares of the corporation that supplied Texaco products to R.A. Reiff Fuels, Inc. Since that supplier has