

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.

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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.

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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,