

FPL requests that the proposed cancellation be permitted to become effective on August 31, 1996.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: October 21, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. 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, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. 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.

Lois D. Cashell,

Secretary.

[FR Doc. 96-26399 Filed 10-15-96; 8:45 am]

BILLING CODE 6717-01-P

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of April 15 Through April 19, 1996

During the week of April 15 through April 19, 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.

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: October 7, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 968

Personnel Securing Hearings

Headquarters, 4/18/96, VSO-0075

A Hearing Officer from the Office of Hearings and Appeals issued an Opinion regarding the eligibility of an individual for access authorization under the provisions of 10 C.F.R. Part 710. The Hearing Officer found that: (i) The individual submitted several altered documents to the U.S. Army and provided false information to the DOE in a Personnel Security Interview; (ii) the acts of the individual tend to show that the individual is not honest, reliable, or trustworthy; (iii) the DOE's security concerns regarding these behaviors were not overcome by evidence mitigating the derogatory information underlying the DOE's charges. Accordingly, the Hearing Officer found that the individual's access authorization should not be restored.

Oak Ridge Operations Office, 4/15/96, VSO-0065

A Hearing Officer recommended that access authorization not be restored to an employee whose access was suspended due to evidence of marijuana use. The Hearing Officer found that the employee had not presented sufficient evidence of rehabilitation to mitigate valid security concerns.

Supplemental Order

Howard W. Spaletta, 4/19/96, VWX-0004

In Howard W. Spaletta, 24 DOE 87,511 (1995), a Hearing Officer found that Mr. Spaletta has been retaliated against in violation of the DOE's Contractor Employee Protection Program, 10 C.F.R. Part 708. This supplemental determination awarded Mr. Spaletta \$12,321 in back pay, interest, attorney's fees, and other expenses.

Refund Application

Atlantic Richfield Company/Little America Refining Company, 4/15/96, RF304-9095

Little America Refining Company (LARCO) sought a refund in the Atlantic Richfield Company Subpart V Special Refund Proceeding based upon purchases of 1.333 billion gallons of ARCO products. During much of the refund period, LARCO had received "Delta/Beacon" exception relief from the Oil Entitlement Program. The DOE noted that *Delta/Beacon* exception relief generally insulated the recipient from the affects of any overcharges, since any overcharges the firm may have experienced would have been compensated for by greater *Delta/Beacon* relief. Accordingly, the DOE found that LARCO could not have been injured by any overcharges for those periods for which LARCO received entitlement exception relief, and a refund is inappropriate.

Moreover, the DOE determined that LARCO is ineligible for any refund, because its settlement of a private law suit against ARCO resolved all claims involving the petroleum price and allocation laws and regulations. The DOE found that the settlement constituted full compensation for any ARCO overcharges that LARCO may have experienced and that a refund would result in double compensation at the expense of other injured parties. Consequently, the DOE determined that LARCO is not eligible to receive any Subpart V refund from the ARCO consent order funds. Furthermore, even if the effects of the settlement and receipt of *Delta/Beacon* exception relief were discounted, LARCO was at a competitive disadvantage with respect to only about 15 percent of the ARCO products it purchased, as its other ARCO purchases were priced below the prevailing market prices. Accordingly, LARCO's Application for Refund was denied.

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.

COOLEY FARMS ET AL	RK272-0126	04/15/96
CRUDE OIL SUPPLE REF DIST	RB272-00072	04/18/96
DALE OLSEN ET AL	RK272-00008	04/16/96
GULF OIL CORPORATION/PINEY GROVE HARDWARE ET AL	RF300-13196	04/15/96

[FR Doc. 96-26422 Filed 10-15-96; 8:45 am]
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Notice of Issuance of Decisions and Orders During the Week of June 10 Through June 14, 1996

During the week of June 10 through June 14, 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: October 7, 1996.
George B. Breznay,
Director, Office of Hearings and Appeals.
Decision List No. 976

Personnel Security Hearings
Albuquerque Operations Office, 6/10/96, VSO-0083

A DOE Hearing Officer issued an Opinion concerning the eligibility of an individual for continued access authorization. The Hearing Officer found that the individual had not mitigated the security concern arising from his occasional use of marijuana

over a 14-year period. Most importantly, the Hearing Officer concluded that there had not been sufficient time since the individual's last use of marijuana to indicate that he will refrain in the future from the use of illegal drugs. The Hearing Officer also found that the individual had failed to mitigate the security concerns associated with (1) his deliberate falsification of significant information concerning his prior drug use on his QSP or (2) his recent arrest for speeding, evading arrest, and possession of drug paraphernalia. Accordingly, the Hearing Officer recommended that the individual's access authorization should not be restored.

Albuquerque Operations Office, 6/12/96, VSA-0061

An individual filed a request for review of a DOE Hearing Officer's recommendation against restoring his access authorization. The access authorization had been suspended by the Department of Energy's Albuquerque Operations Office (DOE/AL) upon its receipt of derogatory information indicating that the individual had engaged in unusual conduct tending to show that he is not honest, reliable, or trustworthy.

Upon review, the individual claimed (1) that he did not commit any crimes related to the non-filing of income tax returns and the non-payment of income tax, and (2) that his actions did not constitute unusual conduct. The Director found that the issues presented by the individual did not mitigate the DOE's security concerns. Accordingly, the Director found that the individual's access authorization should not be restored.

Request for Exception
Mercury Fuel Service, Inc., 6/14/96, VEE-0020

The Department of Energy granted exception relief to Mercury Fuel Service, Inc., from its obligation to file Form EIA-782B. In the Decision, the DOE determined that the filing requirement imposed a severe burden on Mercury because the owner and other key administrative personnel who could complete the form were experiencing severe health problems. The DOE, therefore, relieved Mercury of its obligation to file the form until September 1997.

Supplemental Order

C. Lawrence Cornett, 6/13/96, VWX-0009

A Hearing Officer from the Office of Hearings and Appeals issued an Order to Show Cause regarding a Motion to Dismiss filed by Maria Elena Torano Associates, Inc. (META). META sought the dismissal of a complaint filed by C. Lawrence Cornett under the DOE's Contractor Employee Protection Program, 10 C.F.R. Part 708. In its Motion, META alleged that it did not perform work at DOE sites as defined by Section 708.4, and thus it was not subject to Part 708 jurisdiction. After reviewing the affidavits submitted by the parties on the nature and extent of work activities performed by META employees, the Hearing Officer issued an Order to Show Cause and scheduled a hearing on the jurisdictional issue raised by META.

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.

Table with 3 columns: Case Name, Case Number, and Date. Includes entries like Boston Buffalo Express, Inc (RG272-325, 06/13/96), City of NAPA et al (RA272-73, 06/11/96), Cravat Coal Co., Inc (RG272-318, 06/13/96), etc.

Dismissals

The following submissions were dismissed: