

Power Act to hold the following positions:

Vice President, Chief Accounting Officer and Assistant Secretary, Arkansas Power & Light Company

Vice President, Chief Accounting Officer and Assistant Secretary, Gulf States Utilities Company

Vice President, Chief Accounting Officer and Assistant Secretary, Louisiana Power & Light Company

Vice President, Chief Accounting Officer and Assistant Secretary, Mississippi Power & Light Company

Vice President, Chief Accounting Officer and Assistant Secretary, New Orleans Public Service Inc.

Vice President and Chief Accounting Officer, System Energy Resources, Inc.

*Comment date:* September 18, 1995, 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, 825 North Capitol 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. 95-22688 Filed 9-12-95; 8:45 am]  
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**Notice of Issuance of Decisions and Orders During the Office of Hearings and Appeals Week of June 5 through June 9, 1995**

During the week of June 5 through June 9, 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**

*Richard M. Ross, 6/8/95, VFA-0041*  
Richard M. Ross filed an Appeal from a determination issued by the Oakland Operations Office (Oakland) of the Department of Energy in response to a request from him under the Freedom of Information Act (FOIA). Ross sought copies of records concerning past and present employment of nine identified DOE employees. In considering this Appeal, the DOE found that certain aspects of the search conducted by Oakland were inadequate and that Oakland had improperly withheld certain records concerning the private employment history of DOE employees pursuant to Exemption 6 of the FOIA. Accordingly, the Appeal was granted in part.

*Rocky Flats Field Office, 6/5/95, VSO-0015*

An Office of Hearings and Appeals Hearing Officer issued an opinion under 10 C.F.R. part 710 concerning the

continued eligibility of an individual for access authorization. After considering the testimony at the hearing convened at the request of the individual and all other information in the record, the Hearing Officer found that the individual has been a user of alcohol habitually to excess and that the diagnosis by a board-certified psychiatrist that the individual was suffering from alcohol abuse was based upon essentially undisputed facts. The Hearing Officer also found that the individual had failed to present sufficient evidence of rehabilitation, reformation or other factors to mitigate the derogatory information under 10 C.F.R. 710.8(j). In particular, the Hearing Officer found that the individual had consumed excessive amounts of alcohol at least twice during the period of time that he claimed that his drinking was under control. Accordingly, the Hearing Officer recommended that the individual's access authorization, which had been suspended, should not be restored.

**Refund Application**

*Texaco Inc./Joe Long's Texaco, 6/7/95 RF321-21065*

The Department of Energy (DOE) issued a Decision and Order (D&O) rescinding a refund that had been granted to Joe Long's Texaco. The refund was rescinded and the funds ordered redeposited into the Texaco escrow account because the DOE was unable to locate Mr. Long.

**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/Motor Freight Express et al .....	RF304-12216	06/07/95
Borough of Highland Park et al .....	RF272-97500	06/07/95
Gulf Oil Corporation/Howe Oil Company, Inc. ....	RF300-20421	06/07/95
Gulf Oil Corporation/South Bay Gulf .....	RF300-13963	06/07/95
Texaco Inc./Field's Texaco Service et al .....	RF321-220	06/07/95
Texaco Inc./Fruitwood Texaco et al .....	RF321-4975	06/07/95
Texaco Inc./W.C. Hancock .....	RF321-20458	06/09/95

**Dismissals**

The following submissions were dismissed:

Name	Case No.
Albuquerque Operations Office .....	VSO-0025
Atchison, Topeka & Santa Fe Railway .....	RF304-13208
Bill's Texaco .....	RF321-20534
Enchanted Oaks Texaco .....	RF321-6691
Herb's Texaco & Repair Shop .....	RF321-20108
Hyde Park Super Service Station .....	RF321-20848
Monte Sweet's Self Service .....	RF321-11320

Name	Case No.
Oak Ridge Operations .....	VSO-0030
Patterson & Brasher Texaco .....	RF321-20589
Petroleum Service Co. ....	RF321-20590
Ross Texaco .....	RF321-7195
Sir John's ARCO .....	RF304-14820

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: September 5, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 95-22762 Filed 9-12-95; 8:45 am]

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## Office of Hearings and Appeals

### Notice of Issuance of Decisions and Orders During the Week of May 29 Through June 2, 1995

During the week of May 29 through June 2, 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.

#### Appeals

*Elizabeth H. Donnelly, 6/2/95, VFA-0039*

Elizabeth H. Donnelly filed an Appeal from a determination issued to her on April 3, 1995 by the Department of Energy's Nevada Operations Office. In that determination, the Nevada Operations Office denied Ms. Donnelly's request for information filed pursuant to the Freedom of Information Act (FOIA). Specifically, the Nevada Operations Office denied Ms. Donnelly's request for information related to a "hostile work environment study" pursuant to FOIA Exemption 5. In considering the Appeal, the DOE found that the determination to withhold the requested information pursuant to Exception 5 was consistent with the FOIA. Accordingly, the DOE denied Ms. Donnelly's Appeal.

*Gayle M. Adams, 6/1/95, VFA-0040*

Gayle M. Adams filed an Appeal from a determination issued to her by the Richland Operations Office of a Request for Information which she had submitted under the Freedom of Information Act. The Richland Operations Office had released responsive documents, but Adams challenged the adequacy of the DOE's search. In considering the Appeal, the OHA found that the search for responsive documents was adequate.

*J. Eileen Price, 6/2/95, VFA-0038*

J. Eileen Price (Price) filed an Appeal from a determination issued to her by the Department of Energy's Western Area Power Administration (WAPA), that partially denied a Request for Information which Mrs. Price submitted under the Freedom of Information Act. Price requested copies of all appraisal information in her personnel file and all unofficial information pertaining to her employment in WAPA's Loveland Area Office beginning in October 1992. In its determination letter, the WAPA stated that it had found two documents responsive to Price's request, a grievance investigation document (Grievance Document) and a chronology of events related to her grievance (Chronology). Additionally, WAPA stated that it had found various pages from the day planners (Day Planner Notes) of two of her supervisors which were potentially responsive to her request. WAPA provided Price with a copy of the Chronology but withheld the Grievance Documents claiming that the Grievance Document was predecisional and deliberative and thus exempt from disclosure under Exemption 5 of the FOIA. Additionally, WAPA determined that Day Planner Notes were not agency records for the purposes of the FOIA and thus not subject to disclosure. Price argued that WAPA improperly withheld the Day Planner Notes and the Grievance Document. The DOE determined that, while the Grievance Document was predecisional and deliberative, a significant portion of the document contained segregable factual material which was improperly withheld from Price. The DOE further found that WAPA correctly determined that the Day Planner Notes were not agency records subject to disclosure

under the FOIA. Consequently, Price's Appeal was granted in part.

*U.S. Solar Roof, 5/30/95, VFA-0037*

U.S. Solar Roof (Solar Roof) filed an Appeal from a determination issued to it on April 4, 1995 by the Director of the Photovoltaic Technology Division of the Office of Energy Efficiency and Renewable Energy (EE) of the Department of Energy. In that determination, EE denied in part a request for information submitted by Solar Roof on February 27, 1995 under the Freedom of Information Act (FOIA). The EE released two specific items but withheld seven items in their entirety pursuant to 5 U.S.C. § 552(b)(5) (Exemption 5). In its Appeal, Solar Roof challenged EE's April 4, 1995 determination and asserted that EE improperly applied Exemption 5 to the withheld information, and requested that the OHA direct EE to release it. In considering the Appeal, the Office of Hearings and Appeal (OHA) found EE properly applied the threshold requirements of Exemption 5 to the withheld information. However, the OHA remanded this Appeal to EE to issue a new determination, either releasing the withheld information or providing a more adequate consideration of the public interest in its disclosure. Therefore, the DOE granted in part and denied in part Solar Roof's Appeal.

*Home Oil Co., Inc., 6/1/95, LEE-0135*

Home Oil Co., Inc., (Home Oil) filed an Application for Exception from the requirement to file Form EIA-782B, "Resellers'/Retailers' Monthly Petroleum Product Sales Report." If granted, Home Oil would no longer be required to file Form EIA-782B. On consideration, the DOE denied Home Oil's Application for Exception. In denying the exception request, the DOE considered that Home Oil had not shown that filing Form EIA-782B constituted an undue hardship, gross inequity, or unfair distribution of burdens.

#### Refund Applications

*Atlantic Richfield Co./Seago Enterprises, Inc., 6/1/95, RF304-13736*

The DOE issued a Decision and Order partially granting an Application for