Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–24128 Filed 9–19–96; 8:45 am]

BILLING CODE 6717–01–P

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders From the Week of March 18 Through March 22, 1996

During the week of March 18 through March 22, 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, S.W., 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: September 10, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 964—Week of March 18 through March 22, 1996

Appeals

Esther Samra, 3/21/96, VFA–0051

Esther Samra (Samra) filed an Appeal from a determination issued to her by the Albuquerque Operations Office (DOE/AL) of the Department of Energy (DOE). In her Appeal, Samra asserted that DOE/AL improperly withheld as classified a photograph she requested pursuant to the FOIA. The DOE determined that the photograph was properly classified since it contained nuclear weapon design features and was thus properly withheld pursuant to Exemption 3 of the FOIA. Consequently, Samra's Appeal was denied.

Gilberte R. Brashear, 3/21/96, VFA–0136

Mrs. Gilberte R. Brashear filed an Appeal from a determination issued to her on January 31, 1996, by the FOIA Officer of the Oak Ridge Operations Office of the Department of Energy (DOE). In that determination, the FOIA Officer stated that she did not find any documents responsive to the appellant's information request under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE confirmed that the FOIA Officer followed procedures reasonably calculated to uncover the requested information. Accordingly, the DOE denied the appellant's request.

The News Tribune, 3/21/96, VFA–0111

The News Tribune filed an Appeal from a determination issued to it by the Bonneville Power Administration (BPA) 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 BPA properly withheld under Exemption 6 the home addresses of property owners to whom the BPA had written letters requesting the removal of items encumbering BPA easements on the addresses' land. In particular, the DOE found that there was substantial privacy interest in home addresses and there was no FOIA public interest, as defined by the Supreme Court, that would be served by release of the home addresses. However, because the DOE's practice is to release business addresses, the matter was remanded to BPA to ascertain and release business locations. The DOE also determined that the addressees in this case had no privacy interest justifying withholding of their names because there is no privacy interest in land ownership, in the fact of government contract, or in the name itself. In addition, to the extent that the properties are not home locations, the DOE determined that, in this case, there was no privacy interest in what was occurring on the land because the BPA did not allege that the property owners knew of or caused the encumbrances prior to the receipt of the letters. Accordingly, the Appeal was denied in part, granted in part, and remanded to BPA to release business addresses and the names of the addressees unless the properties are their residence or some other privacy interest is identified.

Personnel Security Hearing

Oakridge Operations Office, 3/12/96, VSO–0074

An Office of Hearings and Appeals Hearing Officer issued an opinion addressing the continued eligibility of an individual for access authorization under the provisions of 10 C.F.R. Part 710. After considering the record of the proceeding in view of the standards set forth in Part 710, the Hearing Officer found that the individual had used an illegal drug and lied to the Department of Energy when confronted with the results of a positve drug test. The Hearing Officer also found that the individual had not mitigated the security concerns raised by these actions. Accordingly, the Hearing Officer's opinion recommended that the individual's access authorization not be restored.

Refund Application

Texaco Inc./California Target Supply, Inc., 3/18/96, RF321–20877

The DOE issued a Decision and Order in the Texaco Inc. special refund proceeding concerning California Target Enterprises, Inc. (Target). Target operated 113 retail outlets during the refund period and purchased Texaco products both directly and indirectly. Target indirectly purchased Texaco products from Cook & Cooley, Inc. (C&C), and other suppliers. Because C&C had made a partially successful injury showing, Target was only eligible for a refund for its C&C purchases based on 42 percent of its regular gasoline purchases from that supplier, and was not eligible for a refund based on purchases of any other types of petroleum products from that supplier. Further, Target submitted estimates of its gallonage during the refund period. The DOE rejected Target's estimates for the early portion of the refund period, since the DOE discovered Texaco volume records for that time period. As for the latter portion of the refund period, the DOE rejected Target's estimate, which used figures from all of 1981, in favor of an estimate that relied primarily on the volume for January 1981, the only month of that year in which price and allocation controls were in effect. Thus, the DOE granted Target a refund of $77,040, including interest.

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/Friendly Oil Co. et al	RF304–14244	03/22/96
Atlantic Richfield Company/Robert S. Long	RF304–15051	03/22/96
Avco Construction, Inc	RK272–03272	03/18/96
B & O Railroad	RC272–0330	03/22/96
C & O Railroad	RC272–0331	
Gulf Oil Corporation/Ingram's Trucking Co. et al	RF300–15286	03/22/96
Gulf Oil Corporation/Melvin Fordham Store	RF300–13009	03/18/96
Gulf Oil Corporation/Rice's Grocery & Gulf Service	RR300–00274	03/22/96
J.J. Clement et al	RK272–2478	03/19/96
Rosalie Schlemmer et al	RK272–00835	03/18/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Del Grego's Arco	RF304–15342
Farmers Union Co-op Association	RF272–85391
Georgina Jacobs	VFA–0126
Pittsburgh Naval Reactors Office	VSO–0080
Shultz Arco	RF304–15401
Tonka Products	RF272–78126

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Notice of Issuance of Decisions and Orders From the Week of July 22 Through July 26, 1996

During the week of July 22 through July 26, 1996, the decision and order summarized below was issued with respect to an appeal 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, S.W., 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: September 10, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 982

Appeal

Richard Joslin, 7/22/96, VFA–0183

The OHA remanded on appeal a request to the Bonneville Power Administration (BPA) for information concerning an investigation of allegedly improper acts by an official at BPA. BPA had withheld a responsive document in its entirety pursuant to Exemption 5 of the Freedom of Information Act. The OHA found that BPA had failed to consider whether the withheld document contained releasable material that could be reasonably segregated, and had failed to apply a foreseeable harm test to the withheld material.

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/Bippus Oil Co. et al	RF304–13423	07/26/96
Carolina Dairies Corp. et al	RF272–97820	07/23/96
Clark Oil & Refining Corp./Rasmussen Fuel Company, Inc	RF342–203	07/22/96
Enron Corp./Barnard Oil Company, Inc	RF340–42	07/23/96
Engel, Inc	RF340–48	
Farmers Supply Cooperative et al	RF272–97887	07/24/96