

The Commission staff will consider all written comments and may issue a Scoping Document II (SDII). SDII will include a revised list of issues, based on the scoping sessions.

For further information regarding the scoping process, please contact Rich Takacs, Federal Energy Regulatory Commission, Office of Hydropower Licensing, 888 First Street, NE, Washington, DC, 20426 at (202) 219-2840, or Ed Lee at (202) 219-2809.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 96-23995 Filed 9-18-96; 8:45 am]

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[Project No. 8864-012]

Weyerhaeuser Company and Calligan Hydro, Inc.; Errata Notice to Notice of Application Filed With the Commission

September 13, 1996.

In the Commission's Notice of Joint Application for Transfer of License for FERC Project No. 9025-008, issued August 12, 1996, (61 FR 43354, August 22, 1996), the Comment Date should be changed from "September 27, 1996" to October 14, 1996.

Lois D. Cashell,
Secretary.

[FR Doc. 96-24034 Filed 9-18-96; 8:45 am]

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[Project No. 9025-008]

Weyerhaeuser Company and Hancock Hydro, Inc.; Errata to Notice of Application Filed With the Commission

September 13, 1996.

In the Commission's Notice of Joint Application for Transfer of License for FERC Project No. 9025-008, issued August 12, 1996, (61 FR 43355, August 22, 1996), the Comment Date should be changed from "September 27, 1996" to October 14, 1996.

Lois D. Cashell,
Secretary.

[FR Doc. 96-24035 Filed 9-18-96; 8:45 am]

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Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders From the Week of June 24 Through June 28, 1996

During the week of June 24 through June 28, 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 5, 1996.
George B. Breznay,
Director, Office of Hearings and Appeals.

Appeals

Anibal L. Taboas, 6/26/96, VFA-0171

The OHA remanded on appeal a request to the Chicago Operations Office (COO) for information concerning complaints, investigations, or other information concerning the appellant. COO had withheld responsive documents in their entirety pursuant to Exemptions 5, 6, and 7A of the Freedom of Information Act. The OHA found that COO had failed to consider whether the withheld documents contained releasable material that could be reasonably segregated, and had failed to apply a foreseeable harm test to withheld material.

Bradley S. Tice, 6/26/96, VFA-0172

Bradley S. Tice filed an Appeal from a determination issued to him on May 8, 1996 by the Department of Energy's Albuquerque Operations Office (AO) which denied a request for information he filed under the Freedom of Information Act (FOIA). The request sought information regarding "aspects of nuclear propulsion for aircraft as well as Richard Feynman's patented design for a nuclear reactor to heat air for a jet engine." AO stated that it conducted a search of its records as the Los Alamos National Laboratory and found no responsive documents. The Appeal challenged the adequacy of the search conducted by AO. In considering the Appeal, the DOE found that AO conducted an adequate search which was reasonably calculated to discover documents responsive to Mr. Tice's Request. Accordingly, the Appeal was denied.

David W. Smith, 6/27/96 VFA-0173

David W. Smith filed an Appeal from a determination by the Department of Energy's Albuquerque Operations Office (AO). Mr. Smith's mother had filed a request for records relating to her late husband's exposure to radiation while he worked for the Atomic Energy Commission from 1948 to 1956. AO stated that it had conducted a search of its records at AO's Occupational Safety and Health Division (OSHD) and at the Los Alamos National Laboratory (LANL), and provided Mrs. Smith with a copy of the radiation dosimetry records it discovered at LANL. In his Appeal, Mr. Smith implicitly argued that AO conducted an inadequate search for records relating to his father. In considering the Appeal, the DOE found that AO conducted an adequate search which was reasonably calculated to discover documents responsive to Mrs. Smith's Request. Accordingly, the Appeal was denied.

Keith E. Loomis, 6/28/96 VFA-0166

Keith E. Loomis filed an Appeal from a denial by the Office of Naval Reactors of a request for information that he filed under the Freedom of Information Act (FOIA). In considering one report that was withheld but was not addressed in either of the previous Decisions and Orders regarding this Appeal, the Director of Naval Reactors reviewed the report and identified it as Naval Nuclear Propulsion Information (NNPI) material. The DOE therefore determined that the report should be withheld under Exemption 3 of the FOIA. Accordingly, the Appeal was denied.

The Cincinnati Enquirer, 6/25/96 VFA-0169

The Cincinnati Enquirer filed an Appeal from a determination issued to it by the Ohio Field Office 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 Ohio Field Office improperly withheld names of DOE evaluators of a contractor "rebaseline" preliminary proposal under Exemption 6 of the FOIA. In particular, the DOE found that, except in unusual cases, federal employees have no privacy interest either in being identified as federal employees or in their work for the federal government. The DOE also found that where as here a branch of the agency acts in the spirit of the FOIA and releases the substance of internal, predecisional, deliberative documents, it may be permissible to withhold the names of DOE reviewers/evaluators under the "deliberative process" privilege incorporated into Exemption 5

of the FOIA when necessary to vindicate the policies protected by that Exemption. Accordingly, the Appeal was denied in part, granted in part, and remanded to the Ohio Field Office to determine whether withholding the names in this case would protect a valid FOIA exemption policy under Exemption 5.

Refund Applications

Eason Oil Co./Propane Sales, et al., 6/24/96, RF352-4; RF352-5

The DOE issued a Decision and Order concerning refund applications that Propane Sales and Mangum Oil & Gas submitted in the Eason Oil Company (Eason) special refund proceeding. The DOE found that Propane Sales was a retailer of Eason products who qualified for a refund under the 60% mid-range presumption of injury, and that Mangum Oil & Gas was a retailer of Eason products who qualified for a refund under the small claim presumption of injury. The DOE granted Propane Sales and Mangum Oil & Gas a total refund of \$59,701.

Tennessee Valley Authority, 6/28/96, RF272-23944

The DOE issued a Decision and Order granting an Application for Refund filed by the Tennessee Valley Authority, a utility and corporate agency of the Federal Government, in the Subpart V crude oil refund proceeding. A group of States and Territories (States) objected to the application on the grounds that the TVA passed through crude oil overcharges to its customers and that to the pass through the refund to its customers would constitute indirect restitution, a function that is reserved for the "second-stage" refunds distributed to the States. Both the States and Philip P. Kalodner, Counsel for Utilities, Transporters and Manufacturers (Kalodner) objected on the grounds that the DOE, by signing the Stripper Well Settlement Agreement, waived the rights of all Federal agencies to receive a crude oil refund. The DOE rejected the contention that public utility refund applicants should not be permitted to act as conduits for the distribution of refund benefits to their injured customers, and found that because the State and Federal governments are designated conduits for indirect restitution under the Settlement Agreement, neither waived its right to

direct restitution with respect to its own purchases of refined petroleum products. The refund granted to the applicant in this Decision was \$1,551,749.

Texaco Inc./Buster's Texaco, 6/24/96, RF321-21087

The Department of Energy (DOE) issued a Decision and Order rescinding a refund that was granted to Buster's Texaco and its owner, Ida Williams. The refund was rescinded because the check was returned to the U.S. Treasury as undeliverable by the Postal Service. Despite the DOE's best efforts, it was unable to obtain an accurate address for Ms. Williams. The DOE therefore ordered the check to be redeposited into the Texaco escrow account.

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/M&A PETROLEUM	RF304-15339	06/26/96
CAMPBELL SOUP COMPANY	RF272-92544	06/27/96
CRUDE OIL SUPPLE. REF., ET AL	RB272-00078	06/26/96
DIRECT TRANSIT LINE, INC. ET AL	RF272-78488	06/26/96
ESTELINE COMMUNITY OIL CO. ET AL	RF272-94700	06/26/96
GALASSO TRUCKING INC	RC272-343	06/26/96
GULF OIL CORPORATION/JOHN'S GULF	RF300-20087	06/24/96
GULF OIL CORPORATION/PIONEER OIL CO. OF MISSOURI, INC.	RF300-8134	06/26/96
JANICE MUELLER, ET AL	RK272-01331	06/28/96
MARV'S TOWING SERVICE, INC	RK272-03497	06/26/96
OLGA STARR, ET AL	RK272-682	06/26/96
SIEMENS ALLIS, INC., ET AL	RF272-91918	06/28/96
SILEX R.I. SCHOOL DISTRICT	RF272-95950	06/27/96
BROOKFIELD LOCAL SCHOOL DISTRICT	RF272-95992

Dismissals

The following submissions were dismissed:

Name	Case No.
A.M. VOGEL, INC	RF272-99113
ASSUMPTION-CALVARY CEMETERIES	RF272-98991
AVALON PETROLEUM CO.	RF342-0001
BARTLETT-COLLINS	RF272-97797
BARTLETT-COLLINS	RF272-97900
CATTARAUGAS-ALLEGANY-ERIE-WYOMING BOCES	RF272-97714
DIOCESE OF ST. CLOUD	RF272-98990
FARMERS COOPERATIVE ELEVATOR COMPANY	RG272-323
LAKES GAS COMPANY	VER-0001
RYAN AVIATION CORPORATION	RF272-97958
ST. VINCENT DE PAUL SCHOOL	RF272-97839
STU-BROCK SERVICE, INC	RF304-15065
YELLOW CAB OF MARTINSVILLE	RK272-2322

[FR Doc. 96-24024 Filed 9-18-96; 8:45 am]
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Notice of Issuance of Decisions and Orders; Week of January 15 Through January 19, 1996

During the week of January 15 through January 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. 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, DC 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 9, 1996.

George B. Breznay, Director, Office of Hearings and Appeals.

Appeals

Dennis McQuade, 1/16/96, VFA-0092

Dennis McQuade filed an Appeal from determinations issued by several DOE Offices concerning personnel problems at the Oak Ridge Operations office. In considering the Appeal, the DOE found that (1) documents created as a result of a personnel inquiry were not properly withheld under FOIA Exemption 7(C) & (D) because they were not law enforcement records; (2)

documents may not be withheld under Exemption 6 unless the privacy interest in the withheld information outweighs the public interest in the release of the information; and (3) names and negative information about individuals were properly withheld under FOIA Exemption 6.

Jeffrey R. Leist, 1/18/96, VFA-0107

Jeffrey R. Leist filed an Appeal from a determination issued to him on November 15, 1995 by the Manager of the Ohio Field Office of the Department of Energy (DOE). In that determination, the Manager partially denied a request for information filed by Mr. Leist pursuant to a Freedom of Information Act request. Specifically, the Manager provided Mr. Leist with a copy of an employee list responsive to a part of Mr. Leist's request, but he redacted all names in accordance with Exemption 6 of the FOIA. Furthermore, the Manager was unable to locate any documents responsive to another part of Mr. Leist's request. In considering the Appeal, the DOE determined that the Manager properly withheld the names of employees from disclosure. With regard to the inability of the Manager to locate additional responsive documents, the DOE determined that the Manager is in the process of reviewing an amended request provided by Mr. Leist. Accordingly, the DOE directed the Manager of the Ohio Field Office to complete his review of Mr. Leist's amended request and send to Mr. Leist any responsive documents he may find or state the reasons why any responsive documents are exempt from mandatory disclosure. Since the DOE determined that Exemption 6 was otherwise properly applied to the names of employees, the Appeal was denied in all other respects.

Vectra Government Services, Inc., 1/18/96 VFA-0097

VECTRA Government Services filed an Appeal from a determination issued by the Rocky Flats Field Office concerning a procurement. In considering the Appeal, the DOE found that Rocky Flats properly withheld the evaluative portion of the Source Evaluation Board Report (SEB) under FOIA Exemption 5. DOE also held that the search conducted by Rocky Flats for documents concerning whether the SEB selection was overridden was adequate.

William Kuntz III, 1/16/96, VFA-0105

William Kuntz III filed an Appeal from a determination issued to him on November 3, 1995 by the Department of Energy's Albuquerque Field Office (DOE/AL). In that determination, the DOE/AL denied a request for information filed by Mr. Kuntz on October 12, 1995, under the Freedom of Information Act (FOIA). The DOE/AL stated the records sought by Mr. Kuntz are "agency records," and thus are not subject to the FOIA. In his Appeal, Mr. Kuntz challenged DOE/AL denial of the requested information and asked the OHA to direct DOE/AL to release the requested information. In considering the Appeal, the Office of Hearings and Appeals found that the records sought by Mr. Kuntz are neither "agency records" within the meaning of the FOIA, nor subject to the FOIA under the DOE regulations. Therefore, the Department of Energy denied Mr. Kuntz's Appeal.

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 ABBOTT TRUCKING, INC (RF272-78473, 01/16/96), ALDEN ASSOCIATES (RK272-242, 01/16/96), AMERICAN ENKA COMPANY, ET AL (RF272-77453, 01/16/96), etc.

Dismissals

The following submissions were dismissed: