

relationship between the geological formation of natural gas fields and the levels of radioactivity in the water brought to the surface as part of the oil and gas extraction process. If successful, the study would provide natural gas producers with data that would allow them to assess probable levels of radioactivity at a site before drilling, thus reducing the volume of radioactive

materials brought to the surface. DOE's Assistant Secretary for Energy Efficiency and Renewable Energy had determined that this proposal was inconsistent with the terms of the Stripper Well Settlement Agreement in that its main focus was environmental. Louisiana argued in its Petition that the study was authorized by the Chevron consent order, which allows the use of oil

overcharge funds for energy research. The OHA agreed with the initial assessment of Louisiana's proposal and concluded that the project could not qualify as an energy research program under the terms of the Chevron consent order because it was not remedial in nature. Accordingly, Louisiana's Petition for Special Redress 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.

Central Valley Coop Consumers Oil Co	RF272-92208	07/25/95
	RF272-92230	
Crude Oil Supplemental Refund Distribution	RB272-14	07/25/95
Crude Oil Supplemental Refund Distribution	RB272-20	07/25/95
Crude Oil Supplemental Refund Distribution	RB272-24	07/28/95
Gibraltar School District et al	RF272-84697	07/28/95
Nome City School District et al	RF272-95900	07/28/95
Reserve School District et al	RF272-95426	07/25/95
Texaco Inc./Second Avenue Texaco	RF321-20643	07/25/95
Texaco Inc./Short Stop, Inc	RF321-6657	07/28/95
Texaco Inc./Squaw Transit Co	RF321-8846	07/28/95
Texaco Inc./Webb Texaco Station et al	RF321-1486	07/28/95
Texaco Inc./Whittaker Metals, Inc	RF321-9170	07/28/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Herbert Easterly	VFA-0054
Hopson's Texaco Service Station	RF321-20386
McMinn Texaco	RF321-4191
Rocky Flats Field Office	VSO-0033
San Diego Transit Corporation	RF272-97153

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, 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: February 14, 1996.

George B. Breznay,
Director, Office of Hearings and Appeals.
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Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of May 22 Through May 26, 1995

During the week of May 22 through May 26, 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

A. *Victorian*, 5/22/95, VFA-0036

Dr. A. Victorian (Appellant) filed an Appeal from a final determination by the Acting Director of the Office of Intergovernmental and External Affairs of the Albuquerque Operations Office of the Department of Energy (DOE/AL). DOE/AL withheld certain documents identified as responsive to Appellant's request on the grounds that they contained sensitive and personal information. Although the person named in the documents was deceased, DOE/AL found that the surviving relatives of the named individual had a privacy interest in the information and withheld the documents under Exemption 6. In considering the Appeal,

the DOE found that while a privacy interest in the information existed, DOE/AL did not balance this interest against the public interest in disclosing the information. Accordingly, the Appeal was remanded to DOE/AL so that it could balance the privacy interest of surviving relatives against the public interest in disclosure in a manner consistent with this Decision.

Personnel Security Hearings

Albuquerque Operations Office, 5/22/95, VSO-0018

An OHA Hearing Officer issued an Opinion recommending against restoring the access authorization of a DOE contractor employee. The employee's "Q" clearance had been suspended by the Operations Office Manager after a DOE-sponsored psychiatrist found that the employee was a user of alcohol habitually to excess and suffered from "substance abuse, alcohol," a mental condition which causes or may cause a significant defect in judgment or reliability. The

evidence in the record indicated that the employee had a lengthy history of arrests and convictions for alcohol-related traffic offenses, including two within the last 18 months. At the hearing, the employee admitted that he had been an alcohol abuser, but introduced evidence of his progress towards rehabilitation during the six month period immediately prior to the hearing. The Hearing Officer concluded that the employee had not as yet abstained from alcohol long enough to demonstrate that he was rehabilitated from his drinking problem, and that as a result, the employee's history of alcohol abuse still raised serious security concerns. For these reasons, the Hearing Officer concluded that the

employee had failed to show that restoring the employee's access authorization would not endanger the common defense and security and would be clearly consistent with the national interest.

Albuquerque Operations Office, 5/25/95, VSO-0019

A DOE Hearing Officer issued an Opinion concerning the eligibility of an individual for continued "Q" access authorization. Tests conducted as part of a routine annual physical examination indicated that the individual had used cocaine. The individual claimed that he had not used cocaine. He argued that this use of certain over-the-counter medications prior to the drug test should have

resulted in positive results for drugs other than cocaine, and that the lack of such results proved that the tested specimen was not his. After reviewing the chain-of-custody documentation for the specimen and considering expert testimony on the effects of over-the-counter medications on drug tests, the Hearing Officer found that the tested specimen was the individual's and the individual must have used cocaine. The Hearing Officer, therefore, found that the individual's denials of cocaine use were falsifications and that the individual had violated a drug certification which he had signed. The Hearing Officer concluded that the individual's access authorization should not be restored.

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.

Crude Oil Supple. Refund Distribution et al	RB272-4	05/23/95
Crude Oil Supplemental Refund Distribution et al	RB272-3	05/23/95
Gloucester Trucking	RF272-97259	05/23/95
Kessler Institute for Rehab et al	RF272-92130	05/23/95
Squaw Transit Co	RF272-74580	05/23/95
Squaw Transit Co	RD272-74580	
Texaco Inc./Al's Texaco	RF321-13059	05/22/95
Texaco Inc./Associated Transport, Inc	RF321-13106	05/23/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Albany Independent School District	RF272-97390
Andy's Texaco	RF321-20772
Bill Clendening Texaco	RF321-20749
Energy Cooperative, Inc	RF340-120
Gall Silica Mining Co., Inc	RF272-97436
Harvey Texaco	RF321-20766
Leaseway Transportation Corp	RF272-97308
Liberty County Board of Commissioners	RF272-97432
Oklahoma State University	RF272-98486
Richard M. Ross	VFA-0042
Roaring Spring, PA	RF272-86781
Texaco Gas Station	RF321-20762
The Gates Rubber Company	RF272-88647
The Gates Rubber Company	RF272-93720
Unico, Inc	RF321-6384
Valley Line Company	RF272-98124
Victoria Independent School District	RF272-97440

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: February 14, 1996.
 George B. Breznay,
Director, Office of Hearings and Appeals.
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Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of August 21 through August 25, 1995

During the week of August 21 through August 25, 1995 the decisions and orders summarized below were issued with respect to applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also