Name	Case No.
Fruehauf Trailer Corp	RR321–184
Green's Propane Gas Co., Inc	RF304–13618
McKelvey Oil Co.	RF304–13492
Middlewest Freightways, Inc	RF272–89914
Urich's Texaco Service Station	RF321–20928

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Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of December 18 Through December 22, 1995

During the week of December 18 through December 22, 1995, 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: September 4, 1996.

George B. Breznay,

Office of Hearings and Appeals.

Appeal

Keith E. Loomis, 12/21/95, VFA–0102

The DOE's Office of Hearings and Appeals (OHA) issued a determination denying a Freedom of Information Act (FOIA) Appeal filed by Keith E. Loomis (Loomis). Loomis appealed the Office of Naval Reactors' (ONR) withholding of information under Exemption 6 and contended that the ONR search for responsive documents was not adequate. OHA found that Exemption 6 was properly applied and that ONR's search for responsive documents was adequate.

Personnel Security Hearing

Albuquerque Operations Office, 12/18/95, VSO–0054

An Office of Hearings and Appeals Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain access authorization under the provisions of 10 C.F.R. Part 710. After considering the individual's testimony and the record, the Hearing Officer found that the individual, who has had five DWI arrests, has an illness or mental condition (substance dependence) that in the opinion of a board-certified psychiatrist causes, or may cause a significant defect in his judgment or reliability and that he is a user of alcohol to excess. Since the individual had only been abstinent for four months as of the time of the hearing and had not made a sufficient commitment to alcoholism counseling, the Hearing Officer also found that he was not rehabilitated or reformed. In addition, the Hearing Officer found that by failing to report three of his arrests to the DOE in a timely manner, the individual had engaged in conduct which tends to show that he was not honest, reliable, or trustworthy. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Implementation of Special Refund Procedures

Vessels Gas Processing Co., 12/21/95, VEF–0007

The DOE issued a Decision and Order implementing special refund procedures to distribute $1,564,223 (plus accrued interest) which Vessels Gas Processing Company (Vessels) remitted to the DOE pursuant to a Consent Order. The Decision sets forth refund application procedures for customers who claim that they were injured as a result of purchases of natural gas liquids and natural gas liquid products from Vessels during the period from September 1, 1973 though December 31, 1977. If any funds remain after meritorious claims are paid, the Decision provides that they will be used for indirect restitution through the States in accordance with the Petroleum Overcharge Distribution and Restitution Act of 1986.

Refund Applications

Atlantic Richfield Company/Associated Transport, Inc, 12/21/95, RF304–12217

LK, Inc., filed an application in the ARCO special refund proceeding with respect to purchases of ARCO products made by Associated Transport, Inc. LK, Inc., claimed to have acquired the right to the refund from Associated Transport while that firm was in bankruptcy. The assignment in question transferred claims in the ''Stripper Well'' litigation. Since the ARCO proceeding is unrelated to the Stripper Well Litigation, the DOE found that the assignment did not transfer Associated Transport's right to an ARCO refund. Accordingly, the application filed by LK, Inc., was denied.

Columbia LNG, 12/21/95, RC272–00326

The DOE issued a Decision and Order in the crude oil refund proceeding concerning an Application for Refund filed by Columbia LNG. Columbia was granted a refund based on the purchase of Natural Gas Liquids, some of which have now been shown to be either imported from foreign sources or were acquired as a result of a first sale into U.S. Commerce. These purchases are not eligible for refunds in this proceeding. Accordingly, the DOE rescinded that portion of Columbia's refund which was based on those ineligible gallons.

Mobil Oil Corp./Frontier Petroleum Company, 12/19/95, RR225–45

Frontier Petroleum Company filed a motion for modification seeking the reissuance of a refund check that had been issued to it from the Mobil Oil Corp. Special Refund Proceeding. According to Frontier, the check was issued to it in 1989, but was never cashed. The DOE denied Frontier's motion, finding that it was unable to trace the check and thereby lacked a reasonable basis to conclude that Frontier had not cashed the check.

Tajon, Inc., 12/21/95, RC272–325

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Subpart V crude oil refund proceeding by Tajon, Inc. The DOE previously granted a crude oil refund to Tajon. Tajon had filed a Surface Transporters Escrow Settlement Claim Form and Waiver in the Stripper Well proceeding. This Claim Form and

Waiver was dismissed because Tajon had repeatedly failed to provide information which DOE required in order to process the claim. The DOE has determined that a Waiver is binding in situations where the Stripper Well application was dismissed for lack of information and the applicant was otherwise eligible for a Stripper Well refund. Accordingly, the refund granted to Tajon, Inc. is rescinded.

The 341 Tract Unit of the Citronelle Field, The 341 Tract Unit of the Citronelle Field/Litigating Refiners, 12/18/95, VFX–0006, RF345–50

The Office of the Hearings and Appeals directed that the DOE Controller take steps to disburse funds into nine escrow accounts pursuant to a court-approved settlement of litigation involving a $144 million escrow fund. That fund originated when exception relief was approved for The 341 Tract Unit of the Citronelle Field.

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/Bassman, Mitchell & Alfano	RR304–0065	12/21/95
Atlantic Richfield Company/Del Real Arco Service et al	RF304–13302	12/18/95
Atlantic Richfield Company/General Equities, Inc.	RR304–00070	12/19/95
Catherine Barber	RJ272–00003	12/21/95
Crude Oil Supplemental Refund Distribution	RB272–00027	12/18/95
Farmers Coop Oil Co.	RF272–97922	12/19/95
Park Region Coop	RF272–97925	
Morrow County Grain Growers	RF272–97930	
Jacobson Transport, Inc. et al	RF272–74695	12/19/95
Lester Chambers et al	RK272–00459	12/21/95
Limoneira Co. et al	RK272–00024	12/18/95
Lyndon Town School District et al	RF272–96200	12/19/95
MacFarlane Co.—USA, L.L.C. et al	RK272–02496	12/18/95
Mary Jo Pihlstrom et al	RK272–02662	12/21/95
Pat Marple et al	RK272–00507	12/21/95
Salomon Valley Coop et al	RF272–00172	12/18/95
Texaco Inc./Engler's Texaco	RF321–20736	12/18/95
Wilbert Frye Residuary Trust et al	RK272–02808	12/21/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Marol Realty, Inc.	RK272–00244
Montclair Arco	RF304–15389

[FR Doc. 96–23734 Filed 9–16–96; 8:45 am]

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Issuance of Decisions and Orders; Week of January 29 Through February 2, 1996

During the week of January 29 through February 2, 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: September 4, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appeal

PSI Energy, Inc., 1/30/96, VEA–0001

PSI Energy, Inc. (PSI) filed an Appeal from a determination issued by the DOE's Office of Environmental Management (OEM). PSI claimed that: (i) the OEM erroneously determined its liability for payment into the Uranium Enrichment Decontamination and Decommissioning Fund (D&D Fund) established under the Energy Policy Act of 1992; (ii) Indiana state law would prohibit PSI from passing through its assessment to its ratepayers; and (iii) the assessment of utilities for payment into the D&D Fund was an unconstitutional taking of property. The DOE found that: (i) the firm was properly assessed for uranium enrichment services that it purchased from the DOE and did not sell in the secondary market; (ii) Indiana state law would be preempted by the federal Energy Policy Act; and (iii) while the DOE will ultimately defer to the rulings of the federal courts, the collection of assessments will continue while the courts are considering the constitutionality of the relevant provisions of the Energy Policy Act. Accordingly, PSI's Appeal was denied.

Personnel Security Hearings

Albuquerque Operations Office, 1/31/96, VSA–0020

The Director of the Office of Hearings and Appeals issued an Opinion concerning a Request for Review that was filed by the DOE's Office of Security Affairs (OSA). In its submission, the OSA requested that a security clearance matter be remanded to the Hearing Officer so that the Hearing Officer could render an opinion concerning an individual's eligibility for access authorization. In the Hearing Officer's initial Opinion, she stated that because the individual attended, but did