LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of August 12 through August 16, 1996]

Date	Name and Location of Applicant	Case No.	Type of Submission
August 15, 1996	Idaho Operations Office, Idaho Falls, Idaho.	VSO–0109	Request for hearing under 10 CFR part 710. If granted: An individual employed at Idaho Operations Office would receive a hearing under 10 CFR part 710.
Do	U.S. Solar Roof, Bothell, Washington.	VFA–0203	Appeal of an information request denial. If granted: The August 1, 1996 Freedom of Information Request Denial issued by Golden Field Office would be rescinded, and U.S. Solar Roof would receive access to certain DOE information.
August 16, 1996	Idaho Operations Office, Idaho Falls, Idaho.	VSA–0087	Request for review of opinion under 10 CFR part 710. If granted: The July 11, 1996 Opinion of the Office of Hearings and Appeals, Case No. VSO–0087, would be reviewed at the request of the Office of Security Affairs.

REFUND APPLICATIONS RECEIVED

[Week of August 12 through August 16, 1996]

Date received	Name of refund proceeding/name of refund applicant	Case No.
8/12/96 thru 8/16/96	Crude Oil Supplement Refund Applications	RK272–3868 thru RK272–3883.
8/12/96	Presidio Exploration, Inc.	RF352–9.
8/16/96	Mary E. Young	RG272–1043.

[FR Doc. 96–24394 Filed 9–23–96; 8:45 am]

BILLING CODE 6450–01–P

Notice of Issuance of Decisions and Orders From the Week of May 20 Through May 24, 1996

During the week of May 20 through May 24, 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 16, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 973

Appeals

Arline Jolles Lotman, 5/23/96, VFA–0156

Arline Jolles Lotman (Lotman) filed an Appeal from a determination issued to her by the DOE's Albuquerque Operations Office (AO). In her Appeal, Lotman asserted that the AO did not conduct an adequate search for radiation exposure records she had requested pursuant to the FOIA. The DOE determined that the AO had conducted an adequate search for records and Lotman's Appeal was denied.

Chey Temple, 5/20/96, VFA–0154

Chey Temple filed an Appeal from a denial by the DOE's Richland Operations Office (DOE/RL) of a Request for Information which he had submitted under the Privacy Act. In considering the Appeal, the DOE found that the document requested, his Personnel Security file, contained some information that did not identify the source of the material and thus was not exempt from withholding under Exemption 6 of the FOIA. The Appeal was remanded to DOE/RL for release for all non-identifying portions of the requested material or a new determination adequately justifying continued non-disclosure of this information. Accordingly, the Appeal was granted in part and denied in part.

Industrial Constructors Corporation, 5/23/96, VFA–0144

Industrial Constructors Corporation (ICC) filed an Appeal from a determination issued to it by the DOE's Albuquerque Operations Office (AO). In its Appeal, ICC asserted that the AO improperly withheld portions of documents which it had received pursuant to the FOIA. The DOE determined that while most of the materials had been properly withheld under Exemption 4 of the FOIA, other portions had been improperly withheld under that exemption. Consequently the DOE granted ICC's Appeal in part and remanded this matter to the AO to release portions of the improperly withheld materials or to issue a new determination regarding those materials.

Personnel Security Hearings

Albuquerque Operations Office, 5/23/96; VSO–0077

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization under the provisions of 10 CFR Part 710. The DOE Personnel Security Division alleged that the individual ''[t]rafficked in, sold, transferred, possessed, used, or experimented with a drug or other substance listed in the Schedule of Controlled Substances established pursuant to Section 202 of the Controlled Substances Act of 1970'' and ''[e]ngaged in * * * unusual conduct or

is subject to circumstances which tend to show that the individual is not honest, reliable, or trustworthy; or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security.'' On April 2, 1996, the parties convened for an evidentiary hearing in which eight witnesses testified. After carefully examining the record of the proceeding, the Hearing Officer determined that the individual used an illegal drug and engaged in conduct demonstrating that he is not honest, reliable or trustworthy within the meaning of 10 CFR § 710.8(k) and 710.8(l). Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Nevada Operations Office, 5/23/96, VSA–0049

An individual whose access authorization was suspended filed a Request for Review of a DOE Hearing Officer's recommendation against restoration of the access authorization. The individual's access authorization was suspended by the DOE's Albuquerque Operations Office upon its receipt of derogatory information indicating that the individual had made a false statement on a report given to the DOE concerning several arrests for driving under the influence of alcohol (DUI). The DOE also claimed that the individual suffered from alcohol dependence. The Hearing Officer found that the individual did make a false statement in the report, but that he had been rehabilitated from alcohol dependence. In a request for review, the individual submitted some additional documentary information regarding whether he had made a false statement in connection with the reporting of the DUI. The Office of Safeguards and Security filed a response objecting to the Hearing Officer's finding that the individual was rehabilitated. In his Opinion, the Director of the Office of Hearings and Appeals found that the documentary evidence submitted by the individual did not establish that the individual had not made a false report to the DOE. The Director further found that in making the determination that the individual was rehabilitated from alcohol dependence, the Hearing Officer had failed to take into account expert testimony to the effect that the period of abstinence by the individual was too short to make any long term predictions or prognosis regarding risk of relapse. However, the Director stated that a new finding on this issue was not necessary since he would not in any event recommend that the individual access authorization be restored.

Request for Exception

Heller & Sons, Inc., 5/23/96, VEE–0016

Heller & Sons, Inc. filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA–782B, the ''Resellers'/Retailers' Monthly Petroleum Product Sales Report.'' In considering this request, the DOE found that the firm was not suffering any gross inequity or serious hardship. Accordingly, the DOE issued a Decision and Order determining that the exception request be denied.

Refund Applications

Parker Refrigerated Service, Inc., 5/21/96, RF272–97316

The DOE issued a Decision and Order granting an Application for Refund filed on behalf of Parker Refrigerated Service, Inc., by Wilson Keller & Associates, in the Subpart V crude oil refund proceeding. The DOE determined that because the firm was in bankruptcy, the refund should be sent to the Trustee of the bankruptcy proceeding. The refund granted to Parker was $18,446.

Tesoro Petroleum Corporation/Texaco Inc., et al. , 5/23/96, RF326–74, et al.

Eight firms sought refunds in the Tesoro Petroleum Corporation special refund proceeding. Each of these eight firms was a small refiner that had received ''*Delta/Beacon*'' exception relief from the Oil Entitlements Program, or was affiliated with such a small refiner. The DOE noted that *Delta/Beacon* exception relief generally operated to insulate the recipient from the effects of any overcharges. As a result, firms would generally not be entitled to refunds for periods in which they received exception relief. However, the DOE found that it would impose an inordinate burden on the agency to determine the effect of exception relief upon an applicant's right to a refund where the refund sought was small. Consequently, for purposes of administrative efficiency, the DOE found that it would not consider the effect of exception relief where, as here, the applicants were relying upon a presumption of injury. The DOE stated that it would continue to consider the receipt of exception relief when evaluating applications that abandon the presumption of injury to seek a larger refund. Accordingly, the refund applications were approved.

The 341 Tract Unit of the Citronelle Field/Consumers Power Company, Inc., 5/23/96, RF345–2

The DOE issued a Decision and Order, granting a refund application filed by Consumers Power Company in The 341 Tract Unit of the Citronelle Field refund proceeding. The DOE determined that the applicant's refund should be based on the proportionate impact of the Citronelle exception relief on the applicant's November 1980 entitlements position. The DOE applied that standard and determined that the applicant should receive a refund of $68,650. Accordingly, the application was granted in part.

The 341 Tract Unit of the Citronelle Field/Pennzoil Products Company, et al., 5/23/96, RF345–44 et al.

The DOE issued a Supplemental Order disbursing $15,905 to Pennzoil Products Company from an escrow account in connection with The 341 Tract Unit of the Citronelle Field. Pennzoil Products Company received a refund as a non-litigant refiner. The disbursement was made pursuant to a Settlement Agreement that was approved by the U.S. District Court for the Southern District of Texas on December 6, 1995.

The 341 Tract Unit of the Citronelle Field/Texas City Refining, Inc. et al., 5/23/96, RF345–1, et al.

The DOE issued a Supplemental Order disbursing $196,906 from an escrow account in connection with The 341 Tract Unit of the Citronelle Field. The disbursements were made pursuant to a Settlement Agreement that was approved by the U.S. District Court for the Southern District of Texas on December 6, 1995.

Wheless Drilling Company, 5/21/96, RR272–138

The DOE issued a Decision and Order granting a Motion for Reconsideration filed by Wheless Drilling Company in the Subpart V crude oil refund proceeding. Wheless had failed to submit documents verifying its gallonage claim in its original application, and it was dismissed. However, since Wheless has submitted those documents and good cause for its delay in submitting this material, it was granted a refund. The refund granted to Wheless in this Decision was $42,277.

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.J. ROEDER DISTRIB., INC. ET AL	RF304–14142	05/23/96
CHAMPAIGN LANDMARK, INC.	RF272–97121	05/23/96
CHICO DAIRY COMPANY	RF272–97257	05/20/96
CITRONELLE/NATIONAL COOPERATIVE REFINERY ASSOC. ET AL	RF345–33	05/23/96
FARMERS COOPERATIVE ELEVATOR ET AL	RF272–94143	05/23/96
FIRST NATIONAL SUPERMARKETS, INC.	RF272–98808	05/21/96
ROADRUNNER TRUCKING, INC	RF272–98942	
FRED A. DENENKAMP ET AL	RK272–2470	05/20/96
GENERAL FREIGHT SYSTEMS	RF272–90239	05/21/96
VERMONT MARBLE CO	RF272–98189	
GULF OIL CORPORATION/BLACK-PURSLEY HEATING OIL CO. ET AL	RF300–15231	05/23/96
GULF OIL CORPORATION/C.M. BULLOCK GULF	RR300–0271	05/20/96
GULF OIL CORPORATION/LOESCH'S DOWNTOWN GULF	RF300–21833	05/20/96
GULF STATES UTILITIES COMPANY	RK272–03557	05/21/96
HUNTSVILLE HOSPITAL ET AL	RK272–00830	05/20/96
INTERNATIONAL DETECTIVE SERVICE ET AL	RF272–85643	05/23/96

Dismissals

The following submissions were dismissed:

Name	Case No.
CONTINENTAL INSURANCE COMPANY	RF272–74601

[FR Doc. 96–24392 Filed 9–23–96; 8:45 am]

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Notice of Issuance of Decisions and Orders From the Week of March 25 Through March 29, 1996

During the week of March 25 through March 29, 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.

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Dated: September 16, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 965

Week of March 25 Through March 29, 1996

Appeals

Keith E. Loomis, 3/25/96, VFA–0104

Keith E. Loomis filed an Appeal from a denial by the DOE's Office of Naval Reactors of a request for information that he filed under the Freedom of Information Act (FOIA). In considering the information that was withheld, pursuant to a review by the Director of Naval Reactors, as classified and Naval Nuclear Propulsion Information under Exemptions 1 and 3 of the FOIA, the DOE determined that all of previously withheld material must continue to be withheld. Accordingly, the Appeal was denied.

Phoenix Rising Communications, 3/26/96, VFA–0116

Phoenix Rising Communications (Phoenix) filed an Appeal from a determination issued by the DOE's Oakland Operations Office (Oakland) in response to a request from Phoenix under the Freedom of Information Act (FOIA). Phoenix sought documents related to Lawrence Livermore National Laboratory's Site 300. In considering the Appeal, the DOE found that Oakland performed an adequate search and followed procedures which were reasonably calculated to uncover the material sought by Phoenix. Accordingly, the Appeal was denied.

William H. Payne, 3/26/96, VFA–0128, VFA–0137, VFA–0138, VFA–0139, VFA–0140, VFA–0141

William H. Payne filed Appeals from three determinations and two letters, and a Motion for Reconsideration of Decision and Order, all of which concerned requests under the Freedom of Information Act (FOIA). In appealing three DOE Albuquerque Operations Office (DOE/AL) determinations, Mr. Payne challenged (1) the adequacy of the search for documents containing the names of retired military personnel currently employed at Sandia National Laboratories (SNL); (2) the adequacy of the search for husband-wife pairs employed at either SNL or DOE–AL; and (3) the denial of a requested fee waiver for law firm invoices. Mr. Payne also sought review of DOE's handling of three requests for information and a letter issued by the University of California for records containing the names of husband-wife pairs employed at the Los Alamos National Laboratory (LANL). Lastly, Mr. Payne sought review of a Decision and Order concerning retired military personnel currently employed at LANL. In considering the Appeals, the DOE found that records which might contain responsive information on husband-wife pairs and retired military personnel at SNL were not agency records subject to the FOIA. Moreover, the DOE found that DOE–AL performed an adequate search of its documents for husband-wife pairs employed at DOE–AL. Accordingly, these two appeals were denied. With respect to the fee waiver, the DOE found that Mr. Payne had not demonstrated at least some capability to disseminate the information received from the law firm billing invoices to the public. Therefore, Mr. Payne's fee waiver request was denied. In considering the two letters, the DOE found that they were not