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]

BILLING CODE 6450–01–P

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.

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. 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

determinations with respect to either the three requests for information or the request for husband-wife pairs employed at LANL. Thus, the DOE dismissed the Appeals concerning the letters. Lastly, the DOE found that in his Motion for Reconsideration, Mr. Payne had not provided any additional information or shown changed circumstances that would lead the DOE to alter its prior Decision. Accordingly, the Motion for Reconsideration was denied.

Remedial Order

Chevron U.S.A. Inc., 3/25/96, LRO–0004

Chevron U.S.A. Inc. (Chevron) filed a Statement of Objections to a Proposed Remedial Order (PRO) issued to Chevron by the Economic Regulatory Administration (ERA) on March 26, 1992. In the PRO, the ERA alleged that as a result of its participation in the DOE Tertiary Incentive Program (TIP), Chevron received excess tertiary incentive revenue attributable to its first sales of domestically produced crude oil during the period January 1980 through January 27, 1981, in violation of 10 C.F.R. §§ 212.78, 212.73, 212.74 and 205.202. The PRO required that Chevron make restitution for this alleged violation in the amount of $124,989,588 (later amended to $167,268,897), plus interest. In considering the substantial record developed in the proceeding, the DOE found that although Chevron's TIP reports reflected the firm's receipt of excess ''tertiary incentive revenue'' by regulatory definition, the firm had not in fact received any excess amount of actual revenue as a result of its participation in the TIP. Accordingly, the PRO was dismissed with prejudice.

Personnel Security Hearing

Albuquerque Operations Office, 3/26/96, VSO–0066

An Office of Hearings and Appeals Hearing Officer issued an opinion against restoring the security clearance of an individual whose clearance had been suspended because the Department had obtained derogatory information that fell within 10 C.F.R. § 710.8 (j) and (l). In reaching his conclusion, the Hearing Officer found that the individual had been diagnosed as dependent on alcohol and did not make an adequate showing of rehabilitation. In addition, the Hearing Officer found that an incident of domestic violence where the individual left the scene before law enforcement officers arrived shows a lack of judgment and reliability within the meaning of 10 C.F.R. § 710.8(l).

Refund Applications

Good Hope Refineries/Marathon Oil Company, 3/25/96, RF339–11

Marathon Oil Company filed an application for refund in the Good Hope Refineries II Refund Proceeding. The DOE denied Marathon's application after finding that Marathon was a spot purchaser and failed to rebut the presumption that spot purchasers were not injured.

Gulf Oil Corp./Hilltop Gulf, 3/27/96, RR300–00268

The DOE dismissed a Motion for Reconsideration filed in the Gulf Oil Corporation special refund proceeding on behalf of Hilltop Gulf. In this Motion for Reconsideration, Wilson, Keller & Associates, Inc. (WKA), a refund filing service, asserted that several facts contained in the original Application were incorrect. On the basis of the new information, WKA requested that the Applicant's name be changed and that gallons purchased under a second Gulf Customer Number be added to the total gallonage claim. The DOE determined that the Motion for Reconsideration was fundamentally different from the original Application and constituted a new application which was barred by the Gulf deadline. Accordingly, the DOE dismissed the Motion.

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.

Clara B. Hale, et al	RK272–2249	03/27/96
Gulf Oil Corporation/Newark Lumber Co./American Home & Hardware	RR300–0259	03/25/96
Margaret H. Nordquist, et al	RK272–01526	03/27/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Airtrails, Inc	RF272–98018
American Trans Air, Inc	RF272–98744
Bay de Noc Oil Co., Inc	RF300–14753
Buffalo Airways, Inc	RF272–98720
Decatur Aviation	RF272–98723
Gulf Air Taxi, Inc	RF272–98725
Pem-Air Limited	RF272–98727
Ron's Arco	RF304–15343
S&B Go., Inc	RF300–16372
Soneco/Northeastern	RG272–00303

[FR Doc. 96–24395 Filed 9–23–96; 8:45 am]

BILLING CODE 6450–01–P

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of proposed implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces proposed procedures and solicits comments concerning the refunding of $30,000 (plus accrued