[FR Doc. 97–17485 Filed 7–2–97; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of May 26 Through May 30, 1997

During the week of May 26 through May 30, 1997, 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: June 26, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 35; Week of May 26 Through May 30, 1997

Appeals

Martha J. McNeely, 5/27/97, VFA–0291

Martha J. McNeely filed an Appeal from a determination issued by the Freedom of Information and Privacy Act Division (FOI/PAD). In that determination, FOI/PAD indicated that it could not locate Ms. McNeely's medical records. In her Appeal, Ms. McNeely asserted that a letter she had received from Dr. Tara O'Toole, DOE Assistant Secretary, contained information that could only have come from her medical records. The DOE rejected that contention, indicating that Dr. O'Toole's letter was based solely on information Ms. McNeely had submitted. Therefore, the Appeal was denied.

Mary Feild Jarvis, 5/29/97, VFA–0292

Mary Feild Jarvis filed an Appeal from a determination issued to her by the Richland Operations Office (Richland Operations) of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). Ms. Jarvis' request sought the names listed in, and the substance of, a report of a possible breach of the standards of ethical conduct by a DOE employee. Richland Operations had withheld this information under Exemption 6 of the FOIA, protecting personal privacy. In considering the Appeal, the DOE found, in a case of first impression, that a person reporting a potential ethical concern by a DOE employee has a protectable privacy interest for the purposes of Exemption 6 for the same reason that others who report alleged governmental misconduct have a privacy interest. In this case, the DOE found no public interest that outweighed the privacy interest and thus found that Richland Operations properly withheld the name, identifying information, and associated phrases of the person who reported the ethics concern. However, in this case, the DOE found no protectable privacy interest in the names and affiliations of persons with actual knowledge of the alleged ethics infraction nor in the report of the ethics concern. In the case of the former, the DOE determined that there was nothing private revealed about the named people, and in the case of the latter, the DOE found the concern written in such a manner that it was highly unlikely that one could determine who reported the ethics concern. Accordingly, the Appeal was granted in part, denied in part, and remanded to the Richland Operations Office with instructions to issue a new determination either releasing the specified material or asserting and explaining further privacy interests and balancing them with any public interest.

Personel Security Hearing

Personnel Security Hearing, 5/29/97, VSO–0136

An Office of Hearings and Appeals Hearing Officer issued an opinion under 10 C.F.R. Part 710 concerning the continued eligibility of an individual for access authorization. After considering the testimony at the hearing convened at the request of the individual and all other information in the record, the Hearing Officer found that the individual had violated a DOE Drug Certification, and that this raised security concerns under 10 C.F.R. § 710.8(1). However, the Hearing Officer further found that the individual presented sufficient evidence to mitigate the security concern. Specifically, the Hearing Officer found that the individual (i) used an illegal drug only one time in the 16 years since he signed the Drug Certification, (ii) convincingly expressed his commitment not to violate his Drug Certification in the future, and (iii) provided ample evidence that he would not use illegal drugs in the future. Accordingly, the Hearing Officer recommended that the individual's access authorization, which had been suspended, should be restored.

Refund Application

Burkland Oil Company, Cal's Supply, Inc., T.A. Weisman, Milkiken & Servas, Inc., Johnson Oil Company, Fraser Oil Company, Brookline Avenue Service, Schlottman Oil Company, Mike Junker, 5/29/97, RR72–00024, RR272–00025, RR272–00026, RR272–00027, RR272–00028, RR272–00029, RR272–00030, RR272–00031, RR272–00032

The Department of Energy (DOE) issued a Decision and Order concerning Motions for Reconsideration filed in the Crude Oil Subpart V Special Refund Proceeding. Each of the nine applicants had been denied a refund in that proceeding on the grounds that they were either a retailer or repeller and had not rebutted the presumption that these classes of persons were not harmed by overcharges in the pricing of crude oil during the period of controls. In their Motions for Reconsideration, each of the applicants attempted to rebut the non-injury presumption by relying on the statements of Dr. Peter D. Linneman given while the DOE was considering evidence during its preparation of the Report on Stripper Well Overcharges for the United States District Court of Kansas. In accord with precedent, the DOE found Dr. Linneman's general econometric statements are not sufficient to demonstrate that any particular claimant was injured by crude oil overcharges. In addition, the applicants did not submit any further evidence to show injury. Accordingly, the Motions for Reconsideration were 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.

Allied Signal, Inc	RR272–285	5/27/97
American Tar Company (ATCO)	RJ272–00042	5/30/97
Calcasieu Refining Co	RG272–76	5/30/97
Farmers Cooperative, Thorp	RG272–679	5/29/97
Heritage FS, Inc et al	RG272–160	5/30/97
Missouri Farm Bureau SVC et al	RK272–01761	5/27/97
Norwood School District et al	RF272–96313	5/29/97
Perkins Drilling, Inc., et al	RK272–03757	5/27/97
Sidney & Darlene Daily et al	RK272–04058	5/30/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Arch Bilt Container Corp./G. Fisher	RK272–04198
Cortland Bulk Milk Prod. Co-Op, Inc	RG272–00868
Pilot Freight Lines, Inc	RG272–00583
The Trane Co	RF272–98768

[FR Doc. 97–17484 Filed 7–2–97; 8:45 am]
BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5852–5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Agency Information Collection Activities, New Source Performance Standards for Storage Vessels for Petroleum Liquids

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS for Petroleum Storage Liquid Vessels. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 4, 1997.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 1797.01.

SUPPLEMENTARY INFORMATION:

Title: Agency Information Collection Activities, New Source Performance Standards for Petroleum Storage Liquid Vessels, Subpart K, 40 CFR 60; EPA ICR No. 1797.01. This is a request for reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: Owners/Operators subject to NSPS Subpart K are required to record the petroleum liquid stored, the period of storage and maximum true vapor pressure of that liquid, plus any malfunctions or shut downs of the tank during the respective storage period of the liquid.

Information is recorded in sufficient detail to enable owners or operators to demonstrate the means of complying with the applicable standard. Under this standard, the data collected and recorded is retained at the facility for a minimum of two years and made available to the Administrator either on request or by inspection.

The information generated by the recordkeeping and reporting requirements are used by the Agency to ensure that facilities affected by the NSPS continue to operate in compliance with the NSPS.

The information collected from the recordkeeping and reporting requirements is also used for targeting inspections, and is of sufficient quality to be used as evidence in court. Collection of this information is authorized at 40 CFR 60.7 and 60.110. Any information submitted to the Agency, for which a claim of confidentiality is made, will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, Part 2, Subpart B—Confidentiality of Business Information (see 40 CFR 2; 41 FR 36902, September 1, 1976; amended by 43 FR 40000, September 8, 1978; 43 FR 42251, September 20, 1978; 44 FR 17674, March 23, 1979). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 12/2/96 (61 FR 63840); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 3 to 7 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Storage Vessels of Petroleum Liquids; constructed/reconstructed or modified between 6/11/73 and 5/19/78.

Estimated Number of Respondents: 220.

Frequency of Response: Occasionally.

Estimated Total Annual Hour Burden: 678 hours.

Estimated Total Annualized Cost Burden: $23,746.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses.