Name	Case No.
MID-AMERICAN PETROLEUM SUPPLY	RF315–06429

[FR Doc. 98–3848 Filed 2–13–98; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of November 10 Through November 14, 1997

During the week of November 10 through November 14, 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: February 6, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 59: Week of November 10 Through November 14, 1997

Appeals

F.A.C.T.S., 11/10/97, VFA–0339, VFA–0343

For A Clean Tonawanda Site (F.A.C.T.S.), the Appellant, filed Appeals from determinations issued to him by the Oak Ridge Operations Office (OR) and the Office of the Executive Secretariat (ES) of the Department of Energy (DOE). In its Appeal, the Appellant asserted that OR and ES had improperly withheld documents pertaining to a DOE FUSRAP site in Tonawanda, New York, pursuant to Exemption 5 of the FOIA and that OR and ES had conducted an inadequate search for documents responsive to three categories of requested documents. Additionally, the Appellant appealed OR's denial of a fee waiver in connection with its request. Upon review, the DOE determined that OR and ES had conducted an adequate search for responsive documents. With regard to the OR's fee waiver determination, the DOE determined that the Appellant had not supplied sufficient information upon which OR could grant a fee waiver. However, because OR and ES had failed to adequately describe each of the withheld documents, the DOE remanded the matter to OR for the issuance of another determination. Since each of the documents withheld by ES was included in the documents withheld by OR, ES was not required to issue another determination. Consequently, the Appeal pertaining to the ES determination (Case No. VFA–0339) was denied but the Appeal pertaining to the OR determination (Case No. VFA–0343) was granted in part.

James R. Hutton, 11/13/97, VFA–0341

The DOE's Office of Hearings and Appeals (OHA) issued a decision granting in part a Freedom of Information Act (FOIA) Appeal filed by James R. Hutton. Hutton sought the release of information withheld by the Oak Ridge Operations Office (Oak Ridge). In its decision, OHA found that Oak Ridge improperly withheld a retention register in its entirety, when instead it should have released this document with only that information which would reveal specific employees' identities removed. OHA also found that Oak Ridge had improperly used a Glomar declaration in response to the Appellant's request for another document. (A ''Glomar'' declaration neither confirms nor denies the existence of a document). Accordingly, the Appeal was remanded to Oak Ridge and denied in all other aspects.

Refund Applications

Belle Pass Towing Corp., 11/13/97, RF272–57009

The DOE issued a Decision and Order granting sixteen Applications for Refund in the crude oil refund proceeding. Eight of the cases involved a corporation that dissolved after it submitted its timely and accurate refund application. Because the DOE did not act on the application prior to the corporation's dissolution, the DOE allowed shareholders at the time of dissolution to file refund claims after the June 30, 1995 crude oil proceeding deadline.

Goodyear Tire & Rubber Company, 11/14/97, RR272–304

The Office of Hearings and Appeals granted a supplemental crude oil refund in the amount of $425,580 to the Goodyear Tire & Rubber Company in accordance with the Opinion issued by the United States Court of Appeals for the Federal Circuit on June 30, 1997. The supplemental refund pertained to Goodyear's butadiene and propylene purchases from two of its suppliers.

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.

CAVE CREEK UNIF. DIST. #93 ET AL.	RF272–95415	11/13/97
COLONY TRANSPORT ET AL.	RF272–76468	11/13/97
CRUDE OIL SUPPLE REF DIST	RB272–00125	11/13/97
GEORGE L. GEAR	RK272–04053	11/12/97
LYDA STOWE ET AL.	RK272–04598	11/12/97
THE ROBERT JURY TRUST ET AL.	RK272–01611	11/12/97

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of October 27 Through October 31, 1997

During the week of October 27 through October 31, 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: February 6, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 57: Week of October 27 Through October 31, 1997

Appeals

Chemdata, Inc., 10/31/97, VFA–0342

ChemData, Inc. appealed a Determination issued to it by the Department of Energy in response to a request under the Freedom of Information Act (FOIA) for information concerning bid prices for a subcontract. The Rocky Flats Field Office had found that all responsive documents were owned by the management and operating contractor, Kaiser-Hill Company. The DOE rejected the Appellant's argument that all ''taxpayer-funded records'' are subject to release under the FOIA and that all contracting records of a DOE contractor are DOE property. Accordingly, the Appeal was denied.

Natural Resources Defense Council, 10/31/97, VFA–0338

The Natural Resources Defense Council filed a Freedom of Information Act (FOIA) Appeal requesting a new search for responsive documents. In considering the Appeal, the DOE determined that additional responsive documents may exist and remanded the matter to the Albuquerque Operations Office.

Patricia C. McCracken, 10/30/97, VFA–0337

The Department of Energy denied a Freedom of Information Act (FOIA) Appeal that was filed by Patricia C. McCracken. In her Appeal, Ms. McCracken challenged both the finding of the Savannah River Operations Office that a contractor proposal was exempt from disclosure pursuant to Exemption 3 and the adequacy of the search for responsive documents. In the Decision, the DOE found that the search for responsive documents was adequate and that the proposal was properly withheld under Exemption 3, because release of the proposal under the FOIA is forbidden by Section 821(b) of the National Defense Authorization Act of 1997, P.L. 104–201.

Personnel Security Hearing

Personnel Security Hearing, 10/28/97, VSO–0163

An OHA Hearing Officer issued an opinion concerning an individual whose access authorization was suspended because of derogatory information that the individual was alcohol dependent and had violated a drug certification by illegal possession of amphetamines and drug paraphernalia. At a hearing, the individual maintained that he was rehabilitated from alcohol dependence. He also contended that he saw the amphetamines and drug paraphernalia lying in the street and picked them up to show to his friends as a joke, but did not purchase or intend to use them. The Hearing Officer found that the individual did not bring forth sufficient corroboration to support these assertions. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Implementation of Special Refund Procedures

Crude Oil Purchasing, Inc.; Gratex Corp./Compton Corp.; Jaguar Petroleum, Inc.; Westport Energy Corp. & Westport Petroleum, 10/29/97, LEF–0058, VEF–0012, LEF–0059, LEF–0113

This Implementation Order sets forth the procedures for disbursement of $2,451,396 (plus accrued interest) in alleged or adjudicated crude oil overcharges obtained by the DOE from Crude Oil Purchasing, Incorporated, Jaguar Petroleum, Incorporated, Westport Energy Corporation/Westport Petroleum Corporation, and Gratex Corporation/Compton Corporation. The DOE determined that the funds obtained from these firms, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases.

Refund Application

Gulf Oil Corporation/Love Tractor Sales, et al., 10/28/97, RF300–14859, et al.

The DOE denied applications for refund submitted by five firms affiliated with the John D. Love Oil Company (LOC). When, for the purpose of applying the presumptions of injury established in the Gulf Oil Corp. overcharge refund proceeding, the gallonage of these applicants is combined with the gallonage of LOC, the principal refund for all affiliated firms is $5,000. Since LOC already received a refund of $5,000 for its own gallonage in a previous Decision and Order, the Applicants were not eligible to receive any additional refund for their gallonage.

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.

JAMES BROS. PARTNERSHIP, ET AL	RK272–04613	10/29/97
JERRY SETTLE, ET AL	RK272–01763	10/29/97

Dismissals

The following submissions were dismissed.

Name	Case No.
OCTANE PETROLEUM #1	RF300–15400