Dr. Nicolas Dominguez filed three Freedom of Information Act (FOIA) Appeals requesting that the Office of Hearings and Appeals of the Department of Energy (DOE) order a new search for responsive documents and release documents withheld from three FOIA requests. In considering the Appeal, the DOE determined that additional responsive documents may exist and that other documents were not ''agency records.'' Thus, the DOE remanded the Appeal to the Oak Ridge Operations Office.

Janice C. Curry, 13/10/98, VFA–0370

The DOE issued a decision granting in part a Freedom of Information Act (FOIA) Appeal filed by Janice C. Curry. Curry sought the release of documents withheld under FOIA Exemptions 6, 7(C), and 7(F) by the Office of Minority Affairs of the Environmental Management Division (EM/MA). In its decision, OHA found that withholding under Exemption 6 was proper, but EM/MA had made no attempt to disclose non-exempt segregable information. Because the DOE did not have evidence of the law enforcement authority of the ombudsman of EM/MA, withholding under Exemption 7 was denied. Accordingly, the Appeal was granted in part, denied in part, and remanded to EM/MA for a new determination.

Masako Matsuzaki, 3/12/98, VFA–0381

The DOE issued a decision denying a Privacy Act Appeal filed by Masako Matsuzaki. Matsuzaki sought the release of documents confirming that she was exposed to radiation while serving in the military and stationed at the Hanford Site in Richland, Washington. In its decision, the DOE found that its Richland Operations Office performed an adequate search for responsive information under the Privacy Act and the Freedom of Information Act. Accordingly, the Appeal was denied.

Stand of Amarillo, 3/10/98, VFA–0374

The DOE granted an appeal of a FOIA determination from the DOE's Albuquerque Operations Office (AOO). In the determination, AOO released what it stated were all materials responsive to the appellant's request. In the appeal, the appellant included information from the transcript of a hearing conducted by the Department of Labor indicating that additional responsive documents might exist. The matter was therefore remanded to AOO to search for the documents indicated in the appeal.

Refund of 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.

HAHN TRUCK LINE, INC	RF272–95302	3/10/98
OGALLALA PUBLIC SCHOOLS	RF272–79795	3/12/98
OGLE SERVICE COMPANY	RG272–00198	3/10/98
R.C. GERLACH	RK272–01820	3/12/98
STROEHMANN BAKERIES, L.C	RK272–4642	3/12/98
EASTERN FINE PAPER, INC	RJ272–54	
EASTERN FINE PAPER, INC	RC272–382	
NATIONAL TEA CO	RJ272–53	
NATIONAL TEA CO	RC272–381	
STROEHMANN BROS CO., INC	RC272–380	

Dismissals

The following submissions were dismissed.

Name	Case No.
PATRICIA MCCRACKEN	VFA–0385

[FR Doc. 98–14971 Filed 6–4–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of January 19 Through January 23, 1998

During the week of January 19 through January 23, 1998, 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, 950 L'Enfant Plaza, SW, Washington, DC 20585–0107, Monday through Friday, 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: May 20, 1998.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

Decision List No. 69; Week of January 19 Through January 23, 1998

Appeal

Charlene Pazar, 1/20/98, VFA–0364

Charlene Pazar (Appellant) filed an Appeal of a Determination issued to her by the Rocky Flats Field Office (RFFO) of the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA). In its determination, RFFO withheld the sole requested document under Exemption 5 of the FOIA. RFFO claimed that the document was protected under the attorney work-product privilege. The Office of Hearings and Appeals determined that the document was protected by the attorney-work product privilege. Although the litigation which had led to the creation of the withheld document had ended, other ongoing litigation involved the same set of facts. Therefore, release of the document could compromise DOE's strategy and tactics. Accordingly, the DOE denied the Appeal.

Ruth Towle Murphy, 1/23/98, VFA–0360

Ruth Towle Murphy completed the filing of a Freedom of Information Act (FOIA) Appeal requesting that the Office of Hearings and Appeals of the Department of Energy (DOE) order the release of ''estimated costs, fixed fees, and the names of key personnel to implement a contract,'' information withheld pursuant to 5 U.S.C. § 552(b)(4). In considering the Appeal, the DOE determined that all of the information withheld was commercial information within the meaning of that Exemption. Thus, the DOE dismissed Ms. Murphy's Appeal.

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.

CITY OF PROVO	RG272–738	1/20/98
CITY OF QUINCY	RF272–95482	1/20/98
ELSA COOP GIN ASSN	RF272–95719	.....
J & H ASSOCIATES ET AL	RK272–01580	1/21/98
QUANTUM CHEMICAL CORP./RICE OIL CO	RF330–67	.....
RICE-LINDQUIST, INC	RF300–21841	.....
WINN-DIXIE MIDWEST, INC. ET AL	RK272–04683	1/23/98

Dismissals

The following submissions were dismissed.

Name	Case No.
ARTHUR F. MURFIN	VWA–0016
BROOKLYN-GERNSEY-MALCOLM COMM. SCHOOLS	RF272–79520
GENERAL DELIVERY AND SERVICE	RF272–94642
JONES, WALKER, WAECHTER, POITEVENT, CA	VFA–0363

[FR Doc. 98–14972 Filed 6–4–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of March 2 Through March 6, 1998

During the week of March 2 through March 6, 1998, 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, 950 L'Enfant Plaza, SW, Washington, DC 20585–0107, Monday through Friday, 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: May 20, 1998.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

Decision List No. 75; Week of March 2 Through March 6, 1998

Appeal

GLEN MILNER, 3/3/98, *VFA–0170*

Glen Milner filed an Appeal from a denial by the Albuquerque Operations Office of a Request for Information that he filed under the Freedom of Information Act (FOIA). Because the withheld information was identified as classified under Executive Order 12958 and the Atomic Energy Act, the DOE withheld it under Exemptions 1 and 3 of the FOIA. In considering the information that was withheld, the DOE determined on appeal that a small portion of the document must continue to be withheld under Exemption 3, but the remainder could be released. Accordingly, the Appeal was granted in part and a newly redaction version of the requested information was ordered to be released.

Personnel Security Hearing

PERSONNEL SECURITY HEARING, 3/5/98 *VSO–0183*

A Hearing Officer Opinion recommended against the grant of access authorization. The Opinion found that the individual had not resolved the security concern arising from a pattern of dishonest conduct.

Refund Applications

ENRON CORP./FERRELLGAS, INC., 3/3/98, RF340–60

The DOE granted an Application for Refund submitted by Ferrellgas, Inc. (Ferrellgas) in the Enron Corporation (Enron) special refund proceeding. The DOE found that Ferrellgas was a reseller and retailer that purchased large quantities of propane and butane from Enron. The DOE also found that Ferrellgas' propane and butane purchases from Enron were not discretionary in nature, and were necessary for Ferrellgas to meet the supply requirements of its regular customers. The DOE found that Ferrellgas had demonstrated that the prices it paid to Enron for butane resulted in an economic injury to Ferrellgas, and granted Ferrellgas a full volumetric refund for its butane purchases. However, with respect to propane, the DOE found that Ferrellgas had not established a level of injury sufficient to qualify for a full volumetric refund. The DOE therefore limited this refund to the volume of propane that Ferrellgas purchased from Enron at above market prices. Accordingly, the DOE granted Ferrellgas a refund, including interest, of $347,549.