| Name | Case No. |
|---|---|
| LINDEMANN PRODUCE, INC | RK272–04643 |

[FR Doc. 98–15568 Filed 6–10–98; 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 February 9 Through February 13, 1998

During the week of February 9 through February 13, 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, D.C., 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: June 2, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### Decision List No. 72 Week of February 9 Through February 13, 1998

*Appeal*

*Marjorie A. Jillson, 2/11/98, VFA–0366*

Marjorie A. Jillson appealed a determination issued to her by the Freedom of Information and Privacy Act Division (FOIA Division) of the Department of Energy concerning a request for information she filed pursuant to the Privacy Act. The FOIA Division found no records responsive to Ms. Jillson's request. In considering her Appeal, the DOE found that the FOIA Division had adequately searched all the systems of records under its control that might reasonably be expected to contain the material sought by Ms. Jillson. Accordingly, the Appeal was denied.

*Personnel Security Hearing*

*Personnel Security Hearing, 2/9/98, VSO–0178*

A Hearing Officer found that the individual (1) had made false statements to the DOE and the OPM, (2) had been appropriately diagnosed as alcohol dependent, and (3) suffered from alcohol dependence which affected his judgment and reliability. The individual failed to prove rehabilitation. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

### 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.

| | | |
|---|---|---|
| BREWER PRODUCTS, INC. | RF272–93953 | 2/11/98 |
| DONALD R. CLAUNCH | RG272–00766 | 2/11/98 |
| DONALD R. CLAUNCH | RG272–00767 | |
| DR. PEPPER, 7-UP, ROYAL CROWN BOTT. CO | RK272–04734 | 2/11/98 |
| JOANNE MCCARTY ET AL | RK272–04698 | 2/11/98 |

### Dismissals

The following submissions were dismissed.

| Name | Case No. |
|---|---|
| WAVECREST MANAGEMENT | RF272–97795 |

[FR Doc. 98–15569 Filed 6–10–98; 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 May 4 Through May 8, 1998

During the week of May 4 through May 8, 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, D.C., 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: June 2, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### Decision List No. 84 Week of May 4 Through May 8, 1998

*Appeals*

*Air-Con, Inc., 5/4/98, VFA–0403*

Air-Con, Inc. appealed a determination issued to it by the Idaho Operations Office (Idaho) of the Department of Energy in which it asserted that Idaho failed to conduct an adequate search for various contract settlement documents requested pursuant to the FOIA. The DOE

determined that Idaho had performed an adequate search and that documents possessed by a subcontractor would not be subject to the FOIA. Consequently, the Appeal was denied.

*Francis M. Kovac, 5/8/98, VFA–0404*

Francis M. Kovac appealed a determination issued to him by the Oak Ridge Operations Office of the Department of Energy in response to a Request for Information submitted under the Freedom of Information Act (FOIA). Mr. Kovac sought records of reimbursements to seven specified persons, and the Oak Ridge Operations Office's search of its computerized database of disbursements found no payments to the listed persons. In considering the Appeal, the DOE determined that the search performed was adequate. Accordingly, the Appeal was denied.

*Personnel Security Hearings*

*Personnel Security Hearing, 5/6/98, VSO–0185*

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization. The Hearing Officer agreed with the allegations by the DOE Personnel Security Division that the individual (1) deliberately falsified information during two personnel security interviews and in written and oral statements made during an official investigation, and (2) engaged in unusual conduct that showed the individual is not honest, reliable, or trustworthy. Accordingly, the Hearing Officer recommended that DOE not restore the individual's access authorization.

*Personnel Security Hearing, 5/7/98, VSO–0189*

A Hearing Officer recommended that access authorization not be restored to an individual who had tested positive for marijuana. The individual attempted to respond to security concerns raised by his use of marijuana by showing that his use was a one-time occurrence, and that he had received adequate rehabilitation. The individual's drug counselor testified that he had told her of an earlier use of marijuana, and that he would require at least an additional year and a half of treatment before he could be considered reformed from patterns of behavior that led to his use of marijuana. Accordingly, the Hearing Officer came to the opinion that the individual's access authorization should not be restored.

*Personnel Security Hearing, 5/7/98, VSO–0192*

A Hearing Officer issued an opinion concerning an individual whose access authorization was suspended because she used marijuana in spite of her awareness of the DOE's drug policy prohibiting such use. The individual maintained that there are mitigating factors that alleviate the agency's security concerns and justify the restoration of her security clearance. The individual testified that her use of marijuana was an isolated occurrence. She offered her assurance that she will never again be involved with drugs. In addition, her Employee Assistance Program counselor, as well as family and friends supported her assurance of reformation. The Hearing Officer found that the individual presented sufficient mitigating circumstances to overcome DOE's legitimate security concerns. Accordingly, the Hearing Officer recommended that the individual's access authorization be restored.

*Refund Application*

*Getty Oil Company/S.O.S. Oil Corporation, 5/4/98, RR265–4*

S.O.S. Oil Corporation sought an above volumetric refund in the Getty refund proceeding based upon a claim of disproportionate overcharge that it alleged resulted from Getty placing its retail outlets in an incorrect class of purchaser. After the DOE denied the disproportionate overcharge claim, the firm appealed to the U.S. District Court, which remanded the matter to the DOE for consideration of Ruling 1975–2 to the class of purchaser allegation. Upon remand, the DOE found that S.O.S. had not sustained its burden of demonstrating that Getty had placed its retail outlets in an incorrect class of purchaser. In addition, the DOE noted that S.O.S. had previously raised these same issues in a private action and was fully compensated for the alleged violations in the settlement of that action. Accordingly, the DOE affirmed its prior determination.

**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 CO./SOUTHERN RAILWAY CO | RF304–4106 | 5/8/98 |
| BASS ENTERPRISES PROD. CO. ET AL | RF272–95301 | 5/7/98 |
| COCA-COLA BOTTLING CO. OF N.Y | RF272–98935 | 5/6/98 |
| DENTON DEVELOPMENT CO., INC. ET AL | RK272–04708 | 5/8/98 |

**Dismissals**

The following submissions were dismissed.

| Name | Case No. |
|---|---|
| CRESENT COOPERATIVE ASSN | RF272–98916 |
| FAST FREIGHT, INC | RF272–95264 |
| JOHNSTON PUBLIC SCHOOLS | RF272–98992 |
| LISBON CONTRACTORS, INC | RF272–98903 |
| ROBERT JORDAN & ASSOCIATES | VFA–0407 |

[FR Doc. 98–15570 Filed 6–10–98; 8:45 am]

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