

Dismissals

The following submissions were dismissed:

Name	Case No.
Anderson Pinetruck Pantry	RF300-21588
Boyd Construction Co.	RF272-78159
Boyd Paving Co.	RF272-78158
Busch Industrial Products Corp.	RF304-15162
Corrine Texaco	RF321-9040
E. Saenz Service Station	RF304-15156
Grenada Concrete Products Co.	RF272-78157
Grenada Sand & Gravel	RF272-78156
Mechanics Uniform Rental, Inc.	RF272-97337
Otsego Public Schools	RF272-97944
Oxy USA Inc.	LRO-0003
Resource Dynamics Corp.	VFA-0062
Talco Butane Gas Co.	RF304-15158

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Notice of Issuance of Decisions and Orders During the Week of July 3 Through July 7, 1995

During the week of July 3 through July 7, 1995, 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, DC 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.o.h.a.doe.gov>.

Dated: August 30, 1996.

Richard W. Dugan,
Acting Director, Office of Hearings and Appeals.

Personnel Security Hearing

Rocky Flats Field Office, 7/5/95, VSA-0008

The Director of the Office of Hearings and Appeals (OHA) issued an opinion under 10 CFR Part 710 concerning the continued eligibility of an individual for access authorization. An OHA Hearing Officer had previously found that the respondent was no longer an alcohol

abuser, and therefore had recommended that the respondent's access authorization, which had been suspended, should be reinstated. In response to the DOE Office of Safeguards and Security's Request for Review of the Hearing Officer's Opinion, the OHA Director concluded that there was sufficient evidence in the record to find that the respondent had been a user of alcohol habitually to excess and also had been correctly diagnosed by a board-certified psychiatrist as suffering from alcohol abuse. The Director found, however, that the respondent had presented sufficient evidence of reformation and other factors to mitigate the derogatory information under 10 CFR § 710.8(j). Accordingly, the Director agreed with the Hearing Officer that restoring the respondent's access authorization would not endanger the national security and would be clearly consistent with the national security.

Refund Applications

John Morrell & Co., 7/5/95, RR272-203

The DOE issued a Decision and Order granting a Motion for Reconsideration filed by John Morrell & Co. (Morrell) in the Subpart V crude oil refund proceeding. The DOE had dismissed an Application for Refund filed by Morrell in this proceeding as a duplicate of an earlier refund application granted in 1987. In its Motion for Reconsideration, Morrell explained that although both applications were filed from Morrell's Sioux Falls, South Dakota headquarters, the first was based only on fuel consumed at the company's Sioux Falls plant, whereas the later application included fuel purchases made at 20 other locations. Accordingly, Morrell's Motion for Reconsideration was granted.

State Escrow Distribution, 7/5/95,
RF302-16

The Office of Hearings and Appeals ordered the DOE's Office of the Controller to distribute \$18,800,000 to the State Governments. The use of the funds by the States is governed by the Stripper Well Settlement Agreement. *Texaco Inc./Cowart Oil Co.*, 7/7/95, RF321-7468

The DOE issued a Decision and Order concerning an Application for Refund filed in the Texaco Inc. Special refund proceeding. Tri-Co Oil Co., (Tri-Co) applied for a refund based upon direct Texaco purchases made by virtue of the fact that it purchased all of the assets of Cowart. Tri-Co also submitted a copy of the asset purchase agreement it made with Cowart. The DOE held that a mere transfer of assets is not sufficient for it to infer that the parties of an agreement intended to transfer a right of refund. Further, after examining the provisions of the asset purchase agreement, the DOE determined that the agreement did not transfer to Tri-Co whatever right to a refund that Cowart may have had. Consequently, Tri-Co's Application was denied.

Requests for Exception

Central American Petroleum Co., 7/5/95, VEE-0001

Central American Petroleum Co. (Central) filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." Although Central has not yet participated in the filing of the Form, it argued that the reporting requirement will be too time consuming and onerous. However, the firm failed to demonstrate that it is suffering a financial hardship, medical problems of employees, or any other serious impediment to its operations.

Accordingly, the DOE determined that Central should be denied exception relief.

Sound Oil Company, 7/5/95, LEE-0152

Sound Oil Company (Sound) filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-782B, entitled "Resellers'/Retailers' Monthly

Petroleum Product Sales Report." Sound asked to be excused from the reporting requirement on the grounds that it has been filing the Form for an unusually long period of time. However, the length of time the firm has been required to file an EIA form does not alone constitute a gross inequity which would warrant exception relief. Accordingly, the DOE determined that Sound should be denied exception relief.

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.

Albuquerque Moving & Storage, Inc. et al	RF272-97300	07/05/95
Bunge Corporation, IN	RC272-304	07/07/95
Bunge Corporation, IL	RC272-305	
Bunge Corporation, LA	RC272-306	
Bunge Corporation, KS	RC272-307	
Conagra Consumer Frozen Food Co.	RC272-302	07/05/95
Consumer Poultry Company	RC272-303	
Crude Oil Supplemental Refund Distribution	RB272-10	07/07/95
Crude Oil Supplemental Refund Distribution	RB272-9	07/07/95
Foreman Industries, Inc. D.I.P	RF272-92037	07/05/95
SPS Technologies, Inc.	RF272-92132	
Border Road Construction Co.	RF272-92290	
Gulf Oil Corporation/Johnston Coca-Cola Bottling Group, Inc. et al	RF300-21441	07/07/95
Intercontinental Branded Appeal et al	RF272-94032	07/05/95
Krum Independent School Dist. et al	RF272-96050	07/05/95
Switzerland County Highway Department	RC272-311	07/07/95
Texaco Inc./Church Street Texaco et al	RF321-19377	07/05/95
Texaco Inc./Cook's Service	RF321-8463	07/05/95
Texaco Inc./Daniels Oil Co., Inc. et al	RF321-8326	07/07/95
Texaco Inc./Marr Texaco et al	RF321-5962	07/05/95
Texaco Inc./McDonald's Texaco	RF321-17110	07/05/95
Texaco Inc./R & R Texaco et al	RF321-7453	07/05/95
Texaco Inc./Robert E. Boyer	RF321-21071	07/05/95
Texaco Inc./Wiser Oil Co. et al	RF321-6540	07/07/95
Wayland School District et al	RF272-80771	07/07/95
Weleetka School District et al	RF272-96026	07/07/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Corsica Cooperative Association	RG272-353
Eastern Aviation Fuels, Inc.	RR272-13
Johnson Oil Co.	RF321-19881
New York University	RF272-92400
Pollard Delivery Service	RF272-89521
State of Vermont—Department of State Buildings	RF272-96554
Top Value Texaco	RF321-16793
United Oil Co.	RF321-19966
White Heavy Haulers, Inc.	RF272-97953

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5473-1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153.

Weekly receipt of Environmental Impact Statements Filed September 02, 1996 Through September 06, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960415, Final EIS, COE, CA, US Food and Drug Administration Laboratory, Land Acquisition, Construction and Operation on the North Campus Area at the University of California, Irvine, Orange County, CA, Due: October 07, 1996, Contact: Mr. Alex Watt (213) 452-3860. This EIS was inadvertently omitted from the 9-06-96 Federal Register. The

official 30 day NEPA wait period is calculated from 9-06-96.

EIS No. 960416, Final EIS, COE, IL, Delta Coal Mine Complex—West Harrisburg Field, Issuance of Permit for Continue Use of the Illinois No. 6 and No. 7 Coal Mines, Marin, Harrisburg and Saline Counties, IL, Due: October 15, 1996, Contact: Mike Turner (502) 582-6015.

EIS No. 960417, Final EIS, NPS, NM, Pecos National Historical General Management Plan and Development