

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

Date	Name and location of applicant	Case No.	Type of submission
8/23/96	Wilford M. Anderson, Salt Lake City, Utah.	VFA-0207	Appeal of an Information Request Denial. If Granted: The March 4, 1996 Freedom of Information Request Denial issued by the Idaho Operations Office would be rescinded, and Wilford M. Anderson would receive access to certain Department of Energy information.
Date received	Name of refund proceeding/name of refund application	Case No.	
8/19/96-8/23/96	Crude Oil Supplemental Applications	RK272-3884 thru RK272-3889	

[FR Doc. 96-23736 Filed 9-16-96; 8:45 am]

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Notice of Issuance of Decisions and Orders; Office of Hearings and Appeals Week of August 7 Through August 11, 1995

During the week of August 7 through August 11, 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, 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: September 4, 1996.

George B. Breznay

Director, Office of Hearings and Appeals.

Decision List No. 932

Appeals

Jay M. Baylon, 8/10/95, VFA-0059

Crude Oil Supplemental Refund Distribution	RB272-00032	08/10/95
Crude Oil Supplemental Refund Distribution	RB272-38	08/10/95
Jeannette, PA et al	RF272-96000	08/10/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Clarke County, Virginia	RF272-86668
Commonwealth Oil Refining Co., Inc	RF345-47
Concho County, Texas	RF272-89244

Jay M. Baylon (Baylon) filed an Appeal from determinations issued to him on May 24, 1995, and June 28, 1995, by the DOE's FOI and Privacy Branch, Reference and Information Management Division and the Office of Arms Control and Nonproliferation (Arms Control) which partially denied a request for information that Baylon had filed under the Freedom of Information Act (FOIA). The request sought information concerning Westinghouse Electric Corporation's transfer of nuclear-related technology to the People's Republic of China. The determinations stated that Arms Control had produced all available documents responsive to Baylon's request. They further explained that any other relevant information either originated in another Executive Agency, or was classified and undergoing a declassification review. The Appeal challenged the adequacy of the search. In considering the appeal, the DOE found that the initial search was too narrow in its scope because the FOI Office did not direct Baylon's FOIA request to other DOE offices involved in nuclear-related transfers. Accordingly, Baylon's Appeal was granted and the matter was remanded to the FOI Office to initiate a new search.

Robert S. Foote, 8/10/95, VFA-0058

Robert S. Foote filed an Appeal from a determination issued to him by the DOE's Office of Health and Environmental Research (OHER) in response to a request from Mr. Foote under the Freedom of Information Act (FOIA). Mr. Foote sought the names of panelists who reviewed certain research

grants. In considering the Appeal, the DOE found that the OHER properly withheld the panelists' names under Exemption 6 of the FOIA. Accordingly, the Appeal was denied.

Personnel Security Hearing

Oak Ridge Operations Office, 8/11/95, VSO-0021

An Office of Hearings and Appeals Hearing Officer issued an opinion recommending restoration of the security clearance of an individual whose clearance had been suspended because the DOE had obtained derogatory information that fell within 10 C.F.R. § 710.8(h). The individual had been diagnosed as having a mental condition that could cause a significant defect in the individual's judgment or reliability. In reaching his conclusion, the Hearing Officer found that the testimony at the hearing supported the individual's contention that the results of his MMPI testing did not show the existence of a mental condition that affected his judgment or reliability.

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.

Name	Case No.
Fruehauf Trailer Corp	RR321-184
Green's Propane Gas Co., Inc	RF304-13618
McKelvey Oil Co.	RF304-13492
Middlewest Freightways, Inc	RF272-89914
Ulrich's Texaco Service Station	RF321-20928

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Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of December 18 Through December 22, 1995

During the week of December 18 through December 22, 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, 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: September 4, 1996.
George B. Breznay,
Office of Hearings and Appeals.

Appeal

Keith E. Loomis, 12/21/95, VFA-0102

The DOE's Office of Hearings and Appeals (OHA) issued a determination denying a Freedom of Information Act (FOIA) Appeal filed by Keith E. Loomis (Loomis). Loomis appealed the Office of Naval Reactors' (ONR) withholding of information under Exemption 6 and contended that the ONR search for responsive documents was not adequate. OHA found that Exemption 6 was properly applied and that ONR's search for responsive documents was adequate.

Personnel Security Hearing

Albuquerque Operations Office, 12/18/95, VSO-0054

An Office of Hearings and Appeals Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain access authorization under the provisions of 10 C.F.R. Part 710. After considering the individual's testimony and the record, the Hearing Officer found that the individual, who has had five DWI arrests, has an illness or mental condition (substance dependence) that in the opinion of a board-certified psychiatrist causes, or may cause a significant defect in his judgment or reliability and that he is a user of alcohol to excess. Since the individual had only been abstinent for four months as of the time of the hearing and had not made a sufficient commitment to alcoholism counseling, the Hearing Officer also found that he was not rehabilitated or reformed. In addition, the Hearing Officer found that by failing to report three of his arrests to the DOE in a timely manner, the individual had engaged in conduct which tends to show that he was not honest, reliable, or trustworthy. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Implementation of Special Refund Procedures

Vessels Gas Processing Co., 12/21/95, VEF-0007

The DOE issued a Decision and Order implementing special refund procedures to distribute \$1,564,223 (plus accrued interest) which Vessels Gas Processing Company (Vessels) remitted to the DOE pursuant to a Consent Order. The Decision sets forth refund application procedures for customers who claim that they were injured as a result of purchases of natural gas liquids and natural gas liquid products from Vessels during the period from September 1, 1973 through December 31, 1977. If any funds remain after meritorious claims are paid, the Decision provides that they will be used for indirect restitution through the States in accordance with the Petroleum Overcharge Distribution and Restitution Act of 1986.

Refund Applications

Atlantic Richfield Company/Associated Transport, Inc., 12/21/95, RF304-12217

LK, Inc., filed an application in the ARCO special refund proceeding with respect to purchases of ARCO products made by Associated Transport, Inc. LK, Inc., claimed to have acquired the right to the refund from Associated Transport while that firm was in bankruptcy. The assignment in question transferred claims in the "Stripper Well" litigation. Since the ARCO proceeding is unrelated to the Stripper Well Litigation, the DOE found that the assignment did not transfer Associated Transport's right to an ARCO refund. Accordingly, the application filed by LK, Inc., was denied.

Columbia LNG, 12/21/95, RC272-00326

The DOE issued a Decision and Order in the crude oil refund proceeding concerning an Application for Refund filed by Columbia LNG. Columbia was granted a refund based on the purchase of Natural Gas Liquids, some of which have now been shown to be either imported from foreign sources or were acquired as a result of a first sale into U.S. Commerce. These purchases are not eligible for refunds in this proceeding. Accordingly, the DOE rescinded that portion of Columbia's refund which was based on those ineligible gallons.

Mobil Oil Corp./Frontier Petroleum Company, 12/19/95, RR225-45

Frontier Petroleum Company filed a motion for modification seeking the reissuance of a refund check that had been issued to it from the Mobil Oil Corp. Special Refund Proceeding. According to Frontier, the check was issued to it in 1989, but was never cashed. The DOE denied Frontier's motion, finding that it was unable to trace the check and thereby lacked a reasonable basis to conclude that Frontier had not cashed the check.

Tajon, Inc., 12/21/95, RC272-325

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Subpart V crude oil refund proceeding by Tajon, Inc. The DOE previously granted a crude oil refund to Tajon. Tajon had filed a Surface Transporters Escrow Settlement Claim Form and Waiver in the Stripper Well proceeding. This Claim Form and