

Name	Case No.
John L. Sutton, Jr	RF300-21420
Lake & Sam Williams Gulf Dist	RF300-13245
Lee-Hy Paving Corporation	RR272-137
Mart Gulf	RF300-16505
Minden City Oil & Gas Co	RF300-19560
Murphey's Gulf & U-Haul	RF300-19528
Richland Operations Office	VSO-0056
Sam's Auto Service	RF300-10924
Sanders Gulf	RF300-18795
Wade's Rent-a-Car	RF300-18092
Waite, Schneider, Bayless & Chesley	VFA-0118
Wiley Fuel Oil	RF300-19541
Williams Gulf	RF300-18405

[FR Doc. 96-23735 Filed 9-16-96; 8:45 am]

BILLING CODE 6450-01-P

Issuance of Decisions and Orders; Week of August 5 Through August 9, 1996

During the week of August 5 through August 9, 1996, 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, S.W., 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 9, 1996.

George B. Breznay

Director, Office of Hearings and Appeals.

Decision List No. 984

Appeals

Marlene Flor, 8/5/96, VFA-0184

Marlene Flor filed an Appeal from a determination issued to her on May 16, 1996 by the Department of Energy's Albuquerque Operations Office (AO) which denied a request for information she had filed under the Freedom of Information Act (FOIA). The request sought the time and attendance sheets for each employee of the Kirtland Area Office Contracts and Business

Management Organization (CBMO). AO released redacted copies of the requested records from which the leave codes and description of the type of leave were deleted. AO determined, pursuant to Exemption 6 of the FOIA, that disclosure of this information would violate the privacy of the employees and would not be in the public interest. Flor's Appeal challenged the application of Exemption 6 to the withheld information. She contended that the "type of leave one takes is not personal in the same sense as one's date of birth, employment history, etc., as AO claims * * *." Flor further contended that release of the requested information would further the public interest because it would reveal how AO treats its whistleblowers. In considering the Appeal, the DOE found that although the requested information is not as significantly private as other personal information such as home addresses and social security numbers, the public release of this information will nevertheless result in, at the least, a minimal invasion of privacy. DOE further found that there was no apparent public interest to balance against the minimal invasion of personal privacy and therefore AO properly withheld the requested information. Accordingly, the Appeal was denied.

Stand of Amarillo, Inc., 8/9/96, VFA-0157

Stand of Amarillo, Inc. (STAND) filed an Appeal of a determination issued to it by the Albuquerque Operations Office of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). STAND had requested documents it saw as a protestant before the Texas Natural Resource Conservation Commission concerning two environmental permits for the Pantex Plant which the DOE and Mason & Hanger-Silas Mason Co. (Mason & Hanger), the prime contractor

for the Pantex Plant, had jointly requested. Although a few documents were released to STAND, Mason & Hanger claimed the vast majority are internal legal documents, contractually its property and not subject to the FOIA. In considering the Appeal, the DOE found that after STAND filed its Appeal, both environmental permits were issued. Under these conditions, both the DOE and Mason & Hanger previously had agreed to search and release records to STAND. Accordingly, the Appeal was denied in part, granted in part, and remanded to the Albuquerque Operations Office for a new determination. However, because this is the second Appeal on STAND's request, the DOE believes that a new determination should be issued within ninety days of the Albuquerque Operations Office's receipt of this Decision and Order.

Personnel Security Hearing

*Oakland Operations Office, 8/7/96,
VSO-0094*

An Office of Hearings and Appeals Hearing Officer issued an opinion concerning an individual whose access authorization was suspended because he had tested positive for use of amphetamines (speed). Although the individual admitted to using the illegal drug, he attempted to minimize the seriousness of the event by claiming he had only used a very small amount of speed on a one-time only basis with a friend from out of town. The Hearing Officer found that the individual had failed to corroborate his account of the drug use, because he did not produce witnesses to support his version of the events surrounding the use of speed, particularly the out of town friend. She also found that the testimony of the individual's psychologist did not strongly support the individual's claim of rehabilitation from drug use. Accordingly, the Hearing Officer found

that the individual's access authorization should not be restored.

Request for Exception

R.W. Hays Company, 8/8/96, VEE-0026

R.W. Hays Company filed an Application for Exception from the requirement that it file Form EIA-782B, the "Reseller/Retailer's Monthly Petroleum Product Sales Report." The DOE found that the firm was not affected by the reporting requirement in a manner significantly different from other similar firms, and consequently was not experiencing a special hardship, inequity, or unfair distribution of burdens. Accordingly, the firm's Application for Exception was denied.

Refund Applications

Gulf Oil Corp./Walnut Creek Gulf, 8/8/96, RF300-16584, RF300-21751

The DOE issued a Decision and Order, denying two refund applications filed on behalf of Walnut Creek Gulf (Walnut Creek) in the Gulf Oil Corporation

refund proceeding. The first applicant claimed the right to any refund owing his deceased son, who was a partner in the operation of the outlet during part of the refund period. The second applicant was the other partner in the outlet. In considering the first application, the DOE determined that the son's will, upon which the father based his claim, had specifically stated that the father was not a beneficiary. Accordingly, the DOE determined that the first applicant had not established his right to a Gulf refund. The DOE did not consider the second application because it was filed after the deadline for Gulf applications.

Veterans Administration, 8/7/96, RF272-47498

The DOE issued a Decision and Order granting an Application for Refund filed by the Veterans Administration, a federal agency (now the Department of Veterans Affairs), in the Subpart V crude oil refund proceeding. A group of States and Territories (States) and Philip

P. Kalodner, Counsel for Utilities, Transporters, and Manufacturers (Kalodner) objected to the application on the grounds that the DOE, by signing the Stripper Well Settlement Agreement, waived the rights of all federal agencies to receive a crude oil refund. The DOE found that while the state and federal governments are designated conduits for indirect restitution under the Settlement Agreement, neither waived its right to direct restitution with respect to its own purchases of refined petroleum products. The refund granted to the applicant in this Decision was \$27,779.

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.

Bair Transport, Inc	RC272-347	08/09/96
Crude Oil Supple Refund Distribution	RB272-00079	08/09/96
Crude Oil Supplemental Refund Distribution	RB272-00083	08/09/96
Gulf Oil Corporation/Haroutioun Jerejian	RF300-21835	08/06/96
Gulf Oil Corporation/Jordan Oil Company et al	RF300-18708	08/05/96
Koch Materials Company	RG272-307	08/08/96
Kraft General Foods	RF272-90209	08/07/96
Malone Brothers' Construction et al	RF272-87022	08/07/96
Master-Jackson Paving Company	RK272-931	08/08/96
Patrick Boyle et al	RG272-00806	08/05/96
Total Transport, Inc	RA272-74	08/06/96
Weston Trucking et al	RK272-01144	08/09/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Adobe Mining Co	RG272-878
Albuquerque Operations Office	VSO-0095
Arcadian Fertilizer Inc. L.P	RF272-92584
Ashland Exploration, Inc	RF272-98196
Atlanta Gas Light Co	RF272-98203
B.P. Short & Son Paving Co., Inc	RG272-910
Betty B. Plank	VFA-0187
Borg-Warner Security, Inc	RF272-98182
Burlington Basket Co	RF272-98201
City of Newark	RF272-98131
Comfort Winders	RF272-99052
Cummings-Moore Graphite Co.	RF272-98197
Edisto Resources Corp	RF272-98204
Energy West	RF272-98167
Farmers Cooperative Company	RG272-968
Farmers Cooperative Exchange	RG272-897
Farmers Elevator Co	RG272-807
Farmers Elevator Cooperative	RG272-900
Farmers Elevator Cooperative	RG272-903
Grand Canyon Helicopters	RF272-97959
Gulf States Manufactuters, Inc	RF272-89336
Hess Brothers, Inc	RG272-852
Magee Co	RF272-98195
Medical Center of Central Massachsetts	RG272-977
Millcraft Industries, Inc	RF272-98171
Motor Transport Company	RR272-241
Omy Aviation, Inc	RF272-98188

Name	Case No.
Omya, Inc	RF272-98191
Peabody Coal Company	RG272-885
Penn Fuel Gas, Inc. and Subsidiaries	RF272-98245
Pluess-Staufner Inc	RF272-98186
Raffi and Swanson, Inc	RG272-815
Rockbridge Farmers Co-op, Inc	RG272-805
Sanborn Farmers Union Oil Cooperative	RF272-97806
Town of Clarkstown	RG272-888
Truman Farmers Elevator Co	RG272-889
Valley Gas Co	RF272-98168
Vermont Talc, Inc	RF272-98187
Vulcan Forge and Machine Co	RF272-98249
White Pigment Corp	RF272-98190
William Refrigerated Express	RF272-97873

[FR Doc. 96-23737 Filed 9-16-96; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5610-2]

Proposed Settlement Agreement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended, ("Act"), notice is hereby given of a proposed partial consent decree, which was lodged with the United States District Court for the District of Columbia by the United States Environmental Protection Agency ("EPA") on August 23, 1996, in a lawsuit filed by the Sierra Club Legal Defense Fund. This lawsuit, which was filed pursuant to section 304(a) of the Act, 42 U.S.C. § 7604(a), concerns, among other things, EPA's alleged failure to meet a mandatory deadline under section 608(a)(2) of the Clean Air Act. The proposed partial consent decree provides that EPA shall take certain regulatory actions under section 608(a)(2) in accordance with specified schedules.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed partial consent decree from persons who were not named as parties to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed partial consent decree if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of

the Act. Unless EPA or the Department of Justice determines, following the comment period, that consent is inappropriate, the final partial consent decree will establish deadlines for specific regulatory actions under § 608(a)(2) of the CAA.

A copy of the proposed partial consent decree was lodged with the Clerk of the United States District Court for the District of Columbia on August 23, 1996. Copies are also available from Jacquie Jordan, Cross-Cutting Issues Division (2322), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260-7622. Written comments should be sent to Jan M. Tierney at the address above and must be submitted on or before October 17, 1996.

Dated: August 30, 1996.
 Scott Fulton,
Acting General Counsel.
 [FR Doc. 96-23788 Filed 9-16-96; 8:45 am]
 BILLING CODE 6560-50-M

[FRL-5610-6]

Gulf of Mexico Program Policy Review Board; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of charter renewal.

The Charter for the Environmental Protection Agency's (EPA) Gulf of Mexico Program Policy Review Board (PRB) will be renewed for an additional two-year period, as a necessary committee which is in the public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. The purpose of the PRB is to provide advice and counsel to State and Federal agencies on issues associated with environmental management and policy of the Gulf of Mexico. It is determined that the PRB is in the public interest in

connection with the performance of duties imposed on the Agency by law.

Inquiries may be directed to James D. Giattina, Designated Federal Official, Gulf of Mexico Program PRB, U.S. EPA, Director of the Gulf of Mexico Program Office, Building 1103, Room 202, Stennis Space Center, Mississippi 39529.

Dated: September 9, 1996.
 James D. Giattina,
Designated Federal Official.
 [FR Doc. 96-23651 Filed 9-16-96; 8:45 am]
 BILLING CODE 6560-50-P

[FRL-5610-7]

Science Advisory Board; Notification of Public Advisory Committee Meeting Open Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Human Exposure and Health Subcommittee (HEHS) of the Science Advisory Board's (SAB) Integrated Risk Project will meet on October 9-10, 1996, in room 3075, Building 90, at the Ernest O. Lawrence Berkeley National Laboratory, 1 Cyclotron Road, Berkeley CA 94720. The meeting will begin at 9:00 a.m. and end no later than 5:00 p.m. on each day. All times noted are Pacific Time. This meeting is open to the public, but prior registration is required (see below).

The main purpose of the meeting is to continue discussions (initiated at the Committee's previous meeting on June 13/14, 1996) of human exposure (and their consequences) to various pollutants and to consider the potential for risk reduction. Members of the Committee will report back on their efforts to "pilot test" four possible approaches for assessing exposure and risk. The Subcommittee's activities are part of an SAB project to update the 1990 SAB report, Reducing Risk: Setting