

disclosure under Part 708 since the information contained in his alleged disclosures was already known by DOE or META and that information disclosed did not involve any substantial and specific threats to health and safety. The Hearing Officer held that, under Part 708, a disclosure need not consist of unique information that is unknown to the recipient. Further, the Hearing Officer found that a disclosure, to be protected under Part 708, need not in fact involve a substantial and specific danger to employees or public health and safety as long as individual making the disclosure in good faith believes that the disclosure concerns a substantial

and specific danger. The Hearing Officer also found that the question regarding Cornett's beliefs was a factual matter. Consequently, the Hearing Officer denied the Motion.

Refund Application

Steuben Co. Farm Bureau, 10/21/96, RF272-97912

The DOE issued a Decision and Order concerning one Application for Refund filed by Steuben Co. Farm Bureau in the Subpart V crude oil overcharge refund proceeding. The DOE determined that Steuben Co. Farm Bureau was not entitled to a refund since it had filed a Retailer's Escrow Settlement Claim

Form and Waiver. In this filing, Steuben Co. Farm Bureau requested a Stripper Well refund from the Retailers' escrow, thereby waiving its right to a Subpart V crude oil refund. Accordingly, the DOE denied the Application for Refund.

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.

Aline Manire, et al	RF272-94540	10/23/96
Atlantic Richfield Co./Jerair Panosian	RF304-15505	10/24/96
Atlantic Richfield Co./Ron's ARCO	RF304-15506	10/24/96
Beaver Valley Builders Supply, Inc., et al	RF272-95100	10/24/96
Crude Oil Supple Ref Dist	RB272-00092	10/23/96
Holstein Coop Elevator, et al	RG272-6	10/23/96
Ruth A. Martinek	RJ272-24	10/24/96
W.E. Bartholw & Son Const., et al	RK272-01406	10/21/96

Dismissals

The following submissions were dismissed.

Name	Case No.
Craig W. Anderson	VFA-0207
Craid W. Anderson	VFA-0212
Loyd Jones Well Service	RF272-96591

[FR Doc. 96-31418 Filed 12-10-96; 8:45 am]
BILLING CODE 6450-01-P

Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of November 11 Through November 15, 1996

During the week of November 11 through November 15, 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.o.ha.doe.gov>.

Dated: December 4, 1996.

George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 7

Week of November 11 through November 15, 1996.

Appeals

Nathaniel Hendricks, 11/13/96, VFA-0229

The OHA denied an appeal of a Freedom of Information determination issued by the Chicago Operations Office (COO). Previously, the OHA had remanded to COO a request by the appellant so that COO could search for responsive documents concerning five specific events that occurred in Chicago in the 1940's. The appellant conjectured that the events were connected with Manhattan Project. When COO responded that it could find no responsive documents, the appellant claimed that COO had not conducted an adequate search. The OHA questioned personnel at COO about the search, and determined that there had been a search reasonably calculated to uncover

requested documents. Consequently, the OHA denied the appeal.

Personnel Security Hearings

Albuquerque Operations Office, 11/14/96, VSO-0102

A Hearing Officer of the Office of Hearings and Appeals issued an opinion concerning the continued eligibility of an individual for access authorization under 10 C.F.R. Part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." After considering the record in view of the standards set forth in Part 710, the Hearing Officer found that the information presented by the DOE with respect to the individual's positive drug test for marijuana use was sufficient to raise a substantial concern that the individual may be a frequent recreational user of that drug and to support a denial of access authorization pursuant to 10 C.F.R. 710.8(k). The Hearing Officer also found that the individual had failed to present sufficient evidence to support his assertion that his marijuana use was

limited to one occasion in recent years. As a result, the Hearing Officer found that the evidence of rehabilitation and reformation was insufficient to mitigate the concerns raised by the positive drug test. Finally, the Hearing Officer found that conflicting statements concerning drug use made by the individual to his drug counselor and to DOE security personnel were sufficient to support a denial of access authorization pursuant to 10 C.F.R. 710.8(l). Accordingly, the Hearing Officer concluded that, in his opinion, the individual's access authorization should not be restored.

Oak Ridge Operations Office, 11/13/96, VSO-0100

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization

under the provisions of 10 C.F.R. Part 710. The DOE Personnel Security Division alleged that the individual: (1) deliberately falsified significant information provided to the DOE; (2) "[t]rafficked in, sold, transferred, possessed, used, or experimented with a drug or other substance listed in the Schedule of Controlled Substances established pursuant to Section 202 of the Controlled Substances Act of 1970"; and (3) "[e]ngaged in * * * unusual conduct or is subject to circumstances which tend to show that the individual is not honest, reliable, or trustworthy * * * ". See 10 C.F.R. 710.8 (f), (k), and (l). On September 24, 1996, an evidentiary hearing was convened in which one witness testified. After carefully examining the record of the proceeding, the Hearing

Officer determined that the individual deliberately falsified information on a Questionnaire for Sensitive Positions, used an illegal drug, and engaged in conduct demonstrating that he is not honest, reliable or trustworthy within the meaning of 10 C.F.R. 710.8(l). Accordingly, the Hearing Officer recommended that DOE Security not restore the individual's access authorization.

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.

Columbia Township Schools, et al	RF272-87150	11/15/96
Cochise Airlines, Inc., et al	RG272-84	11/15/96
S.W. Foley	RJ272-25	11/13/96
SIGMA-4 Express, Inc., et al	RF272-97335	11/12/96
Summit City Enterprises	RF272-97829	11/12/96
Ben-Lee Motor Service	RF272-97858	
Town Center Management Corp	RR272-248	11/12/96

Dismissals

The following submissions were dismissed.

Name	Case No.
Air Florida Airlines	RG272-996
Allegheny Development Corp	RG272-765
Crooker & Sons, Inc	RG272-918
Diocese of Monterey	RG272-785
Franklin Co. Grain Growers, Inc	RG272-942
Graves Construction Co, Inc	RG272-757
Great Bay Distributors Inc	RG272-756
National Linen Service	RG272-995
Ray Bell	RG272-755
Roman Catholic Bishop of Monterey	RG272-786
Roman Catholic Diocese of Sacramento	RG272-787
Tri-City Electrical Contractors, Inc	RG272-799
Wayne Densch, Inc	RG272-791
West Bldg Materials/ Associated Dist	RG272-790
Unisource	RG272-797

[FR Doc. 96-31420 Filed 12-10-96; 8:45 am]
BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00454; FRL-5572-5]

FIFRA Scientific Advisory Panel, Appointments

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: Notice is given of the appointment of a new member to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific

Advisory Panel established pursuant to Section 25(d) of FIFRA, as amended (86 Stat. 973 and 89 Stat. 751; 7 U.S.C. 136 et seq.). Public notice of nominees along with a request for public comments appeared in the Federal Register of February 14, 1996 (61 FR 5762).

ADDRESSES: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an

ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by docket number [OPP-00454]. No CBI should be submitted through e-mail. Electronic comments on this notice of filing may be filed online at many Federal Depository Libraries.

Information submitted as a comment concerning this document may be claimed confidential by marking any