

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued
 [Week of January 20 through January 24, 1997]

Date	Name and location of applicant	Case No.	Type of submission
01/21/97	Sankey Construction, Inc. Santa Barbara, California.	RR272-279	Request for Modification/Rescission in the Crude Oil Refund Proceeding. IF GRANTED: The December 19, 1996 Dismissal, Case No. RG272-992, issued to Sankey Construction, Inc., would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
01/22/97	Stand of Amarillo, Inc. Amarillo, Texas	VFA-0261	Appeal of an Information Request Denial. IF GRANTED: A December 12, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Stand of Amarillo, Inc. would receive access to certain DOE information.
01/22/97	William H. Payne	VFA-0262	Appeal of an Information Request Denial. IF GRANTED: The December 4, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and William H. Payne would receive access to certain DOE information.
01/24/97	Fried, Frank, Harris, Shriver & Jacobson Washington, D.C.	VFA-0263	Appeal of an Information Request Denial. IF GRANTED: The December 24, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Fried, Frank, Harris, Shriver and Jacobson would receive access to certain DOE information.

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of March 17 Through March 21, 1997

During the week of March 17 through March 21, 1997, 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 p.m. and 5 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: April 28, 1997.
George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 25

Week of March 17 Through March 21, 1997

Appeals

J. Richard Quirk, 3/19/97, VFA-0266
 The DOE granted a Freedom of Information Act (FOIA) Appeal filed by J. Richard Quirk. The DOE remanded the request to the Savannah River Operations Office with instructions to conduct a new expanded search for responsive documents and to issue a new determination.
Niagara Mohawk Power Corp., 3/17/97, VEA-0004

The Niagara Mohawk Power Corporation (Niagara) filed an Appeal from a determination issued to it by the Office of Environmental Management (OEM). Niagara asserted that the OEM erroneously determined its liability for payment into the Uranium Enrichment Decontamination and Decommissioning Fund established under the Energy Policy Act of 1992. The Office of Hearings and Appeals found that the OEM properly determined Niagara's Special Assessment. Accordingly, Niagara's Appeal was denied

Personnel Security Hearings
Personnel Security Hearing, 3/21/97, VSO-0120

An Office of Hearings and Appeals Hearing Officer issued an opinion under 10 CFR Part 710 concerning the

continued eligibility of an individual for access authorization. The Hearing Officer found that the individual has been a user of alcohol habitually to excess and has been diagnosed by a practicing psychiatrist as suffering from alcohol abuse, and has an illness or mental condition, which, in the opinion of that psychiatrist, causes or may cause a significant defect in judgment or reliability. The Hearing Officer further found that the individual failed to present sufficient evidence of rehabilitation, reformation or other factors to mitigate the derogatory information. Specifically, the Hearing Officer found that there was a significant risk that the individual might resume drinking since his asserted abstinence from alcohol was for less than a year and he had not fully accepted the Alcoholics Anonymous program. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Personnel Security Hearing, 3/21/97, VSO-0124

An Office of Hearings and Appeals Hearing Officer issued an opinion addressing the eligibility of an individual for access authorization under the provisions of 10 CFR Part 710. The Hearing Officer found that the DOE Office had presented sufficient evidence to show that the individual: (i) Had been diagnosed as polysubstance dependent and continued to have an alcohol-related disorder, and (ii) has engaged in conduct or which tends to show that he is not reliable and trustworthy. The

Hearing Officer also found that the individual had not shown he was rehabilitated or presented evidence which mitigated the security concerns of the DOE. Accordingly, the Hearing Officer recommended that the individual be denied an access authorization.

Request for Exception

Rice Oil Company, 3/21/97, VEE-0035

Rice Oil Company (Rice) filed an Application for Exception asking that it be relieved of the requirement of filing Form EIA-782B, entitled "Resellers/Retailers' Monthly Petroleum Products Sales Report" and Form EIA-821, entitled "Annual Fuel Oil and Kerosene Sales Report." The DOE found that exception relief was not warranted because Rice was not experiencing a

special hardship, inequity or unfair distribution of burdens as a result of the requirement that it file the Forms. Consequently, the DOE denied the Application for Exception.

Refund Application

Wales Transportation, Ed McCormick, John Burkhart, Richard Cook, 3/18/97, RF272-97064, RF272-97065, RG272-1050, RG272-1051

The Department of Energy considered Applications for Refund filed in the Subpart V crude oil refund proceeding by Wales Transportation, Ed McCormick, John Burkhart and Richard Cook. The applications of the individuals were based on the purchases of petroleum products made by their trucking firm, C.A. White Trucking Company. The DOE found that

the Wales application should be denied because the firm had given up its right to a Subpart V crude oil overcharge refund by filing a waiver in the Surface Transporters refund proceeding. The DOE further found that the three individuals should receive a refund for White's purchases, divided according to their respective ownership shares.

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.

Carol Management Corporation	RF272-74782	3/21/97
Carol Management Corporation	RD272-74782	
Gerald Wright	RJ272-40	3/21/97
H.E. Butt Grocery Co	RF272-98776	3/21/97
Crowley Maritime Corp	RF272-98784	
Margaret M. Thomsen, et al	RK272-03032	3/17/97
S.C. Johnson & Son, Inc	RR272-00150	3/21/97
Toys "R" Us, Inc., et al	RK272-02030	3/21/97
Tupper Lake Central Schl Dist, et al	RF272-95314	3/18/97
Valley Camp Coal Company	RF272-86827	3/21/97
Vermont Depart. of Public Safety	RF272-97149	3/17/97
Vessels Gas Processing Co./Gas Engineering & Equip. Co	RF354-00007	3/17/97
Wales Transportation, Inc	RF272-97064	3/18/97
John Burkhart	RG272-1050	
Richard Cook	RG272-1051	
Ed McCormick	RF272-97065	
Western Industries Holding Corp., et al	RK272-4091	3/21/97

Dismissals

The following submissions were dismissed.

Name	Case No.
American Blackline Coatings	RG272-1
American Steel & Aluminum Corp	RG272-858
Bounds Oil Company	RF300-21836
Bruckerhoff Elevator/Sharon Walter	RK272-4176
Cairo Elevator	RG272-26
Cecil I. Walker Machinery Co	RG272-128
Charlotte School Dept	RF272-81158
Delran Township	RG272-137
Eastport School Dept	RF272-81159
Nationwide Moving & Storage Co	RG272-142
Pembroke School Dept	RF272-81157
Personnel Security Hearing	VSO-0135
Schafer Oil Company	VEE-0038
Spring Lake Public School Dist	RF272-80701
Towne Bus Corp	RF272-98734