

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

[Week of June 2 through June 6, 1997]

Date	Name and location of applicant	Case No.	Type of submission
6/6/97 .....	Nevada Indian Environmental Coalition, Reno, Nevada.	VFA-0301	Appeal of an Information Request Denial. If granted: The April 18, 1997 Freedom of Information Request Denial issued by the Office of the Executive Secretariat would be rescinded, and Nevada Indian Environmental Coalition would receive access to certain DOE information.
6/6/97 .....	Wales Transportation, Inc., Dallas, Texas .....	RR272-296	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The May 7, 1997 Denial Case No. RR272-291 issued to Wales Transportation, Inc. would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
6/5/97 .....	Personnel Security Hearing .....	VSO-0158	Request for Hearing under 10 CFR Part 710. If granted: An individual employed by the Department of Energy would receive a hearing under 10 CFR Part 710.
6/6/97 .....	Tri-County F S, Inc., Jerseyville, Illinois .....	RR272-298	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The May 30, 1997 Decision and Order Case No. RG272-168 issued to Tri-County F S, Inc. would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.

[FR Doc. 97-15938 Filed 7-23-97; 8:45 am]  
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**DEPARTMENT OF ENERGY****Office of Hearings and Appeals****Notice Of Cases Filed; Week of May 26 Through May 30, 1997**

During the Week of May 26 through May 30, 1997, the appeals, applications,

petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and

Appeals, Department of Energy, Washington, D.C. 20585-0107.

Date: July 15, 1997.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

## LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 26 through May 30, 1997]

Date	Name and location of applicant	Case No.	Type of submission
5/27/97 .....	Cal-Car Service Co., West Des Moines, Iowa.	RR272-294	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The May 14, 1997 Decision and Order, Case No. RG272-10, issued to Cal-Car Service Co. would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
.....	5/28/97 H.C. Oil Co., Inc., Saint Louis, Missouri.	RR340-4	Request for Modification/Rescission in the Enron Refund Proceeding. If granted: The March 28, 1997 Decision and Order, Case No. RF340-1, issued to H.C. Oil Co., Inc. Would be modified regarding the firm's application for refund submitted in the Enron refund proceeding.
5/30/97 .....	Personnel Security Review .....	VSA-0121	Request for Review of Opinion under 10 CFR Part 710. If granted: The April 30, 1997 Opinion of the Office of Hearings and Appeals, Case No. VSO-0121, would be reviewed at the request of an individual employed by the Department of Energy.

[FR Doc. 97-19539 Filed 7-23-97; 8:45 am]  
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**DEPARTMENT OF ENERGY****Notice of Issuance of Decisions and Orders; Week of June 23 Through June 27, 1997****Office of Hearings and Appeals**

During the week of June 23 through June 27, 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, 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: July 15, 1997.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

#### Decision List No. 39

##### Appeals

*Patricia L. Baade, 6/27/97, VFA-0294*

Patricia L. Baade (Appellant) filed an Appeal of a Determination issued to her by the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA). In the request, the Appellant asked for all documents pertaining to her that are in the possession of the DOE. In its Determination, the FOIA/Privacy Act Division found that the four departmental elements it searched did not have any responsive documents in their possession. In another Determination, the Office of Inspector General (OIG) found that because the Appellant had refused to supply certain identifying information or to complete DOE Form 1800.1, it could neither confirm nor deny that it possessed any records pertaining to the Appellant. On appeal, the Appellant argued that the DOE's search had been inadequate and

that she should get any documents in the OIG's possession since the OIG had distributed information from her files into the public domain. The Office of Hearings and Appeals (OHA) found that the search by the FOIA/Privacy Act Division had been inadequate, in terms of both departmental elements that had already been searched and elements that had been named by the Appellant yet never searched. However, the OHA upheld the OIG response. Even though the Appellant is apparently requesting records concerning herself, OIG was required to consider her as a third person requesting records about someone else because she failed to identify herself adequately. Further, the DOE found no evidence that the OIG had released information concerning the Appellant into the public domain. Therefore, the DOE granted in part and denied in part the Appeal.

##### Refund Applications

*Enron Corp./Chevron U.S.A., Inc., 6/25/97, Case No. RF340-162*

The DOE granted an Application for Refund submitted by Chevron U.S.A., Inc. (Chevron) in the Enron Corporation (Enron) special refund proceeding. The DOE found that Chevron had acquired the right to refund of three firms that had purchased product from Enron during the refund period. The DOE found that two of these firms were spot purchasers of Enron product, and that Chevron could not receive a refund based on these spot purchases. The DOE found that the third firm, Warren Petroleum Company (Warren), was a regular purchaser of products from two

Enron affiliates, UPG, Inc. and Florida Hydrocarbons Company. Accordingly, the DOE granted Chevron a refund based on Warren's purchases from these affiliates under the "mid-range" presumption of injury. Chevron's total refund, including interest, is \$83,235.

*Enron Corp./Gulf States Oil & Refining Co., 6/24/97, RF340-93*

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Enron Corporation (Enron) special refund proceeding concerning purchases from Enron made by Gulf States Oil & Refining Company (Gulf States). The DOE found that Gulf States was a reseller whose purchases from Enron apparently were made on the spot market, were sporadic and discretionary in nature, were not related to any of Gulf States' refining and marketing activities, and were not necessitated by business obligations to regular customers. Accordingly, the DOE found that Gulf States fit the spot market presumption of non-injury for resellers, and that the firm had not made a showing of injury to overcome this presumption. The DOE therefore denied the Application for Refund based on Gulf States' purchases.

##### 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.

ARISTECH CHEMICAL CORP .....	RF272-78413	6/25/97
BAY STATE GAS CO. ET AL .....	RF272-98600	6/27/97
CRUDE OIL SUPPLEMENTAL REFUND DIST .....	RB272-00111	6/24/97
EMCO ELEVATORS, INC. ET AL .....	RF272-79198	6/27/97
HUNTER BROTHERS ET AL .....	RK272-2001	6/27/97
JAN HANSON ET AL .....	RK272-03505	6/25/97
LACLEDE CAB COMPANY .....	RK272-01403	6/27/97
NORMAN LUMPKIN ET AL .....	RF272-39710	6/25/97
PENNEBAKER EQUIPMENT CO. ET AL .....	RF272-86257	6/27/97
SAHUARITA UNIFIED DISTRICT 30 ET AL .....	RF272-79635	6/24/97
STARBUCK CREAMERY CO .....	RR272-286	6/27/97

##### Dismissals

The following submissions were dismissed.

Name	Case No.
CAL-CAR SERVICE COMPANY .....	RR272-294
PERSONNEL SECURITY HEARING .....	VSO-0140
PERSONNEL SECURITY HEARING .....	VSO-0156
PERSONNEL SECURITY HEARING .....	VSO-0157

[FR Doc. 97-19540 Filed 7-23-97; 8:45 am]

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