

[FR Doc. 98-18573 Filed 7-10-98; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of May 11 Through May 15, 1998

During the week of May 11 through May 15, 1998, 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, 950 L'Enfant Plaza, SW, Washington, DC, Monday through Friday, 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 6, 1998.

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

Decision List No. 85; Week of May 11 Through May 15, 1998

Appeal

Cincinnati Gas & Electric Co., 5/11/98, VEA-0008

The Office of Hearings and Appeals considered an Appeal filed by Cincinnati Gas & Electric Company (CG&E) from a determination issued on December 8, 1997, by the Office of Energy Efficiency and Renewable Energy (EE) of the Department of Energy (DOE), under provisions of 10 CFR Part 490 (Alternative Fuel Transportation Program). In its determination, EE partially granted a request by CG&E to receive credits under the Part 490 program for certain 1997 Model Year vehicles which the firm converted to alternative fuel vehicles (AFVs), but not

within four months after acquisition as required under 10 CFR 490.305(c). EE granted relief for such vehicles converted by CG&E on or before August 31, 1997. However, in its Appeal, CG&E sought additional credits for such vehicles (30) converted by the firm during the period September through December 1997. After considering evidence presented by CG&E concerning delays encountered by the firm in acquiring AFV conversion equipment, the DOE determined that CG&E's Appeal should be granted in part. Accordingly, the DOE granted CG&E credits under the Part 490 program for 17 of the 30 converted AFVs subject to its Appeal.

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.

Atlantic Richfield Co./Arlington Oil Co. et al	RF304-4889	5/11/98
Arlington Oil Co	RF304-4872	
Enron Corporation/Chemplex Co	RF340-182	5/13/98
Enron Corp./Heritage Propane	RR340-00005	5/12/98
Midwest Haulers, Inc et al	RK272-02843	5/12/98
Schlumberger Technology Corp	RC272-00390	5/12/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Personnel Security Hearing	VSO-0191
Personnel Security Hearing	VSO-0195
Toombs County Commissioners	RF272-98961

[FR Doc. 98-18570 Filed 7-10-98; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of May 18 Through May 22, 1998

During the week of May 18 through May 22, 1998, 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, 950 L'Enfant Plaza, SW, Washington, DC, Monday through Friday, 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 6, 1998.

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

Decision List No. 86; Week of May 18 Through May 22, 1998

Appeals

James E. Minter, 5/18/98, VFA-0406

James E. Minter filed an Appeal from a determination issued to him by the Albuquerque Operations of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). Mr. Minter's request sought records of overtime payments to a DOE employee who, as allegedly part of his job requirements, may have engaged in

physical fitness training while on official travel. The Albuquerque Operations Office identified a trip report and a time-card as responsive to the request, but withheld the information on personal grounds under FOIA Exemption 6. In considering the Appeal, the DOE determined that absent special circumstances or information that reveals something personal or private about the individual, Federal Government employees generally have no privacy interest either in their official work performed as a government employee either at or away from their usual duty stations or in their aggregate amount of hours spent working for the government even if this includes overtime. Accordingly, the Appeal was denied in part, granted in part, and remanded to the Albuquerque Operations Office to either release the withheld information or to issue a new determination offering another justification for withholding the information.

Kramer, Rayson, Leake, Rodgers & Morgan, 5/18/98, VFA-0402

The DOE's Office of Hearings and Appeals (OHA) issued a decision denying a Freedom of Information Act (FOIA) Appeal filed by Kramer, Rayson, Leake, Rodgers & Morgan (Kramer). In response to Kramer's FOIA request for information about a third party, the DOE Office of Inspector General (OIG) stated that it could neither confirm nor deny the existence of responsive material (a Glomar response). In its decision, OHA

found that OIG properly used Exception 7(C) and the Glomar response to protect the identified privacy rights of the individual, which were found to outweigh any public interest in the information. Accordingly, the Appeal was denied.

Whistleblower Hearing

Thomas T. Tiller, 5/21/98, VWA-0018

A Hearing Officer issued an Initial Agency Decision concerning a whistleblower complaint. The Hearing Officer determined that Thomas T. Tiller (Tiller) made one protected disclosure and proved by a preponderance of the evidence that the protected disclosure was a contributing factor to his demotion and reassignment. The Hearing Officer determined, however, that Wackenhut Services, Incorporated (Wackenhut), a DOE contractor, provided clear and convincing evidence to demonstrate that it would have demoted and reassigned Tiller even if he had not made his protected disclosure. The Hearing Officer also determined that Tiller participated in a protected activity when he filed his Part 708 Complaint in August 1994. She further determined that Tiller's 1994 complaint filing contributed to the pattern of alleged discriminatory acts set forth in his 1996 Whistleblower Complaint. The Hearing Officer determined, however, that Wackenhut proved by clear and convincing evidence that it would have taken the actions enumerated in Tiller's

1996 Whistleblower Complaint even if Tiller had not filed his 1994 Whistleblower Complaint. Therefore, the Hearing Officer found that Tiller failed to establish the existence of any violations of the DOE's Contractor Employee Protection Program for which relief is warranted under 10 CFR § 708.10.

Refund Applications

Better Materials Inc., 5/21/98, RF272-94734

The DOE denied an Application for Refund filed in the Subpart V Crude Oil proceeding because the applicant's wholly owned subsidiary had received a refund from the Surface Transporters Escrow.

Gulf Oil Corp./U.S. Reduction, 5/18/98, RR300-00293

The DOE granted a motion for reconsideration filed by in connection with *Gulf Oil Corp./U.S. Reduction*, Case No. RF300-20907 (June 6, 1994). The DOE determined that the applicant, The Travelers Group, Inc., was entitled to an additional refund of \$1,796.

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.

Annco Partnership et al	RK272-01898	5/21/98
Betz Laboratories, Inc.	RF272-98945	5/21/98
Leatham Brothers, Inc. et al	RF272-95231	5/19/98
Masterson Company, Inc. et al	RF272-94589	5/19/98
S.A.D. #22 et al	RF272-95369	5/21/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Burlin McKinney	VFA-0418
Liberty Cash Grocers, Inc.	RK272-04779

[FR Doc. 98-18571 Filed 7-10-98; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of May 25 Through May 29, 1998

During the week of May 25 through May 29, 1998, 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, 950 L'Enfant Plaza, SW, Washington, DC 20585-

0107, Monday through Friday, 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>.