

Gulf Oil Corporation/Aluminum Co. of America .....	RF300-16770	07/23/96
Gulf Oil Corporation/Carl Hatton Butane Co .....	RF300-18514	07/26/96
Carl Hatton Butane Co .....	RF300-18792	
Gulf Oil Corporation/Jackson & Michael Gulf Service .....	RR300-00286	07/24/96
Gulf Oil Corporation/Rowan Street Gulf .....	RF300-13247	07/23/96
Hall County BD of Commissioners .....	RF300-20415	
Village of Baldwinsville .....	RF300-21671	
Town of Henrietta et al .....	RF272-95734	07/26/96
Whiteside FS, Inc. et al .....	RG272-200	07/22/96

## Dismissals

The following submissions were dismissed:

Name	Case No.
Albuquerque Operations Office .....	VSA-0077
Caran Properties .....	RF272-97018
Caran Properties .....	RF272-97012
Caran Properties .....	RF272-97013
Caran Properties .....	RF272-97014
Caran Properties .....	RF272-97015
Caran Properties .....	RF272-97016
Caran Properties .....	RF272-97017
Ebon Research Systems .....	VFA-0191
Ellsworth-Williams .....	RG272-22
Farmers Union Coop Assn .....	RG272-333
United Truck & Bus Service Co .....	RF272-95145
Wheeling-Pittsburgh Steel Corp .....	RF272-77654

[FR Doc. 96-24122 Filed 9-19-96; 8:45 am]  
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### Notice of Issuance of Decisions and Orders From the Week of May 6 Through May 10, 1996

During the week of May 6 through May 10, 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: September 10, 1996.

George B. Breznay,

*Director, Office of Hearings and Appeals.*

Decision List No. 971—Week of May 6 Through May 10, 1996

#### Appeal

*William H. Payne, 5/6/96, VFA-0148*

William H. Payne (Appellant) filed an Appeal of a Determination issued to him by the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA) and the Privacy Act. In its Determination, the Office of Contractor Employee Protection (OCEP) redacted a DOE employee's name from one document and withheld another document entirely, including its author's name, under Exemption 6 of the FOIA. The OHA first determined that OCEP correctly handled the case exclusively under the FOIA, since the documents at issue were never in a Privacy Act "system of records." The OHA then

concluded that Exemption 6 did not protect the material withheld by OCEP. The material was not the type of personal information usually protected by Exemption 6, nor would release of the material subject anyone to the type of harm with which Exemption 6 is concerned. Accordingly, the DOE granted the Appeal and remanded the matter to OCEP for further action.

#### Request For Exception

*O'BRIEN OIL COMPANY, 5/7/96 LEE-0013, LEE-0138*

O'Brien Oil Company filed two Applications 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 different from other similar firms, and consequently was not experiencing a special hardship, inequity, or unfair distribution of burdens. Accordingly, the firm's Applications for Exception were denied.

#### 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.

Carl R. Bieber, Inc .....	RF272-97805 .....	05/06/96
Crude Oil Supple Ref Dist .....	RB272-00073 .....	05/06/96
Crude Oil Supple Ref Dist .....	RB272-00071 .....	05/06/96

Crude Oil Supply Ref Dist .....	RB272-00070 .....	05/10/96
Daniel R. Hanson, Sr. ....	RJ272-11 .....	05/07/96
Gulf Oil Corporation/Carter Limited, Inc. et al .....	RF300-15031 .....	05/10/96
I.A. Construction Co .....	RK272-03515 .....	05/07/96
I.A. Construction Co .....	RC272-00339 .....	.....
Ioerger Brothers et al .....	RK272-01072 .....	05/10/96
Pacos Carrier, Inc .....	RF272-69902 .....	05/08/96
Sawyer Drilling & Service, Inc et al .....	RK272-3386 .....	05/08/96
Streckfus Steamers, Inc et al .....	RF272-90914 .....	05/10/96
Texaco Inc./Chuck Dahlem Texaco Service .....	RR321-195 .....	05/10/96
Williams & Young Construction Company et al .....	RK272-2939 .....	05/07/96

## Dismissals

The following submissions were dismissed:

Name	Case No.
Boise Cascade Corporation .....	RF272-97841
COM/Energy Services Company .....	RF300-19895
The Cincinnati Enquirer .....	VFA-0152

[FR Doc. 96-24123 Filed 9-19-96; 8:45 am]  
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### Notice of Issuance of Decisions and Orders From the Week of July 29 Through August 2, 1996

During the week of July 29 through August 2, 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, 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 10, 1996.

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

Decision List No. 983

### Appeals

*Association of Public Agency Customers, 8/1/96, VFA-0174*

The Association of Public Agency Customers (Appellant) filed an Appeal of a Determination issued to it by the Department of Energy (DOE) in response to a request under the Freedom of

Information Act (FOIA) concerning documents related to power service contracts. In its Determination, Bonneville Power Administration (BPA) stated that, after release of several installment responses, it was discontinuing processing of the Appellant's request due to nonpayment of search and review costs. The Appellant appealed by challenging the amount of search and review fees it had been assessed. The Office of Hearings and Appeals (OHA) determined that DOE did not violate the FOIA either by failing to fully respond to the request in ten working days or by responding in installments. OHA further found that the amounts charged for search and review time were not exorbitant. However, the OHA found that BPA had incorrectly charged the Appellant the cost of the photocopier operator's time. The OHA also determined that DOE had not disregarded the Appellant's request not to be supplied with documents already located in the administrative record of six legal cases involving BPA. OHA also found the documents released by BPA to be responsive. Finally, the OHA found that because the response had not been completed, the Appellant was not entitled to a "privilege log." Accordingly, the DOE granted the Appeal in part because it ordered BPA to reduce its fees to the Appellant by the amount of the incorrect charges, but denied the Appeal in all other respects.

*U.S. Solar Roof, 7/31/96, VFA-0180, VFA-0181*

U.S. Solar Roof filed an Appeal from a determination issued to it by the Acting Deputy Assistant Secretary for Energy Efficiency and Renewable Energy (EE) of the Department of Energy (DOE) in response to two Requests for Information submitted under the Freedom of Information Act. In

considering the Appeal, the DOE found that in the first request, there was no evidence that the meetings for which U.S. Solar Roof had requested documents took place. Thus, there were no documents responsive to U.S. Solar Roof's request. Accordingly, Appeal No. VFA-0180 was denied. In its second request U.S. Solar Roof had not yet received a determination. In such cases, the Office of Hearings and Appeals (OHA) lacks jurisdiction to consider the Appeal. However, OHA consulted with EE which stated it would undertake an expeditious search for responsive records and respond directly to U.S. Solar Roof. Accordingly, Appeal No. VFA-0181 was dismissed.

### Personnel Security Hearings

*Albuquerque Operations Office, 7/29/96, VSO-0085*

An Office of Hearings and Appeals Hearing Officer issued an opinion concerning the continued eligibility of an individual for access authorization under 10 CFR Part 710. The individual admitted using illegal drugs and violating a DOE Drug Certification. See 10 CFR 710.8 (k) and (l). The individual presented insufficient evidence that 1) the use of cocaine was an isolated occurrence; (2) there were extenuating circumstances surrounding this drug use; and (3) he has been rehabilitated. As the individual failed to meet his burden of proving the existence of mitigating circumstances, the Hearing Officer found that the individual's security clearance should not be restored.

*Schenectady Naval Reactors Office, 7/30/96, VSO-0090*