

[FR Doc. 97-6584 Filed 3-14-97; 8:45 am]
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Notice of Cases Filed With the Office of Hearings and Appeals; Week of February 10 Through February 14, 1997

During the Week of February 10 through February 14, 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.

Dated: March 7, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 10 through February 14, 1997]

Date	Name and location of applicant	Case No.	Type of submission
2/11/97	Brader Hauling Service, Inc., Yakima, WA	RR272-283	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The January 16, 1997 Decision and Order, Case No. RG272-928, issued to Brader Hauling Service, Inc. would be modified regarding the firm's Application for Refund submitted in the Crude Oil refund proceeding.
2/11/97	Froman Oil Co., Claremore, OK	VEE-0039	Exception to the Reporting Requirements. If granted: Froman Oil Co. would not be required to file Form EIA-782B, the Resellers/Retailer's Monthly Petroleum Products Sales Report.
2/11/97	Personnel Security Hearing	VSO-0134	Request for Hearing Under 10 C.F.R. Part 710. If granted: An individual employed by a Contractor of the Department of Energy would receive a hearing under 10 C.F.R. Part 710.
2/11/97	Personnel Security Hearing	VSO-0135	Request for Hearing Under 10 C.F.R. Part 710. If granted: An individual employed by a Contractor of the Department of Energy would receive a hearing under 10 C.F.R. Part 710.
2/11/97	Sheet Metal Workers International, Washington, DC	VFA-0268	Appeal of an Information Request Denial. If granted: The January 3, 1997 Freedom of Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and Sheet Metal Workers International would receive access to certain DOE information.
2/12/97	Citizen Action, Washington, DC	VFA-0269	Appeal of an Information Request Denial. If granted: The January 8, 1997 Freedom of Information Request Denial issued by the Office of the Executive Secretariat would be rescinded, and Citizen Action would receive access to certain DOE information.
2/12/97	Nashua Equity Cooperative, Nashua, IA	RR272-284	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The November 1, 1996 Decision and Order, Case No. RG272-284, issued to Nashua Equity Cooperative would be modified regarding the firm's Application for Refund submitted in the Crude Oil refund proceeding.
2/14/97	Patrick G. Eddington, Fairfax, VA	VFA-0270	Appeal of an Information Request Denial. If granted: The February 4, 1997 Freedom of Information Request Denial issued by the Oakland Operations Office would be rescinded, and Patrick G. Eddington would receive access to certain DOE information.

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Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of February 24 through February 28, 1997

During the week of February 24 through February 28, 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 1:00 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: March 7, 1997.

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

Decision List No. 22; Week of February 24 Through February 28, 1997

Appeals

Fried, Frank, Harris, Shriver & Jacobson,
2/24/97, VFA-0263

Fried, Frank, Harris, Shriver & Jacobson (Fried) filed an Appeal from a determination by the DOE's

Albuquerque Operations Office (AOO). In that determination, the AOO partially granted a request for information under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by the DOE in 10 CFR Part 1004. In considering the Appeal, the DOE confirmed that the AOO mistakenly did not include a copy of a contract modification when it released a copy of the contract. Accordingly, the DOE ordered the AOO to release a copy of the contract modification. The DOE also found that, since Section 821 of the National Defense Authorization Act does not bar the release of proposal information that has been incorporated into a contract, Exemption 3 does not apply in this case as a reason to withhold the proposal in its entirety. Therefore, the DOE remanded this case to the AOO to release the proposal information incorporated into the awarded contract or to provide a detailed justification for withholding.

Lois Blanche Vaughan, 2/25/97, VFA-0264

The DOE issued a Decision and Order denying a Freedom of Information Act Appeal that was filed by Lois B. Vaughan. In her Appeal, Ms. Vaughan challenged the adequacy of the search for responsive documents that was conducted by the DOE's Oak Ridge Operations Office (DOE/OR) in response to Ms. Vaughan's FOIA request. Ms. Vaughan requested documents dated from 1948 through 1968. In the Decision, the DOE found that DOE/OR conducted a reasonable search for responsive documents. Accordingly, the Appeal was denied.

Martha J. McNeely, 2/25/97, VFA-0265

Martha J. McNeely filed an Appeal from a determination issued to her by the DOE's Richland Operations Office (Richland). In her Appeal, Ms. McNeely

asserted that Richland had failed to conduct an adequate search pursuant to the Privacy Act for her medical and dental records. The DOE determined that Richland had performed an adequate search. However, since Ms. McNeely provided additional information in her Appeal, in which she claimed to have participated in human radiation experimentation studies, the matter was remanded to the DOE Headquarters Freedom of Information and Privacy Group so that a search could be made for relevant documents.

Refund Application

Allied Signal, Inc., 2/25/97, RR272-247

The DOE partially granted a Motion for Reconsideration filed on behalf of Allied Signal, Inc., in the crude oil overcharge refund proceeding conducted under 10 CFR Part 205, Subpart V. Allied Signal's Motion requested a refund for its purchases of cumene during the crude oil refund period. The DOE found that cumene is not an eligible product in this proceeding. However, Allied Signal showed, through price escalation clauses in its contracts for cumene purchases, that it incurred the crude oil overcharges which are presumed in the benzene component of cumene. Therefore, Allied Signal was granted a refund based on the number of benzene gallons used in the production of the cumene it purchased.

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.

CRUDE OIL SUPPLEMENTAL REFUND DIST	RB272-00103	2/25/97
FRANKLIN COUNTY COOPERATIVE	RK272-04183	2/25/97
LONG BROTHERS ROOFING & WATER ET AL	RK272-03508	2/25/97
MELVIN BOOTS	RK272-03346	2/25/97
ALLEN BOOTS	RK272-03358
ALLEN BOOTS	RK272-03347
R.W. MILLER & SONS, INC. ET AL	RG272-00816	2/26/97

Dismissals

The following submissions were dismissed:

Name	Case No.
BURKE GRADING & PAVING, INC	RG272-988
CASS-CLAY CREAMERY, INC	RG272-692
FAIRMOUNT CHEMICAL CO	RG272-1003
JOHNSON PAVING CO., INC	RG272-986
VARIETY WHOLESALERS, INC	RK272-4199

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