

did not have any responsive documents in its possession. On appeal, the Appellant argued that the DOE must possess such documents because the Clean Room contract was a construction contract and under the Davis-Bacon Act, the agency was required to keep such records. The Office of Hearings and Appeals (OHA) found that the Clean Room contract had been classified as a service contract not covered by the Davis-Bacon Act. Therefore, OHA upheld Oak Ridge's Determination that the agency did not possess responsive documents. The OHA also found that the agency did not own any responsive documents under contract. Therefore, the DOE denied the Appeal.

#### Personnel Security Hearings

*Personnel Security Hearing, 3/5/97, VSO-0114*

A Hearing Officer found that an individual had not successfully mitigated security concerns arising from

his providing false information and his pattern of keeping certain of his behavior secret. These behaviors tended to show that the individual was not honest, reliable, and trustworthy. Accordingly, the Hearing Officer recommended in the Opinion that the individual's access authorization not be restored.

*Personnel Security Hearing, 3/6/97, VSO-0115*

A Hearing Officer found that an individual had not successfully resolved security concerns arising from her mental illness. The behavior associated with her mental illness, including an attempted suicide, indicated that the mental illness causes a significant defect in the individual's judgment and reliability. Although the individual is now participating in a therapeutic program, she has not participated long enough to provide assurance that defects in her judgment and reliability

will not recur. Accordingly, the Hearing Officer recommended in the Opinion that the individual's access authorization not be restored.

#### Refund Application

*Kathleen Lanier, 3/7/97, RK272-4201*

The DOE denied a supplemental crude oil refund application filed by Kathleen Lanier. The OHA determined that Ms. Lanier had no legally cognizable relationship to the original refund applicant, Golden Dawn Foods, Inc.

#### 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.

Apex Oil Co/Clark Oil Co/et al/Wright Industries, Inc .....	RF342-00047	3/7/97
Brink's Incorporated .....	RF272-86049	3/7/97
Crude Oil Supple Ref Dist .....	RB272-00102	3/3/97
Daniel Ruiz .....	RJ272-31	3/3/97
Effingham Equity et al .....	RG272-3	3/3/97
Indiana Brass, Incorporated .....	RK272-04127	3/3/97
J.B. Talley & Co., Inc. et al .....	RK272-4093	3/4/97
Nora Lee Elkins et al .....	RK272-4064	3/3/97
V.F. Warner & Son et al .....	RF272-97275	3/7/97
Virgil's, Inc. et al .....	RF272-86613	3/3/97
W.E. Bartholow & Son Const .....	RJ272-26	3/3/97
W.E. Bartholow & Son Const .....	RJ272-27	3/3/97
W.E. Bartholow & Son Const .....	RJ272-28	3/3/97
W.E. Bartholow & Son Const .....	RJ272-29	3/3/97
W.E. Bartholow & Son Const .....	RJ272-30	3/3/97

#### Dismissals

The following submissions were dismissed.

Name	Case No.
Borough of Cornwall .....	RF272-86140
Brader Hauling Service, Inc .....	RR272-283
Citizen Action .....	VFA-0269
City of Bedford Heights .....	RF272-86092
Owen's Oil Service .....	RF342-225
Ramsey Trucking, Inc .....	RK272-4038
Rio Stores, Inc .....	RK272-3824

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#### DEPARTMENT OF ENERGY

##### Office of Hearings and Appeals

##### Notice of Issuance of Decisions and Orders; Week of March 10 Through March 14, 1997

During the week of March 10 through March 14, 1997, the decision and order summarized below was issued with respect to appeal 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 this decision and order 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. The decision is also available in *Energy Management*:

*Federal Energy Guidelines*, a commercially published loose leaf reporter system and on the Office of Hearings and Appeals World Wide Web site at <http://www.oha.doe.gov>.

Dated: April 4, 1997.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

##### Decision List No. 24—Week of March 10 Through March 14, 1997

##### Appeals

*Quivira Mining Company, 3/13/97, VEA-0007*

Quivira Mining Company filed an Appeal from a determination of the Environmental Restoration Division of the DOE's Albuquerque Operations Office, disallowing certain remedial action costs claimed pursuant to 10 C.F.R. Part 765. Quivira contended that it was entitled to revise its reported costs to claim (i) Depreciation on

equipment that had already been expensed or fully depreciated and (ii) home office expenses that had been reallocated to the reclamation activities. The DOE rejected the Appeal, finding that the firm had not demonstrated that it was entitled to the claimed costs under the relevant statute and implementing regulations.

### 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.

C G ENTERPRISES, INC .....	RF272-97126	3/13/97
F & S FARMS, INC. ET AL .....	RK272-03644	3/10/97
FARMERS CO-OP ELEVATOR ET AL .....	RF272-76687	3/13/97
HLR, INC. (D/B/A RYERSON) .....	RG272-00891	3/10/97
JACK COOPER TRANSPORT CO., INC .....	RF272-86821	3/13/97
NASHUA EQUITY COOPERATIVE .....	RR272-284	3/10/97
RICKEL HOME CENTERS, INC .....	RK272-03783	3/13/97
SARA LEE GRAPHICS .....	RF272-86071	3/13/97
SPECIALIZED TRUCKING SVC., INC .....	RF272-00246	3/14/97
TEXACO, INC./CHAIN OIL CO. ....	RR321-197	3/10/97
WEAVER UNION ELE. SCHL. DIST. ET AL .....	RF272-79354	3/10/97

### Dismissals

The following submissions were dismissed.

Name	Case No.
ARLINGTON SALVAGE & WRECKER CO. ....	RG272-914
BARTOO SAND & GRAVEL INC. ....	RG272-909
BLYTHE CONSTRUCTION, INC. ....	RG272-906
CONTINENTAL PAVING, INC. ....	RG272-919
HOERTIG IRON WORKS .....	RG272-890
ISSAC INDUSTRIES, INC. ....	RG272-849
MILITARY DISTRIBUTORS, INC. ....	RG272-835
NORTHLAND CONSTRUCTORS OF DULUTH .....	RG272-826
PARKER-NORTHWEST PAVING CO. ....	RG272-985
PATCHA EQUIPMENT CO. ....	RG272-822
PERRUCCI CONTRACTING CO., INC. ....	RG272-819
PERSONNEL SECURITY HEARING .....	VSO-0119
PERSONNEL SECURITY HEARING .....	VSO-0137
PYRAMID PAVING .....	RG272-818
ROCKVIEW DAIRIES, INC. ....	RG272-963
SOUTHEAST ATLANTIC CORP. ....	RG272-957
SOUTHLAND WASTE SYSTEMS OF JAX, INC. ....	RG272-956
STATES ROOFING & METAL CO., INC. ....	RG272-803
STEEL FABRICATORS .....	RG272-801

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### ENVIRONMENTAL PROTECTION AGENCY

[FRL-5811-3]

#### Agency Information Collection Activities: Continuing Collection; Comment Request; Registration of Fuels and Fuel Additives

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of

Management and Budget (OMB): Registration of Fuels and Fuel Additives (EPA ICR Number 309.09, OMB Control Number 2060-1050, expiration date: 6-30-97). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

**DATES:** Comments must be submitted on or before June 13, 1997.

**ADDRESSES:** Fuels and Energy Division, Office of Mobile Sources, Office of Air and Radiation, Mail Code 6406J, U.S. Environmental Protection Agency, Washington, DC 20460. A paper or electronic copy of the ICR may be obtained without charge by contacting the person listed below.

**FOR FURTHER INFORMATION CONTACT:** James W. Caldwell, (202) 233-9303, fax:

(202) 233-9557,  
caldwell.jim@epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

**Affected entities:** Entities potentially affected by this action are those which manufacture or import gasoline or diesel fuel, or manufacture or import an additive for gasoline or diesel fuel.

**Title:** Registration of Fuels and Fuel Additives, OMB Control Number 2060-0150, EPA ICR Number 309.09, Expiring: 6-30-97.

**Abstract:** In accordance with the regulations at 40 CFR 79, Subparts A, B, C, and D, Registration of Fuels and Fuel Additives, manufacturers (including importers) of gasoline and diesel fuel, and manufacturers (including importers) if additives for gasoline or diesel fuel, are required to have their products registered by EPA prior to their