

Name	Case No.
Apex Management	RF321-12882
Apex Management	RF321-12886
Arcal Energy	RF321-19776
Carolina Freight Carriers Corp	RF321-20367
Commonwealth Propane Co	RF321-20689
Curtis Beard	RF321-14019
East Irondequoit Central Schools	RF272-94795
Francis E. Behrens, Jr	RF304-13308
Gateway Texaco	RF321-12659
GCO Minerals Company	RF321-20822
Gebbie's	RF321-19778
Green's Transport Co., Inc	RF304-13549
Hewlett-Woodmere UFSD	RF272-82414
Ila Mae Welch	RF321-20160
Indiana Bell Telephone Co., Inc	RF321-20371
Interstate Brands Corp	RF321-20368
Jersey Central Power & Light Company	RF321-20787
Kinderhook Central School District	RF272-95678
Lakeside Texaco	RF321-20405
Midwest Petroleum Company	RF321-20450
Munir A. Malik	VFA-0014
Munir A. Malik	VFA-0013
Paul Kelm Arco Service	RF304-14717
Quik Start Food & Texaco	RF321-12872
Teter's Texaco	RF321-20017
The John Stapf Corporation	RF300-18648
Vin's Service	RF321-20806
West End Texaco	RF321-20161

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.

Dated: February 14, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95-4426 Filed 2-22-95; 8:45 am]

BILLING CODE 6450-01-P

Notice of Issuance of Decisions and Orders During the Week of December 19 through December 23, 1994

During the week of December 19 through December 23, 1994 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief 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.

Appeal

E.O. Smelser, 12/21/94, VFA-0011

E.O. Smelser filed a Motion for Reconsideration of the denial by the Office of Hearings and Appeals of his

previous Freedom of Information Act (FOIA) Appeal. In his original FOIA request, Mr. Smelser had requested copies of computer tapes for databases created under a grant program which the DOE had funded. In considering the Motion, the OHA found that Mr. Smelser did not introduce any new evidence or changed circumstances that would warrant granting the motion for reconsideration. Accordingly, the Motion was denied.

Requests for Exception

Bender Oil Company, 12/19/94, LEE-0150

Bender Oil Company (Bender) filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." The DOE determined that Bender did not meet the standards for exception relief because it was not experiencing a serious hardship or gross inequity as a result of the reporting requirements. Accordingly, exception relief was denied.

Berreth Oil, Inc., 12/20/94, LEE-0093

Berreth Oil, Inc. (Berreth) filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report," and

Form EIA-821, the "Annual Fuel Oil and Kerosene Sales Report." In considering this request, the DOE found that the firm was not suffering a gross inequity or serious hardship. On July 25, 1994, the DOE issued a Proposed Decision and Order determining that the exception request should be denied. No Notice of Objections to the Proposed Decision and Order was filed at the Office of Hearings and Appeals of the DOE within the prescribed time period. Therefore, the DOE issued the Proposed Decision and Order in final form, denying Berreth's Application for Exception.

Personnel Security Hearing

Albuquerque Operations Office, 12/22/94, VSO-0001

The Office of Hearings and Appeals issued the first Hearing Officer Opinion addressing the continued eligibility of an individual for access authorization under the newly amended provisions of 10 C.F.R. Part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." After carefully considering the record in view of the standards set forth in 10 C.F.R. Part 710, the Hearing Officer found that the individual had engaged in criminal behavior which tended to show that she was not honest, reliable, or trustworthy, and that she had omitted significant information from a Questionnaire for Sensitive Positions. The Hearing Officer also found that there were no mitigating

factors present in the case which can overcome the security concerns raised by the Department of Energy. Accordingly, the Hearing Officer found that the individual's access authorization, which had been suspended, should not be restored.

Refund Applications

Hunt-Wesson, Inc., Hunt-Wesson, Inc., Waterloo Industries, Aristokraft, Inc., Playtex Products, 12/23/94, RF272-73865, RD272-73865, RF272-97916, RF272-97941, RF272-98638

The DOE issued a Decision and Order concerning Application for Refund submitted in the Subpart V crude oil refund proceeding by four former affiliates of Beatrice Co., Inc. Hunt-Wesson, Inc., Waterloo Industries, Aristokraft, Inc., and Playtex Products. The four applicants were found to have been affiliated with Arrowhead Drinking Water Company (Arrowhead) on August 7, 1986. Arrowhead had filed in the Surface Transporters Stripper Well proceeding. In doing so, Arrowhead had executed a waiver and release waiving its rights and the rights of its affiliates on August 7, 1986, to receive crude oil overcharge refunds. Accordingly, the DOE denied these four Applications for Refund. Because the DOE denied these Applications, the DOE also dismissed as moot a Motion for Discovery filed by a consortium of States and two Territories to Hunt-Wesson, Inc.'s Application for Refund.

Texaco Inc./Carlton Hills Texaco, Harry's Texaco, 12/23/94, RF321-20424, RF321-21044

Dale Fuller filed an Application for Refund in the Texaco, Inc. special refund proceeding on behalf of a retail outlet located on Carlton Hills Boulevard in Santee, California. Mr. Fuller's claimed dates of ownership conflicted with the dates claimed by

Harry Orsulak, in Case No. RF321-18438, redesignated Case No. RF321-21044, and another applicant Mitchel Carter, in Case No. RF321-9802, both of whom had previously received refunds for purchases made by that outlet. The OHA determined that Mr. Orsulak was not entitled to the refund which he received for purchases made by the Carlton Hills outlet beginning in March 1973. In addition, the OHA determined that Mr. Fuller was eligible for a refund for the purchases made from March 1973 through November 1976, when Mr. Carter assured operation of the outlet. The OHA issued a Supplemental Decision and Order, granting Mr. Fuller's Application for Refund for the period March 1973 through November 1976, and instructing Mr. Orsulak to repay his refund.

Texaco Inc./Guttman Oil Company, 12/20/94, RF321-17026

Guttman Oil Company (Guttman) filed an Application for Refund in the Texaco Inc. special refund proceeding. Rather than accept \$50,000, the maximum refund under the medium-range presumption of injury, Guttman attempted to show that it was injured in its purchases of Texaco products. With respect to motor gasoline, Guttman sought a refund of 43 percent of the volumetric amount based upon a claim that it absorbed that percentage of the overcharges. Guttman sought an above-volumetric refund with respect to its diesel fuel purchases based upon a disproportionate overcharge.

The DOE rejected Guttman's contention that lower than historical profit margins in its resale of motor gasoline implied that it was injured. The DOE noted that Guttman's profit margin analysis showed little more than its bank calculations and that depressed profit margins could have resulted from causes unrelated to the price it paid Texaco for product.

The DOE agreed with Guttman that it had sustained a disproportionate overcharge based upon the findings of a Remedial Order that had been issued to Texaco concerning diesel fuel transactions. The DOE, however, found that Guttman's calculation of banked costs had to be adjusted to take into account the findings in another Remedial Order that had been issued to it. A revised bank calculation showed that in September 1975, Guttman had a bank of unrecovered product costs of \$1,949, but that subsequent to that month the firm had a sufficient bank to justify the overcharge claims. This indicated that the firm had passed through to its customers all but \$1,949 of the diesel fuel overcharges that occurred through September 1975. The DOE found that Guttman had absorbed \$67,095 in diesel fuel overcharges between September 1975 and June 1976, and that Guttman was entitled to pre-settlement interest (for the period between the date of the overcharge and the date Texaco paid the settlement to DOE) on this amount. Since the Texaco consent order settled the alleged violations at a fraction of their value, the DOE reduced the resulting overcharge amount to 57.5 percent (the ratio of the consent order amount to the total overcharges that had been alleged by DOE). Guttman was accordingly granted a refund of \$160,645, plus interest that has accrued on this amount since the Texaco funds were placed in an escrow account.

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.

A-1 Truck & Trailer Rentals, Inc	RC272-267	12/20/94
Al Tech Specialty Steel Corp. et al	RF272-93541	12/20/94
Atlantic Richfield Company/John Pellegrino Arco et al	RF304-14707	12/19/94
Burnup & Sims, Inc. et al	RF272-92013	12/19/94
City of Athens, Texas et al	RF272-85535	12/21/94
Gloucester County, NJ et al	RF272-96502	12/21/94
Gulf Oil Corporation/Chicot Implement Co. et al	RF300-18845	12/19/94
Gulf Oil Corporation/Sherman Foundry, Inc. et al	RF300-21525	12/20/94
Gulf Oil Corporation/U.S. Radium Corporation et al	RF300-21605	12/21/94
Gulf Power Company	RF272-93556	12/23/94
Duke Power Company	RF272-93569
Halltown Paperboard Company	RF272-67486	12/21/94
Richmond County et al	RF272-95512	12/20/94
Shawano-Greshan Sch. Dist. et al	RF272-80955	12/23/94
Shell Oil Company/Silver Port Shell	RF315-3393	12/20/94
Stratton Equity Coop Co. et al	RF272-92372	12/23/94
Texaco Inc./Art & Jim's Texaco Service et al	RF321-20808	12/20/94
Texaco Inc./Crowley Texaco et al	RF321-20204	12/23/94
Texaco Inc./Don Fortunati's Texaco et al	RF321-20408	12/20/94
Texaco Inc./Don's Service Station et al	RF321-12545	12/23/94

Texaco Inc./Landry & Martin Oil Co., Inc	RF321-20444	12/20/94
Texaco Inc./Maverick Oil Co	RF321-19887	12/20/94
Maverick Oil Co	RF321-19888
Maverick Oil Co	RF321-19889
Maverick Oil Co	RF321-19890
Maverick Oil Co	RF321-19891
Maverick Oil Co	RF321-19892
Texaco Inc./Walker's Service Station et al	RF321-12775	12/23/94

Dismissals

The following submissions were dismissed:

Name	Case No.
72nd Street Association	RF272-77810
Ambassador Towne House Associates	RF272-77814
C.W. Faust & Sons	RF272-94798
Central School District #1	RF272-96535
Gracie Towne House	RF272-77856
Morton Pickman	RF272-77826
Orleans County Hwy. Dept.	RF272-96534
Pepperidge Farm, Inc.	RF272-93551
Rocky Flats Field Office	VSO-0006
Salt Lake County, UT	RF272-96642
Savannah Electric and Power Co.	RF321-20919
Sunnyside Shell	RF321-8231
Tanner's Shell	RF315-9719
Ten East Housing Company	RF272-77825
The Pillsbury Company	RF321-20776
Thelma Realty	RF272-77848
University Associates	RF272-77812

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Dated: February 15, 1995.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

[FR Doc. 95-4427 Filed 2-22-95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5160-2]

Notice of Open Meeting of the Brownfields Redevelopment Workgroup of the Environmental Financial Advisory Board on March 27-28, 1995

The Brownfields Redevelopment Workgroup of the Environmental Financial Advisory Board (EFAB) will hold an open meeting on financing brownfields redevelopment. The meeting is scheduled for March 27-28, 1995 in Capital Room II of the Westin

Hotel Indianapolis located at 50 South Capitol Street, Indianapolis, Indiana, 46204. The March 27 session will begin at 1:00 p.m. and adjourn at 5:00 p.m. The March 28 session will run from 8:30 a.m. to 4:00 p.m.

EFAB is a federally chartered advisory board that provides analysis and advice to the U.S. Environmental Protection Agency (EPA) on environmental finance issues. The purpose of this workgroup meeting is to gather information and facilitate discussion on barriers and incentives to the redevelopment of abandoned industrial or commercial sites (known as "brownfields") in Indianapolis and other cities. Several invited speakers will make presentations and the public is welcome, but seating is limited. The meeting will serve as an opportunity for the workgroup to address issues raised and begin development of model financing options that can be tested at brownfield pilot sites.

The meeting is being held in cooperation with the City of Indianapolis at the request of Mayor Stephen Goldsmith, who is an EFAB member. Representatives from the Indiana Department of Environmental Management and the U.S. Environmental Protection Agency have been invited. Parties who wish to attend the meeting are encouraged to contact Ms. Amy Mack of the Indianapolis Department of Public Works, Environmental Resources Management

Division, at (317) 327-2288. The EFAB staff contacts for the meeting are Time McProuty at (202) 260-8436 and Eugene Pontillo at (202) 260-6044.

Dated: February 15, 1995.

George Ames, Acting Director,
Resource Management Division.

[FR Doc. 95-4468 Filed 2-22-95; 8:45 am]

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[FRL-5157-6]

Public Meeting of the Sanitary Sewer Overflows Dialogue

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) is convening a public meeting of the Sanitary Sewer Overflows (SSOs) dialogue on March 9 and 10, 1995. The meeting has several purposes: (1) to discuss goals, objectives and desired outcomes for the SSO policy dialogue, such as ensuring national consistency and adequate municipal investment in collection system operation and maintenance; (2) to report on information needs to support an evaluation of the costs and benefits of selected policy options as well as identify other information needs associated with developing other products; (3) to provide an overview of