Name	Case No.
Huntsville Utilities	RF272–78672
Lake Region Union High School	RF272–96586
Live Oak LPG	RF304–14816
Lockheed Environmental Systems & Technologies Company	VWD–0001
Mound Bayou Public Schools	RF272–88263
Redmond Sand & Gravel Co	RF272–98122
Sam Denaro's Texaco Service	RF321–20331
Santee's Arco	RF304–14809
Southside Texaco of Monroe	RF321–8134
West Park Texaco	RF321–11379
Winn-Dixie Atlanta, Inc	RF272–77493

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: April 21, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95–10756 Filed 5–1–95; 8:45 am]

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Notice of Issuance of Decisions and Orders During the Week of February 20 Through February 24, 1995

During the week of February 20 through February 24, 1995, the decisions and orders summarized below were issued with respect to appeals and applications for 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.

Appeals

David K. Hackett, 2/24/95, VFA–0021

David K. Hackett filed an Appeal from a determination issued by the Oak Ridge Operations Office (Oak Ridge) of the Department of Energy in response to a request from Mr. Hackett under the Freedom of Information Act (FOIA). Mr. Hackett sought a copy of the transcript of the deposition taken of him in the case of *Hackett* v. *Martin Marietta*. In denying Hackett's request, Oak Ridge stated that it did not possess the requested document. In considering the Appeal, the Office of Hearings and Appeals found that although Oak Ridge did not possess the requested transcript, it did own that document. The OHA found that since Oak Ridge owned the deposition transcript, it should have considered whether the document should have been released. Accordingly, the matter was remanded to Oak Ridge.

J/R/A Associates, 2/23/95, VFA–0022

J/R/A Associates filed an Appeal from a determination issued to it by the Associate Deputy Secretary for Field Management of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Office of Contractor Employee Protection (OCEP) had improperly withheld the name of corporate contractors and subcontractors named in ongoing ''whistleblower'' investigations. OCEP had withheld this information under Exemptions 6 and 7(C), which protect personal privacy. The DOE found that corporations do not have protectable privacy interests for the purposes of these FOIA exemptions. Accordingly, the Appeal was granted in part, denied in part and remanded with instructions to either release the requested information or to issue a new determination fully explaining its reasons for continuing to withhold the information.

Refund Applications

Atlantic Richfield Co./Coast Gas, Inc., 2/23/95 RR304–63

Coast Gas, Inc. filed a Motion for Reconsideration from the dismissal of an Application for Refund that it had filed the Atlantic Richfield Company special refund proceeding. Since Coast Gas was seeking a refund in excess of $5,000, it was required to demonstrate that it was injured by ARCO's alleged overcharges on its sales of natural gas liquids. The firm submitted evidence that it maintained banks of unrecovered product costs in excess of its refund claim and that the firm's ARCO purchases placed it at a competitive disadvantage vis-a-vis other resellers of propane and butane in its marketing area. The firm was not however, at a competitive disadvantage with respect to its purchases of ARCO natural gasoline. Accordingly, the firm was granted a refund of its full allocable share with respect to its propane and butane purchases, and a refund equal to its above-market volumetric share with respect to its purchases of natural gasoline. The total refund issued to the firm was $88,339 ($49,699 in principal and $38,640 in interest).

Texaco Inc./ Cadoret Oil Company, 2/22/95 RF321–14165

The DOE issued a Decision and Order granting an Application for Refund in the Texaco Inc. special refund proceeding. Francis Cadoret filed an Application for Refund on behalf of Cadoret Oil Co., a firm he owned with his partner, Joseph Cadoret, for its purchases of Texaco petroleum products. Francis Cadoret claimed that he alone was entitled to the entire refund since he had purchased his partners share of the business. After examining the language of the relevant partnership dissolution agreement, the DOE found that the agreement had transferred Joseph Cadorets right to a refund to Francis Cadoret. Consequently, the DOE determined that Francis Cadoret was eligible to receive a refund equal to Cadoret Oil's full allocable share. Accordingly, Francis Cadoret was granted a refund of $1,166 ($805 principal plus $361 interest).

Texaco Inc./27 W. Landis Texaco, Langhorne Texaco Service Station, D'ippolito Oil Company R.A. Reiff Fuels, Inc., 2/23/95 RF321–16943, RF321–16944, RF321–16950, RF321–16951

The DOE issued a Decision and Order concerning four Applications for Refund submitted by indirect purchases of Texaco products. The DOE determined that the four applicants were affiliated through varying degrees of common ownership and considered the claims together in order to determine one combined allocable share for the four firms. Further, one of the owners of R.A. Reiff Fuels, Inc. also owns 75 percent of the shares of the corporation that supplied Texaco products to R.A. Reiff Fuels, Inc. Since that supplier has

received a refund for its direct purchases of Texaco products, R.A. Reiff Fuels, Inc.'s refund attributable to the common owner was reduced by 75 percent so that he would not receive two refunds for the same gallons of product. The total of the refunds granted to the applicants was $12,005 ($8,288 principal and $3,717 interest).

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.

Name	Case No.	Date
Atlantic Richfield Company/R.D.P. Corporation et al	RF304–14596	02/23/95
City of Columbus et al	RF272–83003	02/22/95
Deer Trail Truckline	RC272–277	02/23/95
Deer Trail Truckline	RR272–187	
Muckleroy Cattle Co. et al	RF272–91900	02/21/95
Prins Rental et al	RF272–90188	02/22/95
Texaco Inc./Air Comfort, Inc	RF321–21058	02/21/95
Texaco Inc./Allen Texaco et al	RF321–9086	02/22/95
Texaco Inc./Pritchard's Texaco et al	RF321–17144	02/21/95
Texaco Inc./Silva's Texaco et al	RF321–20818	02/22/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Arizona Chemical	RF321–20821
Schadow Texaco	RF321–12996

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: April 21, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

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Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of March 20 through March 24, 1995

During the week of March 20 through March 24, 1995 the decisions and orders summarized below were issued with respect to appeals and applications for 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.

Appeals

National Security Archive, 3/24/95, LFA–0297

National Security Archive filed an Appeal from a denial by the Department of Defense of a request for information that it filed under the Freedom of Information Act (FOIA). The information had been withheld by the predecessor to the DOE's Office of Declassification as classified material under Exemptions 1 and 3 of the FOIA. After considering the matter, the DOE determined that all of previously withheld material could now be released. Accordingly, the Appeal was granted.

Richard J. Levernier, 3/21/95, VFA–0025

Richard J. Levernier filed an Appeal from a determination issued by the Manager of the Department of Energy's Rocky Flats Office (DOE/RF), in response to a request for information under the Freedom of Information Act (FOIA). Levernier sought records of telephone conversations between himself and personnel of Wackenhut Services, Inc., a DOE contractor. In his Appeal, Levernier challenged the adequacy of DOE/RF's search for records. In considering the Appeal, the DOE found that, because the DOE/RF FOIA Officer consulted each of the offices at DOE/RF that were likely to possess the records, including the offices that Levernier stated had reviewed the documents, her search was reasonably calculated to uncover the records sought by the Appellant. Accordingly, the Appeal was denied.

Robert L. Hale, 3/20/95, VFA–0026

The Department of Energy issued a Decision and Order denying a Freedom of Information Act Appeal filed by Robert L. Hale. In his Appeal, Mr. Hale contested the adequacy of the search for responsive documents performed by the DOE's Oak Ridge Operations Office. After conducting its own inquiry into the scope of the search, the DOE concluded that the search was adequate. Mr. Hale's Appeal was therefore denied.

Personnel Security Hearings

Albuquerque Operations Office, 3/22/95, VSO–0011

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain a level ''Q'' access authorization under the provisions of 10 CFR part 710. The individual was alleged to have an illness or mental condition of a nature that in the opinion of a board-certified psychiatrist causes, or may cause, a significant defect in her judgment or reliability. On February 15, 1995, an evidentiary hearing was conducted in which a DOE-sponsored psychiatrist and the individual's psychiatrist testified, along with other relevant witnesses. After carefully examining the record of the proceeding, the Hearing Officer determined that although the individual suffers from recurrent major depression, her psychiatric profile, type of depression, work record and efforts at rehabilitation indicate to him that she is not a risk to national security. Accordingly, the Hearing Officer found that the individual's access authorization should be reinstated.

Albuquerque Operations Office, 3/23/95, VSO–0013

An OHA Hearing Officer issued an opinion concerning the access authorization of an individual whose security clearance was suspended because he tested positive for marijuana use and also because he lied on a DOE form, stating that he had not used illegal drugs. The Hearing Officer found that the individual was rehabilitated from