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Issuance of Decisions and Orders During the Week of September 25 Through September 29, 1995

During the week of September 25 through September 29, 1995, 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.oha.doe.gov>.

Crude Oil Supplemental Refund Distribution	RB272-49	09/25/95
Grant Joint Union High School et al	RF272-97528	09/28/95
Gulf Oil Corporation/Hydro Conduit Corp. et al	RF300-21349	09/27/95
Gulf Oil Corporation/Medfield Gulf	RF300-21408	09/28/95
Magna Corp. (BPCI)	RF300-21413	
Town of West Warwick	RF300-21414	
Texico Inc./4-Way Service et al	RF321-16408	09/27/95
Texaco Inc./Bill Lee Ivans	RF321-12207	09/28/95
Hunts Point Fuel Corp.	RF321-17353	
Walcoal, Inc. et al	RK272-77	09/28/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Government Accountability Project	VFA-0085
Government Accountability Project	VFA-0086

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Issuance of Decisions and Orders During the Week of September 18 Through September 22, 1995

During the week of September 18 through September 22, 1995, the decisions and orders summarized below were issued with respect to appeals,

Dated: August 29, 1996.
Richard W. Dugan,
Acting Director Office of Hearings and Appeals.

Personnel Security Hearing
Oak Ridge Operations Office, 9/26/95, VSO-0034

Under the provisions set forth in 10 C.F.R. Part 710, the Department of Energy, Oak Ridge Operations Office (DOE/OR) suspended the access authorization ("L" level security clearance) of an individual based upon derogatory information received by the DOE/OR incident to the individual's arrest on a charge of indecent exposure. Following a personnel security interview and evaluation by a DOE consultant psychiatrist, DOE/OR suspended the individual's access authorization under disqualifying criteria set forth in: (1) 10 C.F.R. § 710.8(h), that the individual has "[a]n illness or mental condition of a nature which, in the opinion of a board-certified psychiatrist * * * causes, or may cause, a significant defect in judgment or reliability," and (2) 10 C.F.R. § 710.8(1), that the individual has "[e]ngaged in [] unusual conduct or is subject to circumstances which tend to show that the individual is not honest, reliable, or trustworthy; or which furnishes reason to believe that the

individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security." Following a hearing convened at the request of the individual, the Office of Hearings and Appeals Hearing Officer found in the Opinion that (i) despite conflicts in the psychiatric testimony, it was clear that the individual suffered from a mental condition which caused a significant defect on his judgment and reliability, (ii) the individual was not rehabilitated but needed to continue medication and psychotherapy indefinitely, and (iii) there was a distinct possibility that the individual continues to conceal the nature of his condition and therefore would be subject to blackmail or coercion in the event of future incidents. Accordingly, the Hearing Officer concluded in the Opinion that the individual's access authorization should not be restored.

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.

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