not constitute sufficient restitution to the individuals actually injured by the overcharges. Because the DOE determined that NAVRESSO was not injured by the overcharges and that a refund to it would not provide restitution to injured persons, NAVRESSO's application was denied.

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.

Cascade Aggregates, Inc. et al	RK272–00432	09/17/96
City of Hayward	RF272–69291	09/16/96
James Hagan; Thomas Hagan	RJ272–19, RJ272–20	09/17/96
Lasalle Farmers Grain Co. et al	RG272–631	09/16/96
Telleri Trucking Co. et al	RG272–00544	09/18/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Dorchester Cooperative	RG272–670
Jack Daniel Distillery	RG272–848
Maywood Cooperative Association	RF272–76889
Scandinavia Cooperative Produce Company	RG272–585
Western Stone Products	RR272–244

[FR Doc. 96–28748 Filed 11–7–96; 8:45 am]

BILLING CODE 6450–01–P

Notice of Issuance of Decisions and Orders During the Week of September 23 Through September 27, 1996

During the week of September 23 through September 27, 1996, 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.

Dated: October 30, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 991

Week of September 23 Through September 27, 1996

Appeals

Dirk T. Hummer, 9/27/96, VFA–0209

The Department of Energy issued a Decision and Order denying a Freedom of Information Act Appeal that was filed by Dirk T. Hummer. In his Appeal, Mr. Hummer contested a finding by the Richland Operations Office that the documents he requested were not ''agency records,'' and were therefore not subject to the FOIA. In the Decision, the DOE found that the documents in question were not ''agency records.'' Mr. Hummer's Appeal was therefore denied.

Local Union # 701, I.B.E.W., 9/27/96, VFA–0210

Local Union #701, I.B.E.W. (IBEW) filed an Appeal from a determination issued to it on August 22, 1996, by the Department of Energy's Fermi Group. In that determination, the Fermi Group Manager stated that the payroll records sought by the IBEW are not the property of the Department of Energy. In considering the Appeal, the DOE confirmed that the records requested by the IBEW are not agency records subject to the FOIA. Accordingly, the DOE denied the IBEW Appeal.

Personnel Security Hearing

Rocky Flats Field Office, 9/23/96, VSO–0093

An OHA Hearing Officer issued an opinion concerning the continued eligibility of an individual for access authorization under 10 C.F.R. Part 710, entitled, ''Criteria and Procedures for Determining Eligibility for Access Authorization to Classified Matter or Special Nuclear Material.'' The Rocky Flats Field Office (RFFO) had suspended the individual's access authorization based on security concerns arising from the individual's harrassment of a female coworker. The Hearing Officer found the individual had not produced evidence that would mitigate security concerns. Accordingly, the Hearing Officer found that the individual's access authorization should not be restored.

Refund Applications

Eason Oil Co./M&M Gas Company, 9/24/96, RF352–6, RF352–10 thru RF352–14

The DOE issued a Decision and Order concerning a refund application that was submitted on behalf of the former partners of M&M Gas Company in the Eason Oil Company (Eason) special refund proceeding. The DOE found that M&M Gas Company was a retailer of Eason products that qualified for a refund under the 60% mid-range presumption of injury. The DOE granted M&M Gas Company a total refund of $40,662. The OHA determined that the original partners in the business, Max Miller and John Mahoney retained their right to the company's refund. Since both of these individuals are deceased, the OHA identified their respective successors in interest and divided the refund among those individuals.

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 Distribution	RB272–87	09/27/96
Crude Oil Supplemental Refund Distribution	RB272–89	09/27/96
John Sexton Contractors Co.	RK272–03854	09/24/96
Rock Road Companies, Inc., et al	RK272–01370	09/27/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Almena Cooperative Association	RG272–600
George O'Nale	VFA–0216
Paul T. Freier	VF–0214
Richmond County	RF272–98121
State of New Hampshire	RF272–98133

[FR Doc. 96–28749 Filed 11–7–96; 8:45 am]

BILLING CODE 6450–01–P

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of proposed implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces proposed procedures and solicits comments concerning the refunding of $214,236.37 (plus accrued interest) in consent order funds. The funds are being held in escrow pursuant to a Consent Judgment and a Bankruptcy Distribution involving Houma Oil Company and Jedco, Inc., respectively.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this in the Federal Register and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0107. All comments should conspicuously display a reference to Case Numbers VEF–0023 (Houma Oil Co.) or VEF–0024 (Jedco, Inc.).

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W. Washington, D.C. 20585–0107, (202) 426–1575.

SUPPLEMENTARY INFORMATION: In accordance with Section 205.282(b) of the procedural regulations of the Department of Energy, 10 C.F.R. § 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set forth below. The Proposed Decision relates to a Consent Judgment entered into by the Houma Oil Company which settled possible pricing violations in the firm's sales of motor gasoline during the period May 1, 1979 through April 30, 1980. The Proposed Decision also relates to a Bankruptcy Distribution which settled pricing violations stemming from Jedco, Inc.'s sales of motor gasoline during the period November 1, 1973 through March 31, 1974.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute funds remitted by Houma and Jedco and being held in escrow. The DOE has tentatively decided that the funds should be distributed in two stages in the manner utilized with respect to consent order funds in similar proceedings.

Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the Federal Register, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0107.

Dated: October 28, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Department of Energy

Washington, DC 20585

October 28, 1996

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Firms: Houma Oil Company Jedco, Inc.

Date of Filing: September 1, 1995

Case Numbers: VEF–0023, VEF–0024

In accordance with the procedural regulations of the Department of Energy (DOE), 10 C.F.R. Part 205, Subpart V, the Regulatory Litigation branch of the Office of General Counsel (OGC)(formerly the Economic Regulatory Administration (ERA)) filed Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on September 1, 1995. The petitions request that the OHA formulate and implement procedures for the distribution of funds received pursuant to a Consent Judgment and a Bankruptcy Distribution concerning Houma Oil Co. (Houma) and Jedco, Inc. (Jedco), respectively.

Background

Houma was a ''reseller-retailer'' during the period of price controls. The ERA audited Houma's business records and determined it violated DOE's regulations in its purchases and sales of motor gasoline during the period May 1, 1979 through April 30, 1980. On November 21, 1983, the ERA issued a Proposed Remedial Order (PRO) to Houma in which it determined the firm overcharged its customers by $503,810 during the audit period. On August 1, 1984, Houma and DOE entered into a consent order in which Houma agreed to refund the overcharge amount, plus interest, in installment payments to DOE over a two year period. Houma ultimately defaulted on its repayment obligation and the matter was referred to the Department of Justice (DOJ) for enforcement. The DOJ then obtained a Consent Judgment against Houma on February 9, 1995. Pursuant to this Judgment, Houma remitted a total of $210,414.73 to the DOE. Houma then stopped