intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–1694 Filed 1–23–97; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of October 28 Through November 1, 1996

During the week of October 28 through November 1, 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, SW, 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: January 16, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 5—Week of October 28 Through November 1, 1996

Appeals

Action and Associates, Inc., 10/28/96, VFA–0224

Action and Associates, Inc. (Action) filed an Appeal from a determination issued to it by the DOE's Savannah River Operations Office (DOE/SR). In its Appeal, Action asserted that DOE/SR did not conduct an adequate search for records that Action had requested pursuant to the FOIA. Action also challenged the amount it was charged for the documents it obtained pursuant to its FOIA Request. The DOE determined that DOE/SR had conducted an adequate search for records and that its assessment of fees was appropriate and reasonable. Consequently, Action's Appeal was denied.

Harold Bibeau, 10/28/96, VFA–0223

Harold Bibeau filed an Appeal from a denial issued to him by the DOE's Office of Human Radiation Experiments (OHRE) of a Request for Information which he had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that OHRE had conducted a search reasonably calculated to find the requested information, and that all responsive documents had been released to Mr. Bibeau. However, in his Appeal, Mr. Bibeau expanded his original request. OHRE agreed to do a new search for the newly-requested documents. Therefore, the Appeal was denied.

Malcolm Parvey, 11/1/96, VFA–0225

Malcolm Parvey filed a Motion for Reconsideration of a Decision and Order which denied his Appeal of two determinations by the Western Area Power Administration (WAPA) under the Freedom of Information Act (FOIA). In those determinations, WAPA released some information to Mr. Parvey and charged him a total fee of $96.25. Mr. Parvey's Motion reiterates the arguments made in his original Appeal. Because Mr. Parvey did not present any new evidence or arguments, the DOE denied his Motion for Reconsideration.

Personnel Security Review

Oakland Operations Office, 10/28/96, VSA–0088

The DOE's Office of Safeguards and Security (OSS) filed a Request for Review of a DOE Hearing Officer's recommendation to restore the access authorization of an individual. The individual's access authorization was suspended upon receipt of information indicating the individual had tested positive for the presence of marijuana. The Hearing Officer found that the individual had mitigated DOE security concerns through his explanation that his marijuana use was limited and through his participation in a drug rehabilitation program. In considering the OSS Request for Review, the Director of the Office of Hearings and Appeals found that the Hearing Officer did not have sufficient evidence before him to support the finding that the individual's use of marijuana was limited. The Director noted that the individual failed to provide any evidence to corroborate the circumstances surrounding his marijuana use. The Director found that since the Hearing Officer's conclusions concerning rehabilitation were premised on limited marijuana use, these conclusions could not be sustained. Accordingly, the Director recommended that the individual's access authorization not be restored.

Refund Applications

Good Hope Refineries/Ashland Company, 10/30/96, RF339–6

Ashland Petroleum Company filed an Application for Refund in the Good Hope Refineries II Refund Proceeding. The DOE denied Ashland's application after finding that Ashland had failed to establish injury by rebutting the spot purchaser presumption.

Tajon, Inc., 11/01/96, RR272–229

The DOE considered a Motion for Reconsideration filed by Tajon, Inc. in the crude oil overcharge refund proceeding. In that Motion, Tajon argued that the DOE had improperly rescinded a prior crude oil overcharge refund granted to the firm. The prior refund was rescinded because Tajon had submitted a waiver of its rights to receive such a refund in connection with filing a refund claim in the Surface Transporters refund proceeding. In the Motion, Tajon contended that the waiver should not be considered valid because (a) gallonage information accompanying the claim was incomplete and (b) the required notarization was not made. However, in reviewing the waiver, the DOE found that the specification of gallonage was adequate, even if not fully corroborated, and that an affirmation by the firm's attorney had been substituted for the notarization. In view of these findings the DOE determined that the waiver should be considered effective, and that the Motion for Reconsideration should be 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.

ASPHALT PRODUCTS CORP RF272–69293 11/1/96

ASPHALT PRODUCTS CORP	RD272–69293	.....
CENTRAL PETROLEUM CO	RF272–95128	10/31/96
FARMERS UNION CO-OP GIN	RF272–95146	.....
CRUDE OIL SUPPLE REF DIST	RB272–00090	10/30/96
CRUDE OIL SUPPLE REF DIST	RB272–00091	10/30/96
KENNY LARSON OIL/D&A PUMP & SUPPLY	RF356–1	10/31/96
PORTLAND GENERAL ELECTRIC	RF356–3	.....
SCHULZ SAMITARY SERVICE	RF356–2	.....
MUELLER INDUSTRIES, INC	RC272–00352	10/30/96
REIMER EXPRESS LINES, LTD. ET AL	RG272–00500	11/1/96
SOUTHWEST COCA-COLA BOTTLING, INC	RF272–95148	10/28/96
STROH BREWERY CO	RK272–03550	10/30/96
F & M SCHAEFER BREWING CO	RC272–00357	.....
F & M SCHAEFER BREWING CO	RK272–03551	.....
JOS. SCCHLITZ BREWING CO	RK272–03552	.....
TRANS-MEDITERRANEAN AIR WAYS	RG272–616	11/1/96
ROGERS TEXACO SVC. STA	RF272–89303	.....
UNION DE TRANSPORTS AERIENS ET AL	RK272–03493	10/28/96
WALTER RAMSEY ET AL	RK272–01546	10/30/96

Dismissals

The following submissions were dismissed.

Name	Case No.
ALLIED TOWING CORPORATION	RF272–91917
APEA GAS STATION	RF300–15288
DIVERSIFIED AMSRIEA, INC.	RK272–03254
FAIRMONT COOPERATIVE ASSOCIATION	RG272–496
FOIA GROUP, INC.	VFA–0234
FOOTE & DAVIES TRANSPORT	RK272–03537
KAREN COLEMAN WILTSHIRE	VFA–0225
OIL CHEM, INC.	RF272–97444
ZOGLEMAN ENTERPRISES	RF272–95108

[FR Doc. 97–1729 Filed 1–23–97; 8:45 am]

BILLING CODE 6450–01–P

Notice of Issuance of Decisions and Orders; Week of December 2 Through December 6, 1996

During the week of December 2 through December 6, 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, SW, 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: January 16, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 10—Week of December 2 Through December 6, 1996

Appeals

Bechtel National, Inc., 12/6/96, VFA–0241

The Department of Energy considered an appeal filed by Bechtel National, Inc., under the Freedom of Information Act (FOIA). Bechtel had sought copies of a contract from the Department's Richland Operations Office. Richland released part of the contract, but withheld part under Exemption 4 of the FOIA on the basis that the information withheld was ''proprietary'' to the contractor. On appeal, the Department found that a mere description of information as ''proprietary'' is insufficient justification for withholding information under Exemption 4. Accordingly, the Department remanded the matter to Richland to either release the information or to provide an adequate justification for withholding it.

Burns Concrete, Inc., 12/6/96, VFA–0182

The DOE granted in part an appeal of the withholding of documents submitted by a third party in connection with a construction project at a DOE laboratory. The DOE found that some of the information was properly withheld under Exemption 4, but remanded the request for release of non-exempt information.

Future Technology intelligence Report, 12/4/96, VFA–0232

The Department of Energy (DOE) denied a Freedom of Information Act (FOIA) Appeal that was filed by Future Technology Intelligence Report (FTIR). In its Appeal, FTIR challenged the adequacy of a search for responsive documents that was conducted by the Oakland Operations Office. Specifically, FTIR claimed that it should have been provided with the notes upon which a report that it requested was based. The DOE found that the search for responsive documents was adequate. The DOE found that FTIR was provided a copy of the only document that it requested, i.e., the report itself. Furthermore, the OHA concluded that even if FTIR's initial request was broad enough to cover the notes, those notes, if they exist, are not in the possession of the DOE.

Personnel Security Hearing

Personnel Security Hearing, 12/3/96, VSO–0108

An OHA Hearing Officer issued an opinion concerning the eligibility of an individual for access authorization