government. In considering the Appeal, the DOE determined that all of the documents were generated for a law enforcement purpose and that under those conditions, review would be under Exemption 7(C). In applying Exemption 7(C), the DOE found that OIG properly withheld the names of persons interviewed and investigated. However, the DOE remanded to the OIG for further consideration the withholding of names of federal employees who did not appear to be persons OIG either investigated or interviewed, but who only seemed to be performing their official functions. The DOE also remanded for further consideration all other withheld material such as subcontract numbers and billing accounts because none of the material appeared on its face to involve any privacy interest, but did appear to address a public interest in whether certain governmental-funded activities were well or poorly managed and how the Federal Acquisition Regulation may have been violated. Accordingly, the Appeal was denied in part, granted in part and remanded to OIG for further consideration.

Glen Milner, 12/23/96, *VFA–0238*

Glen Milner (Appellant) filed an Appeal of two Determinations issued to him by the Department of Energy (DOE) in response to a request under the Freedom of Information Act. In the request, the Appellant asked for all documents, generated from 1985 to the present, concerning the ''White Train'', which carried nuclear weapons until the 1980's. He also requested a fee waiver for costs associated with processing the FOIA request. On appeal, the OHA found that there is no provision in the DOE FOIA regulations permitting a conditional fee waiver, such as that requested by the Appellant. However, the OHA also found that disclosure of some of the information requested by the Appellant would be in the public interest, because it was likely to contribute significantly to government operations and activities. Under these circumstances the OHA determined that a fee waiver was appropriate with respect to the limited number of documents meeting those conditions. Accordingly, the DOE granted the Appeal in part.

Dismissals

The following submissions were dismissed.

Case name	Case No.
James H. Stebbings	VFA–0242
James R. Hutton	VFA–0256
L.N. Asphalt Co., Inc	RG272–981
Marlene Flor	VFA–0253
Merlon Management Corp	RG272–997

[FR Doc. 97–3310 Filed 2–10–97; 8:45 am]

BILLING CODE 6450–01–P

Notice of Issuance of Decisions and Orders; Week of January 13 through January 17, 1997

During the week of January 13 through January 17, 1997, 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: February 3, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 16

Appeals

Digital City Communications, Inc., 1/14/97, *VFA–0254*

Digital City Communications, Inc. (Digital) filed an Appeal of a Determination issued to it by the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA). In the request, the Appellant asked for Network Intrusion Detector software and the accompanying manual. In its Determination, DOE's Oakland Operations Office (Oakland) found that the requested items should be withheld under Exemption 4 of the FOIA. On Appeal, the Office of Hearings and Appeals (OHA) found that the case should be remanded because Oakland had failed to determine whether the software was a ''record'' under the FOIA. OHA further found that Oakland's Exemption 4 determination was inadequate. Therefore, the DOE granted the Appeal and remanded the matter to Oakland for further action.

Gretchen Lee Coles, 1/15/97, *VFA–0251*

Gretchen Lee Coles filed an Appeal from determinations issued by the Oak Ridge Operations Office and the Albuquerque Operations Office indicating that they had been unable to locate records that would reflect whether the federal government had employed Lee H. Coles and whether Mr. Coles had been exposed to radiation. The DOE denied the Appeal because it found that the searches conducted in response to the Appellant's Freedom of Information Act (FOIA) request were reasonable. The DOE found that the FOIA Officers contacted people who would have knowledge of whether relevant documents exist, and that these individuals used appropriate procedures to search for the records requested.

Harold Bibeau, 1/17/97 *VFA–0255*

The Department of Energy denied an Appeal of a determination that no documents responsive to the appellant's request could be located. DOE found that the search conducted was reasonably calculated to uncover material responsive to the request.

I.B.E.W., 1/15/97, *VFA–0250*

The International Brotherhood of Electrical Workers (I.B.E.W.) filed an Appeal from a determination, dated

November 8, 1996, by the Authorizing Official of the Savannah River Operations Office of the Department of Energy. In that determination, the Authorizing Official denied a request for information and fee waiver filed by the I.B.E.W. In considering the Appeal, the DOE denied the request for a fee waiver and remanded the matter to Savannah River for a further search of documents based on a request clarified on appeal.

James L. Hecht, 1/15/97, *VFA–0244*

The Department of Energy (DOE) issued a Decision and Order (D&O) granting a Freedom of Information Act (FOIA) Appeal that was filed by James L. Hecht. In his Appeal, Mr. Hecht challenged the adequacy of the search for responsive documents that was conducted by the DOE's Office of Energy Efficiency and Renewable Energy (EE) in response to Mr. Hecht's FOIA request. In the Decision, the OHA found that the EE interpreted Mr. Hecht's request in an unreasonably narrow manner in order to reduce the scope of that request. The OHA remanded the case to the EE so that the EE could confer with Mr. Hecht in an attempt to reformulate the request so that it would be less burdensome and disruptive to the operations of that Office.

J.B. Truher, 1/15/97, *VFA–0245*

J.B. Truher filed an Appeal from a determination, dated October 23, 1996, by the Deputy Inspector General for Inspections of the Office of Inspector General (Deputy IG) of the Department of Energy (DOE). In that determination, the Deputy IG partially granted a request for information filed by Mr. Truher. In considering the Appeal, the DOE ordered that Deputy IG to release title headings in four documents.

Keci Corporation, 1/14/97, *VFA–0246*

Keci Corporation (Keci) filed an Appeal from a denial by the Department of Energy's (DOE's) Office of Inspector General (OIG) of a Request for Information submitted under the Freedom of Information Act and the Privacy Act. Keci requested information provided to DOE by a named individual regarding alleged irregularities in a DOE procurement, and any other relevant records. In considering the Appeal, the DOE found that OIG properly invoked the Glomar response to protect the individual's privacy rights and neither confirmed nor denied the existence of responsive records. Therefore, the Appeal was denied.

Request for Exception

Kalamazoo Oil Co., 1/16/97 *VEE–0036*

Kalamazoo Oil Co. (Kalamazoo) 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.'' In considering the request, the DOE found that the firm was not suffering a gross inequity or serious hardship. Therefore, the DOE denied Kalamazoo's Application for Exception.

Personnel Security Hearing

Personnel Security Hearing, 1/16/97, *VSO–0116*

Under the provisions of 10 C.F.R. Part 710, the Department of Energy (DOE) suspended an individual's access authorization (a ''Q'' level security clearance) pending administrative review, based upon derogatory information received by the DOE which revealed illegal drug use on the part of the individual. More specifically, DOE found that pursuant to a random drug screening performed by the individual's employer, a DOE contractor, a urine specimen provided by the individual tested positive for marijuana. In addition, the individual signed an Acknowledgement of Positive Drug Screen and during a subsequent Personnel Security Interview (PSI) concerning this matter, the individual admitted using marijuana. On this basis, DOE suspended the individual's access authorization under 10 C.F.R. § 710.8(k), finding that the individual ''[t]rafficked in, sold, transferred, possessed, used, or experimented with a drug or other substance listed in the Schedule of Controlled Substance established pursuant to section 202 of the Controlled Substance Act of 1970 (such as marijuana, cocaine, amphetamines, barbiturates, narcotics, etc.) except as prescribed or administered by a physician licensed to dispense drugs in the practice of medicine, or as otherwise authorized by law.'' Following a hearing convened at the request of the individual, the Office of Hearings and Appeals Hearing Officer found in his Opinion that: (i) the individual's marijuana use was an isolated, one-time occurrence, and (ii) the record of the proceeding contained sufficient supporting evidence to accept the individual's assurance that the individual would never use marijuana again. Accordingly, the Hearing Officer concluded in the Opinion that the individual's access authorization should be restored.

Refund Application

Dixie Hauling Co., Inc., 1/16/97, *RF272–97810*

The DOE issued a Decision and Order granting four Applications for Refund in the crude oil refund proceeding. In two of the cases, additional claimants signed applications previously filed in the crude oil proceeding, but did not do so until after the crude oil refund proceeding deadline. These claimants were granted a portion of the refunds because they joined applications which: (1) Were submitted prior to the crude oil refund proceeding deadline; (2) contained accurate information supporting the companies'' rights to refunds; and (3) had yet to be granted by the DOE prior to their amendment by the signatures of the additional claimants.

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.

Brader Hauling Service, Inc	RG272–00928	1/16/97
Crude Oil Supple. Refund Dist	RB272–00097	1/16/97
Cruce Oil Supple. Refund Dist	RB272–00098	1/16/97
Gulf Oil Corporation/Cabot Corporation	RF300–16719	1/16/97
Indianapolis Baptist Schools	RF272–95103	1/14/97
Warren Brothers Road Company, et al	RF272–93484	1/16/97

Dismissals

The following submissions were dismissed.

Name	Case No.
A-DEC, Inc	RG272–916
Green Holdings, Inc	RD272–25553

Name	Case No.
Green Holdings, Inc	RF272–25553
Personnel Security Review	VSA–0074
Scappoose Sand & Gravel Co	RG272–984
Wilkins, Kaiser & Olsen, Inc	RG272–983

[FR Doc. 97–3311 Filed 2–10–97; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

February 5, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarify of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments April 14, 1997.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0685.

Title: Annual Updating of Maximum Permitted Rates for Regulated Cable Services.

Form No.: FCC Form 1240.

Type of Review: Extension of approval of a currently approved collection.

Respondents: Business or other for-profit entities; state and local governments.

Number of Respondents: 4,500. (3,000 cable operators and 1,500 local franchise authorities (''LFAs'').

Estimated Time Per Response: 1–15 hours.

Total Annual Burden: 47,250 hours. We report the burden for all aspects of this information collection as follows: The modification of the Form 1240 rate methodology requirement only pertains to first-time filings of FCC Form 1240. The modification merely results in permitting operators to project and recoup certain costs sooner, rather than later; therefore there is no measurable burden revision for this information collection. If there were an additional burden significant enough to be measured, any burden added to an operator's first Form 1240 filing would be negated by the decreased burden in completing the operator's second Form 1240 filing. The Commission therefore reports no revised burden to complete Form 1240 on a per filing basis. However, based on latest data available, the Commission adjusts the estimated number of Form 1240 filings that are annually filed by operators.

The Commission estimates that there are no more than 3,000 Form 1240s filed annually; roughly 1,500 (50%) with the Commission and roughly 1,500 (50%) with LFAs. Burden for operators: We estimate that 25% of operators will contract out the burden of filing and that it will take 1 hour to coordinate information with those contractors. The remaining 75% of operators are estimated to employ in house staff to complete the filing. 750 filings (25% contracted out) × 1 hour = 750 hours. 2,250 filings (75% in house) × 15 hours = 33,750 hours. Additionally, 76.933(g)(2) states: If an LFA has taken no action within the 90-day review period, then the proposed rates may go into effect at the end of the review period, subject to a prospective rate reduction and refund if the LFA subsequently issues a written decision disapproving any portion of such rates. However, if an operator inquires as to whether the LFA intends to issue a rate order after the initial review period, the LFA or its designee must notify the operator of its intent in this regard within 15 days of the operator's inquiry. We estimate this will occur in 25% of the instances when Form 1240s are filed by cable operators with their LFAs. 25% of 1,500 = 375 inquiries at an estimated 1 burden for each inquiry = 375 hours.

Total burden hours to operators = 750 + 33,750 + 375 = 34,875 hours.

Burden to LFAs: The Commission estimates there will be 1,500 FCC Form 1240s filed with LFAs, annually. Average LFA reviewing time for each FCC Form 1240 is estimated to be 8 hours. 1,500 × 8 hours = 12,000 burden hours. Additionally, we estimate 375 responses to operator requests pursuant to 76.933(g)(2). 375 notifications at an estimated 1 burden hour for each notification = 375 hours.

Total burden hours to LFAs = (1,500 × 8 hrs.) + (375 × 1 hr.) = 12,375 hrs.

Total burden hours for all respondents = 34,875 + 12,375 = 47,250 hours.

Total costs for Respondents: $1,139,000. We estimate an annual purchase of 1,000 diskette versions of FCC Form 1240 @ $5 per diskette = $5,000. Printing, photocopying and postage costs incurred by operators and LFAs is estimated to be $2 per entity (4,500 entities × $2) = $9,000. We estimate that assistance for completing Form 1240 filings will be performed by legal and accounting contractors at an average of $100/hour for 25% of the filings. $100/hour × 750 filings (25% of Form 1240 filings) × 15 hours = $1,125,000.

Total respondent costs: $5,000 + $9,000 + $1,125,000 = $1,139,000.

Needs and Uses: On September 22, 1995, the Commission released the Thirteenth Order on Reconsideration (''Order''), FCC 95–397, MM Docket No. 92–266, which adopted a new optional rate adjustment methodology permitting cable operators to make annual rate changes to their basic service tiers (''BSTs'') and cable programming