Department of Energy (DOE). In her Appeal, Murphy asserted that the Manager improperly withheld, pursuant to Exemption 4, financial information from documents relating to contracts between Science Applications International Corporation and the DOE regarding the Office of Scientific and Technical Information. After reviewing the withheld information, the DOE determined that the information was properly withheld pursuant to Exemption 4. Consequently, Murphy's Appeal was denied.

Personnel Security Hearings

Personnel Security Hearing, 2/19/98 VSO–0173

A Hearing Officer from the Office of Hearings and Appeals issued an Opinion regarding the eligibility of an individual for access authorization under the provisions of 10 C.F.R. Part 710. After considering the record, Hearing Officer found that the DOE had presented sufficient evidence to show that the individual had used cocaine on five occasions and that he used cocaine despite having signed a Drug Certification and knowing of the DOE and his employer's policies barring illegal drug use. The Hearing Officer also found that the individual had not presented sufficient evidence to mitigate the security concerns raised by his conduct. Accordingly, the Hearing Officer recommended that the individual's access authorization should not be restored.

Personnel Security Hearing, 2/19/98 VSO–0184

A Hearing Officer found that the concern raised by an individual's illness or mental condition remained unresolved. Accordingly, the Hearing Officer recommended in the Opinion that the individual's access authorization 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.

Delta Asphalt Paving Co	RF272–55648	2/18/98
Delta Asphalt Paving Co	RD272–55648	.....
Hancock Service Company	RG272–179	2/18/98
Adams FS, Inc	RG272–180	.....
LaFarge Corporation	RK272–4765	2/19/98
LaFarge Corporation	RK272–4766	.....
Neal Tyler & Sons, Inc	RK272–4724	2/19/98
Gwinnett County Board of Commissioners	RK272–4733	.....

[FR Doc. 98–15952 Filed 6–15–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of February 23 Through February 27, 1998

During the week of February 23 through February 27, 1998, 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, 950 L'Enfant Plaza, SW, Washington, D.C., Monday through Friday, 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: June 4, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 74: Week of February 23 Through February 27, 1998

Appeals

INEEL Research Bureau, 2/26/98, VFA–0373

DOE granted an appeal of determination in response to a request for an index of classified documents. OHA found that the DOE's Idaho Operations Office (DOE/ID) did not release indices that were responsive to a broadly worded request submitted by the appellant. The matter was therefore remanded to DOE/ID.

Sandra M. Hart, 2/27/98, VFA–0372

The DOE's Office of Hearings and Appeals (OHA) issued a decision granting in part a Freedom of Information Act (FOIA) Appeal filed by Sandra M. Hart. Hart sought the release of three portion of an EEO complaint filed by a third party that were withheld to by the DOE's Idaho Operations Office (Idaho). In its decision, OHA found that Idaho's withholding of this information was appropriate under FOIA Exemptions 6, 7(C) and 7(A). Accordingly, the Appeal was denied.

Personnel Security Hearing

Personnel Security Hearing, 2/24/98, VSO–0176

A Hearing Officer found that an individual had not successfully mitigated security concerns arising from her severe depression and use of controlled substances without a prescription. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Request for Exception

Public Service Electric and Gas (New Jersey), 2/24/98, VEE–0044

The Public Service Electric and Gas of New Jersey (PSE&G) filed a request for confidential treatment of certain data that the firm submits to the Energy Information Administration (EIA) in connection with EIA's survey and monitoring of domestic electric power production. The PSE&G request was based upon the increasingly competitive nature of the market for electric power, and the argument that in the hands of its competitors, the data would allow competitors to know PSE&G's marginal cost of electrical power production, to the detriment of the firm. In view of the broad implications of the PSE&G argument, the Office of Hearings and Appeals negotiated an agreement under which EIA (1) would not generally release the data in question for any reporting electric utility, and (2) would issue a **Federal Register** notice soliciting comments from the industry and the public on confidentiality associated with the EIA electric surveys in order to re-evaluate EIA's data disclosure policy in this area. The EIA commenced the processes to which it agreed and, on

February 11, 1998, the PSE&G request was dismissed.

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 Dist.	RB272–0133	2/27/98
Crude Oil Supplemental Refund Dist.	RB272–0134	2/27/98
Tejas Trucking, Inc. et al	RK272–04704	2/27/98
The Augsbury Organization, Inc	RK272–3844	2/24/98
The Augsbury Organization, Inc	RF304–15515	
The Augsbury Organization, Inc	RC272–379	

Dismissals

The following submissions were dismissed.

Name	Case No.
American Aggregates Corp.	RF272–98820

[FR Doc. 98–15953 Filed 6–15–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearing and Appeals

Notice of Issuance of Decisions and Orders; Week of April 13 Through April 17, 1998

During the week of April 13 through April 17, 1998, 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 decision and order are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C., Monday through Friday, 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: June 4, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 81: Week of April 13 Through April 17, 1998

Appeals

FAS Engineering, Inc., 4/14/98, VFA–0375

FAS Engineering, Inc. filed an Appeal from a determination by the Department of Energy's (DOE) Golden Field Office, denying a request for information under the Freedom of Information Act (FOIA). In its Appeal, FAS contended that Golden improperly withheld the requested information from disclosure under the deliberative process privilege of FOIA Exemption 5. The DOE found that Golden properly applied the threshold requirements of Exemption 5 to the requested documents. However, the DOE remanded this matter to Golden to issue a new determination, either releasing reasonably segregable factual material or explaining the reasons for withholding any factual material contained in the requested documents. Consequently, the Appeal was granted.

FAS Engineering, Inc., 4/17/98, VFA–0400, VFA–0401

FAS Engineering Inc. filed two Freedom of Information Act (FOIA) Appeals requesting that the Office of Hearings and Appeals of the Department of Energy (DOE) release documents it withheld from two FOIA requests pursuant to Exemption 5 of the FOIA. In considering the Appeals, the DOE determined that many of the documents contained segregable factual information that should not have been withheld pursuant to Exemption 5. For these reasons, the DOE directed the FOIA Official to review all of its withheld information again and either release factual information, such as ''rating guidelines,'' headings, names of contractor employees and bid proposal submissions contained in these documents, or provide a detailed explanation for withholding any such information. Thus, the DOE remanded the Appeal to the Idaho Operations Office.

Jones, Walker, Waechter, Poitevent, Carrere & Denegre, L.L.P., 4/15/98, *VFA–0396*

Jones, Walker, Waechter, Poitevent, Carrere & Denegre, L.L.P. (Appellant), 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 its request to the Federal Energy Technology Center (FETC), the Appellant asked for information concerning a Request for Proposal. FETC forwarded the request to the Rocky Flats Field Office (RFFO). In its determination, RFFO found that it possessed no responsive documents. On appeal, the Appellant argued that the search by RFFO had been inadequate. The DOE first found that RFFO had never been responsible for overseeing the RFP at issue and therefore, possessed no responsive documents. The DOE further noted that FETC had conducted a further search for documents once FETC realized that it had overseen the RFP at issue. Finally, the DOE noted that RFFO was only required to search for documents possessed as of the date of the FOIA request. Since the management and operating contractor had come into possession of responsive documents after the request date, the Appellant could make a new FOIA request for those documents. Accordingly, the Appeal of the adequacy of RFFO's search was denied.

Moore Brower Hennessy & Freeman, P.C., 4/16/98, *VFA–0393.*

Moore Brower Hennessy & Freeman, P.C. (Moore) 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, Moore asked for copies of records relating to a construction contract that