

Name	Case No.
Taxi Cab of Cincinnati .....	RF272-97247
Thrall Oil & Chemical .....	RF321-20653

[FR Doc. 96-23488 Filed 9-12-96; 8:45 am]  
BILLING CODE 6450-01-P

### Notice of Issuance of Decisions and Orders During the Week of August 28 Through September 1, 1995

During the week of August 28 through September 1, 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>.

Dated: August 28, 1996.  
Thomas O. Mann,  
*Acting Director, Office of Hearings and Appeals*

Personnel Security Hearings  
*Albuquerque Operations Office, 8/30/95, VSA-0018*

The Director of the Office of Hearings and Appeals issued an Opinion regarding the request for review by an individual of a Hearing Officer's adverse

opinion regarding his eligibility for access authorization under the provisions of 10 C.F.R. Part 710. After considering the individual's arguments and the record, the Director found that: (i) the individual's request to be considered for a lower level security clearance and different job were irrelevant to the security clearance review analysis, (ii) the DOE psychiatrist possessed a sufficient basis upon which to evaluate the individual, (iii) the Hearing Officer was correct to consider each of the individual's alcohol-related incidents as significant derogatory information, (iv) the individual was not yet reformed or rehabilitated from his condition of alcohol abuse and (v) interim relief should not be granted. Accordingly, the Director recommended that the individual's access authorization should not be restored.

*Rocky Flats Field Office, 9/1/95 VSO-0032*

An Office of Hearings and Appeals Hearing Officer issued an opinion concerning the eligibility for access authorization of an individual who was alleged to have a mental condition of a nature that in the opinion of a board-certified psychiatrist causes a significant defect in her judgment and reliability. The Hearing Officer found that the individual had a personality disorder that did result in a defect in her judgment and gave rise to security concerns. Accordingly, the Hearing Officer found that the individual's request for access authorization should be denied.

#### Refund Application

*Texaco Inc./Ortiz Texaco, 8/28/95 RR321-180*

The DOE issued a Decision and Order concerning a Motion for Reconsideration submitted by Wilson, Keller & Associates, Inc. (WKA) regarding an Application for Refund it submitted on behalf of Ortiz Texaco (OT) in the Texaco Inc., special refund proceeding. In a prior Supplemental Order, the DOE rescinded a portion of the refund granted to Mr. Roberto Torrez Ortiz, owner of OT, because Mr. Ortiz, after receiving a refund for OT's purchases, submitted another application for OT on behalf of a Mr. Colon. The DOE thus concluded that Mr. Ortiz only operated OT during a portion of the time for which he was granted a refund. Pursuant to the Supplemental Order, Mr. Ortiz and his representative, WKA, were made jointly and severally liable for repayment of the overpayment to Mr. Ortiz. In its Motion, WKA states that it paid the entire amount of the overpayment and did not receive any payment from Mr. Ortiz. WKA further argued that the DOE was incorrect in its conclusion that Mr. Ortiz was only eligible for a portion of the refund originally granted him. The DOE held that WKA failed to present any tangible evidence to support its claim that Mr. Ortiz was eligible for the entire refund. Consequently, the DOE denied WKA's Motion for Reconsideration.

#### 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.

C.E. Zumstein Company, et al .....	RF272-97945	08/28/95
City of West Chester, et al .....	RF272-95929	08/31/95
Crude Oil Supplemental Refund Distribution .....	RB272-46	08/30/95
Crude Oil Supplemental Refund Distribution .....	RB272-44	08/30/95
Crude Oil Supplemental Refund Distribution .....	RB272-00047	08/31/95
D.A. Stuart Co., et al .....	RF272-97902	08/31/95
Gulf Oil Corporation/Buford-Briarwood Gulf, et al .....	RF300-20281	08/30/95
Milo School Admin. Dist., et al .....	RF272-97745	08/30/95
Peru, Illinois, et al .....	RF272-97505	08/30/95
Texaco Inc./City of Elgin, et al .....	RF321-0103	08/31/95
Texaco Inc./Lonas Construction Co., Inc. ....	RR321-102	08/31/95
Texaco Inc./P&C Texaco .....	RF321-8850	08/31/95
Templeton Texaco .....	RF321-14152	

## Dismissals

The following submissions were dismissed:

Name	Case No.
Anderson Pinetruck Pantry .....	RF300-21588
Boyd Construction Co. ....	RF272-78159
Boyd Paving Co. ....	RF272-78158
Busch Industrial Products Corp. ....	RF304-15162
Corrine Texaco .....	RF321-9040
E. Saenz Service Station .....	RF304-15156
Grenada Concrete Products Co. ....	RF272-78157
Grenada Sand & Gravel .....	RF272-78156
Mechanics Uniform Rental, Inc. ....	RF272-97337
Otsego Public Schools .....	RF272-97944
Oxy USA Inc. ....	LRO-0003
Resource Dynamics Corp. ....	VFA-0062
Talco Butane Gas Co. ....	RF304-15158

[FR Doc. 96-23489 Filed 9-12-96; 8:45 am]

BILLING CODE 6450-01-P

### Notice of Issuance of Decisions and Orders During the Week of July 3 Through July 7, 1995

During the week of July 3 through July 7, 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, SW., Washington, DC 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: August 30, 1996.

Richard W. Dugan,  
Acting Director, Office of Hearings and Appeals.

#### Personnel Security Hearing

Rocky Flats Field Office, 7/5/95, VSA-0008

The Director of the Office of Hearings and Appeals (OHA) issued an opinion under 10 CFR Part 710 concerning the continued eligibility of an individual for access authorization. An OHA Hearing Officer had previously found that the respondent was no longer an alcohol

abuser, and therefore had recommended that the respondent's access authorization, which had been suspended, should be reinstated. In response to the DOE Office of Safeguards and Security's Request for Review of the Hearing Officer's Opinion, the OHA Director concluded that there was sufficient evidence in the record to find that the respondent had been a user of alcohol habitually to excess and also had been correctly diagnosed by a board-certified psychiatrist as suffering from alcohol abuse. The Director found, however, that the respondent had presented sufficient evidence of reformation and other factors to mitigate the derogatory information under 10 CFR § 710.8(j). Accordingly, the Director agreed with the Hearing Officer that restoring the respondent's access authorization would not endanger the national security and would be clearly consistent with the national security.

#### Refund Applications

John Morrell & Co., 7/5/95, RR272-203

The DOE issued a Decision and Order granting a Motion for Reconsideration filed by John Morrell & Co. (Morrell) in the Subpart V crude oil refund proceeding. The DOE had dismissed an Application for Refund filed by Morrell in this proceeding as a duplicate of an earlier refund application granted in 1987. In its Motion for Reconsideration, Morrell explained that although both applications were filed from Morrell's Sioux Falls, South Dakota headquarters, the first was based only on fuel consumed at the company's Sioux Falls plant, whereas the later application included fuel purchases made at 20 other locations. Accordingly, Morrell's Motion for Reconsideration was granted.

State Escrow Distribution, 7/5/95,  
RF302-16

The Office of Hearings and Appeals ordered the DOE's Office of the Controller to distribute \$18,800,000 to the State Governments. The use of the funds by the States is governed by the Stripper Well Settlement Agreement. *Texaco Inc./Cowart Oil Co.*, 7/7/95, RF321-7468

The DOE issued a Decision and Order concerning an Application for Refund filed in the Texaco Inc. Special refund proceeding. Tri-Co Oil Co., (Tri-Co) applied for a refund based upon direct Texaco purchases made by virtue of the fact that it purchased all of the assets of Cowart. Tri-Co also submitted a copy of the asset purchase agreement it made with Cowart. The DOE held that a mere transfer of assets is not sufficient for it to infer that the parties of an agreement intended to transfer a right of refund. Further, after examining the provisions of the asset purchase agreement, the DOE determined that the agreement did not transfer to Tri-Co whatever right to a refund that Cowart may have had. Consequently, Tri-Co's Application was denied.

#### Requests for Exception

Central American Petroleum Co., 7/5/95, VEE-0001

Central American Petroleum Co. (Central) filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." Although Central has not yet participated in the filing of the Form, it argued that the reporting requirement will be too time consuming and onerous. However, the firm failed to demonstrate that it is suffering a financial hardship, medical problems of employees, or any other serious impediment to its operations.