

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of November 4 through November 8, 1996]

Date	Name and location of applicant	Case No.	Type of submission
11/7/96	Am-Pro Protective Agency, Inc., Columbia, South Carolina.	VWA-0015	Request for Hearing under DOE Contractor Employee Protection Program. If granted: A hearing under 10 C.F.R. Part 708 would be held on the complaint of Barry Stutts that reprisals were taken against him by management officials of Am-Pro Protective Agency, Inc. as a consequence of his having disclosed safety concerns to his superiors.
11/7/96	Steuben County Farm Bureau, Angola, Indiana.	RR272-265	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The October 21, 1996 Decision and Order, Case No. RF272-97912, issued to Steuben County Farm Bureau would be modified regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding.

[FR Doc. 96-32651 Filed 12-23-96; 8:45 am]

BILLING CODE 6450-01-P

Notice of Issuance of Decisions and Orders During the Week of November 18 Through November 22, 1996

During the week of November 18 through November 22, 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>.

Date: December 12, 1996.

George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 8

Week of November 18 through
November 22, 1996

Appeals

Energy Market & Policy Analysis, Inc.,
11/18/96, VFA-0222

Energy Market & Policy Analysis, Inc. filed an Appeal from a determination issued to it on October 9, 1996, by the Principal Deputy Assistant Secretary for Energy Efficiency & Renewable Energy of the Department of Energy (DOE). In that determination, the Principal Deputy Assistant Secretary partially granted a request for information filed by Energy Market and Policy Analysis, Inc. on June 29, 1996. In considering the Appeal, the DOE confirmed that additional records responsive to the Energy Market & Policy Analysis, Inc. request exist. Accordingly, the DOE granted the Energy Market & Policy Analysis, Inc. Appeal, subject to a fee agreement between the DOE and the requester.

Glen M. Jameson, 11/20/96, VFA-0233

Glen M. Jameson filed an Appeal from a determination dated April 22, 1996 (but not received by him until October 1996), by the Freedom of Information Act/Privacy Act Officer of the Rocky Flats Office (FOIA Officer) of the Department of Energy (DOE). In that determination, the FOIA Officer stated that the DOE does not possess records responsive to Mr. Jameson's request. In considering the Appeal, the DOE

confirmed that the FOIA Officer searched all of the areas that might reasonably contain responsive information, including those areas suggested by Mr. Jameson. Since the FOIA Officer verified that no responsive documents exist, the DOE denied Mr. Jameson's Appeal.

Implementation of Special Refund Procedures

Houston-Pasadena Apache Oil Co.,
11/19/96, VEF-0022

The DOE issued a Decision and Order announcing procedures to distribute \$30,000, plus accrued interest, remitted to the DOE pursuant to a Stipulation for Compromise Settlement concerning the Houston-Pasadena Apache Oil Company (Apache). The Office of Hearings and Appeals has determined that the funds from Apache, plus accrued interest, will be distributed to a group of former Apache customers which was identified in a DOE enforcement proceeding as overcharged Apache motor gasoline purchasers. Any funds remaining after refund claims filed by these parties are decided will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. §§ 4501-07.

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.

Chelsea Schools et al	RF272-81170	11/19/96
Farmers Coop Grain et al	RG272-19	11/21/96

Dismissals

The following submissions were dismissed.

Name	Case No.
Airgas, Inc	RD272-72350
Airgas, Inc	RF272-72350
Allied Asphalt Paving Co	RG272-998
Frazee Cooperative Farm Serv	RG272-586
Lawter International, Inc	RR272-99
Lincoln Mutual #2, Inc	RG272-772
Sterilpack Industries	RF272-74191
US Solar Roof	VFA-0230

[FR Doc. 96-32649 Filed 12-23-96; 8:45 am]
BILLING CODE 6450-01-P

Notice of Issuance of Decisions and Orders During the Week of November 4 Through November 8, 1996

During the week of November 4 through November 8, 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: December 12, 1996

George B. Breznay,

Director, Office of Hearings and Appeals.

Appeals

F.A.C.T.S., 11/7/96, VFA-0227

F.A.C.T.S. (For A Clean Tonawanda Site), a public interest group, filed an Appeal from a determination issued by the Oak Ridge Operations Office (Oak Ridge) of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act. The DOE consulted with Oak Ridge on this matter and that Office agreed to undertake a

new search in conjunction with other ongoing FOIA searches being done for F.A.C.T.S. The DOE also determined that F.A.C.T.S. could not expand the scope of its request on appeal by requesting additional documents. Accordingly, the Appeal was denied in part, granted in part, and remanded to Oak Ridge for a further search.

Thomas P. Koenings, 11/6/96, VFA-0215

Thomas P. Koenigs filed an Appeal from a determination issued to him by the Savannah River Operations Office (Savannah River) of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). Mr. Koenigs had sought information on DOE Account 89X6090 which holds unclaimed funds due creditors of certain DOE contractors. He also sought information concerning certain other Savannah River accounts. His request, made in 1994, sought this information from January 1986 to present. In response to the request Savannah River released lists showing the names of persons or companies owed money, check numbers, and the amounts of the payment due. Many of the lists also had, *inter alia*, a social security number, an employee number, or a payee/paycheck number. Savannah River released all of the information except the names of individuals and corresponding social security, employee or payee/paycheck number. This information was withheld under Exemption 6 of the FOIA which permits the agency to withhold information release of which would cause a clearly unwarranted invasion of personal privacy. Savannah River also informed Mr. Koenigs that any addresses for the persons on the released lists would only be found in contractor personnel records which are not subject to the FOIA. Finally, Savannah River only released

information from January 1986 to approximately the date of the request in 1994.

In considering the Appeal, the DOE determined that there is a considerable privacy interest in linking the names of individuals with financial information about that individual such as money owed to that person. The DOE also found a considerable privacy interest for the social security numbers. However, the DOE found the employee numbers involved a lower privacy interest than the social security numbers. The payee/payroll number has a privacy interest below these two. The other parts of the Exemption 6 analysis, identifying the public interest and balancing the public and private interests could not be performed in consideration of the appeal because of insufficient information on the nature and use of the accounts involved. In addition, the DOE found that further analysis is required to support Savannah River's assertion that addresses would only be found in contractor personnel records. Finally, the DOE held that when the requester seeks current information and the agency's response is substantially delayed, a responding office should continue its search beyond the date of the request to a date reasonably close to the time the search starts and/or a determination is issued. Accordingly, the appeal was granted in part, denied in part, and remanded to the Savannah River Operations Office for further consideration.

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.

Community Oil Co. of Day Cnty et al	RF272-95237	11/6/96
Crude Oil Supple Ref Dist	RB272-00093	11/6/96
Peetz Farmers Co-op Co. et al	RG272-00944	11/7/96
Pepin Distributing Co. et al	RG272-00820	11/7/96
Talladega County	RF272-69071	11/6/96
Township of Granklin et al	RG272-611	11/4/96