

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

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 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

Transco Exploration Co. et al	RK272-03456	11/4/96
United Water New Jersey, F/K/A Hackens; Guy Heavener Inc.; W.T. Myles Transportation Co.	RF272-97814;	11/6/96
	RF272-	
	97850;	
	RF272-97830	

Dismissals

The following submissions were dismissed.

Name	Case No.
Camp Bauman Buses, Inc.	RF272-95256
Custer Farmer's Cooperative Exchange	RF272-95280
Marine Drilling Companies, Inc.	RF272-95276
Mid-State Paving/T L James & Co.	RF272-95265
Nuway Cooperative	RG272-492
Olsen Drilling Company	RF272-95296
S&M Realty Company	RF272-78560

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5666-9]

Confidential Business Information by Enrollees Under the Senior Environmental Employment Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice concerning CBI access.

SUMMARY: EPA has authorized grantee organizations under the Senior Environmental Employment (SEE) Program, and their enrollees, for access to information which has been submitted to EPA under the environmental statutes administered by the Agency. Some of this information may be claimed or determined to be confidential business information (CBI).

DATES: Comments concerning CBI access will be accepted December 30, 1996.

FOR FURTHER INFORMATION CONTACT: Susan Street, Acting Director, Senior Environmental Employment Program (8723), Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20560, telephone (202) 260-4331.

SUPPLEMENTARY INFORMATION: The Senior Environmental Employment (SEE) program is authorized by the Environmental Programs Assistance Act of 1984 (P.L. 98-313), which provides that the Administrator may "make grants or enter into cooperative agreements" for the purpose of "providing technical assistance to Federal, State, and local environmental agencies for projects of pollution prevention, abatement, and control." Cooperative agreements under the SEE

program provide support for many functions in the Agency, including clerical support, staffing hot lines, providing support to Agency enforcement activities, providing library services, compiling data, and support in scientific, engineering, financial, and other areas. In performing these tasks, grantees and cooperators under the SEE program and their enrollees may have access to potentially all documents submitted under the Resource Conservation and Recovery Act, Clean Air Act, Clean Water Act, Safe Drinking Water Act, Federal Insecticide, Fungicide, and Rodenticide Act, and Comprehensive Environmental Response, Compensation, and Liability Act, to the extent that these statutes allow disclosure of confidential information to authorized representatives of the United States (or to "contractors" under the Federal Insecticide, Fungicide, and Rodenticide Act). Some of these documents may contain information claimed as confidential. EPA provides confidential information to enrollees working under the following cooperative agreements:

Cooperative

Agreement No. and Organization

CQ 822768-01 National Senior Citizens Education & Research Ctr
 CQ 822769-01 National Senior Citizens Education & Research Ctr
 CQ 822770-01 National Senior Citizens Education & Research Ctr
 CQ 822791-01 AARP Foundation
 CQ 822805-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 822810-01 AARP Foundation
 CQ 822828-01 National Senior Citizens Education & Research Ctr
 CQ 822844-01 AARP Foundation
 CQ 822911-01 AARP Foundation
 CQ 822912-01 AARP Foundation
 CQ 822985-01 AARP Foundation
 CQ 823043-01 AARP Foundation

CQ 823144-01 AARP Foundation
 CQ 823596-01 AARP Foundation
 CQ 823655-01 AARP Foundation
 CQ 823893-01 AARP Foundation
 CQ 823905-01 AARP Foundation
 CQ 823934-01 AARP Foundation
 CQ 823952-01 AARP Foundation
 CQ 823973-01 AARP Foundation
 CQ 824021-01 AARP Foundation
 CQ 824298-01 National Senior Citizens Education & Research Ctr
 CQ 824299-01 National Senior Citizens Education & Research Ctr
 CQ 824362-01 National Council on the Aged, Inc.
 CQ 824363-01 National Council on the Aged, Inc.
 CQ 824364-01 National Council on the Aged, Inc.
 CQ 824399-01 National Senior Citizens Education & Research Ctr
 CQ 824417-01 AARP Foundation
 CQ 824455-01 AARP Foundation
 CQ 824713-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 824714-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 824715-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 824716-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 824717-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 824718-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 824721-01 National Senior Citizens Education & Research Ctr
 CQ 824722-01 National Senior Citizens Education & Research Ctr
 CQ 824763-01 AARP Foundation
 CQ 825016-01 AARP Foundation
 CQ 825083-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 825084-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 825085-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 825086-01 National Cau. & Ctr on Black Aged, Inc.
 CQ 825087-01 National Cau. & Ctr on Black Aged, Inc.