

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS  
[Week of January 5 through January 9, 1998]

Date	Name and location of Applicant	Case No.	Type of Submission
1/5/98 .....	Cincinnati Gas & Electric Co., Cincinnati, OH.	VEA-0008	Appeal of an Order Issued Under A.F.T.P. 10 CFR Part 490. <i>If granted:</i> The Cincinnati Gas & Electric Co. would receive a waiver of the requirements of 10 CFR Part 490 that would give the firm credit for vehicles converted to alternative fuel use during the period October 1, 1997 through December 31, 1997 which would count toward Model Year 1997 compliance.
1/5/98 .....	Personnel Security Review .....	VSA-0170	Request for Review of Opinion Under 10 CFR Part 710. <i>If granted:</i> The December 8, 1997 Opinion of the Office of Hearings and Appeals Case No. VSO-0170 would be reviewed at the request of an individual employed by the Department of Energy.
1/5/98 .....	The Oregonian Portland, OR .....	VFA-0368	Appeal of an Information Request Denial. <i>If granted:</i> The November 26, 1997 Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and the Oregonian would receive access to certain DOE information.

[FR Doc. 98-4501 Filed 2-20-98; 8:45 am]  
BILLING CODE 6450-01-P

**DEPARTMENT OF ENERGY**

**Office of Hearings and Appeals**

**Notice of Case Filed With the Office of Hearings and Appeals; Week of January 12 Through January 16, 1998**

During the Week of January 12 through January 16, 1998, the appeal,

application, petition or other request listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in in this case may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and

Appeals, Department of Energy, Washington, D.C. 20585-0107.

Dated: February 11, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS  
[Week of January 12 through January 16, 1998]

Date	Name and location of applicant	Case No.	Type of submission
1/13/98 .....	Personnel Security Hearing .....	VSO-0191	Request for Hearing under 10 CFR part 710. If Granted, an individual employed by a contractor of the Department of Energy would receive a hearing under 10 CFR Part 710.

[FR Doc. 98-4502 Filed 2-20-98; 8:45 am]  
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**DEPARTMENT OF ENERGY**

**Office of Hearings and Appeals**

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

During the week of October 13 through October 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, 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: February 11, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

**[Decision List No. 55] Week of October 13 Through October 17, 1997**

**Appeal**

*Dr. Daniel D. Eggers, 10/4/97; VFA-0332*

Dr. Daniel D. Eggers Appealed a Determination issued to him in response to a request he submitted under the Freedom of Information Act for

documents generated in connection with a patient his father, a DOE contractor employee, had filed in the 1940s. In its Determination, the Oak Ridge Operations Office (Oak Ridge) found that the DOE could not locate any responsive documents. On appeal, the DOE found that adequate search was adequate, because the Appellant had provided insufficiently specific information to enable Oak Ridge to focus its search. However, DOE determined that the Appellant possessed more specific information that might permit Oak Ridge to narrow its search and locate responsive documents. Therefore, OHA granted the Appeal remanded the matter to Oak Ridge for a further search.

**Personnel Security Hearing**

*Personnel Security Hearing, 10/14/96; VSO-0161*

A Hearing Officer recommended that access authorization not be restored to

an individual. The Hearing Officer found that information presented by the DOE established that the individual suffers from alcohol abuse and had not mitigated the security concerns by sufficient evidence of rehabilitation and reformation.

### Refund Application

*Pruner Health Services, Inc., et al.*, 10/14/97; RK272-02447 et al.

The Department of Energy issued a Decision and Order granting 16 Applications for Supplemental Refund filed in the Subpart V crude oil refund proceeding.

### 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 SUPPLE REF DIST .....	RB272-00123	10/15/97
ERIE MATERIALS, INC. ET AL .....	RF272-98607	10/16/97
MACDONALD H. JONES ET AL .....	RK272-04624	10/15/97

### Dismissals

The following submissions were dismissed.

NAME	CASE NO.
OXNARD FROZEN FOOD COOPERATIVE .....	RF272-76782
PERSONNEL SECURITY HEARING .....	VSO-0162

[FR Doc. 98-4499 Filed 2-20-98; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Hearing and Appeals

#### Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of November 3 Through November 7, 1997

During the week of November 3 through November 7, 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, 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: February 11, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

#### Decision List No. 58; Week of November 3 through November 7, 1997

##### Appeals

*Convergence Research*, 11/7/97, [VFA-0340]

Convergence Research (CR) appealed a determination by the Bonneville Power Administration (BPA) that denied in part a request for information that it filed under the Freedom of Information Act (FOIA). The DOE found that a likelihood of significant competitive harm would result from release of the requested information and that, therefore, BPA properly withheld the information under Exemption 5. Consequently, CR's Appeal was denied. *The Oregonian*, 11/3/97, [VFA-0336]

The *Oregonian* appealed a determination by the Bonneville Power Administration (BPA) that denied in part a request for information the newspaper filed under the Freedom of Information Act (FOIA). The DOE found that a likelihood of significant competitive harm would result from release of the requested information and that, therefore, BPA properly withheld the information under Exemption 5. Consequently, the Appeal filed by The *Oregonian* was denied.

##### Refund Applications

*Eason Oil Co./Koch Hydrocarbon Co.*, 11/7/97, [RF352-2]

The DOE granted in part an application for refund submitted by Koch Hydrocarbon Co. (KHC) in the Eason Oil Co. (Eason) special refund

proceeding. The DOE found that KHC purchased a mixed stream of NGLs from Eason, which it fractionated into propane, butane and natural gasoline and resold to third parties. KHC's NGL purchases from Eason were not discretionary in nature, and were dictated by KHC's requirements for its fractionation and marketing activities. For the period November 1973 through December 1979, the DOE found that KHC had demonstrated that the prices it paid to Eason for butane resulted in some economic injury to KHC. However, the DOE found that KHC's competitive disadvantage analysis failed to establish that KHC suffered the type of substantial and consistent competitive disadvantage that would qualify the firm for 100% of its allocable share of the refund. Accordingly, the DOE granted KHC a refund based on 79.5 percent of its allocable share.

##### Gulf Oil Corp./Ryder Energy

*Distributing*, 11/3/97, [RR300-261]

The DOE denied a motion for reconsideration filed by the Ryder Energy Distributing in the Gulf refund proceeding. The DOE had previously granted Ryder a \$36,637 refund based on the medium range presumption of injury applicable to resellers. In considering the motion, the DOE found that Ryder Energy failed to demonstrate that it was entitled to the end-user presumption of injury for any of its Gulf purchases.

*Star-Kist Foods, Inc.*, 11/6/97, [RR272-148]

The DOE granted a Motion for Reconsideration filed by Star-Kist Foods, Inc. The DOE found that the company had acted in a timely fashion