

sheet number, and an explanatory statement, if necessary, describing any reasons for deviations from or changes to each GISB standard.

Linwood A. Watson, Jr.,  
Acting Secretary.

[FR Doc. 96-23839 Filed 9-17-96; 8:45 am]  
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**Notice of Issuance of Decisions and Orders; Office of Hearings and Appeals; Week of June 3 Through June 7, 1996**

During the week of June 3 through June 7 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: September 9, 1996.

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

**Appeals**

*Association of Public Agency Customers, 6/6/96, VFA-0162*

The Association of Public Agency Customers (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) concerning documents related to power service contracts. In its Determination, Bonneville Power Administration (BPA) released 26 pages and withheld approximately 1,500 additional pages from the Appellant under Exemptions 4 and 5 of the FOIA. The Appellant appealed this withholding and challenged the amount of search and review fees it had been assessed. The Office of Hearings and Appeals (OHA) first determined that the amount of time spent searching for and reviewing documents was reasonable, and that it was proper to have relatively high-paid employees conduct this work. However, the OHA found that BPA had incorrectly charged the Appellant the cost of the photocopier operator's time. The OHA also concluded that Exemption 4 had been applied correctly, because if some of the withheld material was released, future production capacities of two BPA customers would be easily determined. Finally, the OHA found that the other withheld documents were correctly protected by the deliberative process and attorney-client privileges of Exemption 5. Accordingly, the OHA ordered BPA to reduce its fees to the Appellant by the amount of the incorrect charges, but denied the Appeal in all other respects.

*Dorothy M. Bell, 6/7/96, VFA-0163*

The Department of Energy (DOE) issued a Decision and Order denying a Freedom of Information Act Appeal that was filed by Dorothy M. Bell. In her Appeal, Ms. Bell contested the adequacy of the search for documents responsive to her request. In the Decision, the DOE found that the search conducted for responsive documents was adequate.

*Todd M. Clark, 6/6/96, VFA-0164*

Todd M. Clark filed an Appeal from a determination issued to him on April 8, 1996, by the Freedom of Information Act Contact of the Office of Environmental Management of the Department of Energy (DOE). In that determination, the FOIA Contact granted a request for information filed by Mr. Clark under the Freedom of Information Act (FOIA). In his Appeal, the appellant contended that additional responsive information may exist. In considering the Appeal, the DOE confirmed that the FOIA Contact followed procedures reasonably calculated to uncover any responsive information. Accordingly, the DOE denied Mr. Clark's request.

**Refund Application**

*Atlantic Richfield Company/Jefferson ARCO, Albert's ARCO, 6/7/96, RF304-15501, RF304-15502*

The DOE found that duplicate applications were filed in the ARCO special refund proceeding for two retail outlets owned by Albert Peiper. The DOE determined that Mr. Peiper's signature was forged on one set of applications and on the refund checks issued based upon those applications. The forged applications carried the address of Mr. Peiper's former wife, and the refund checks were deposited into her account. Accordingly, the refunds granted based upon the forged applications were rescinded, and Mr. Peiper's former wife was ordered to repay the amount received.

**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.

Clairmont Transfer Company .....	RC272-342	06/03/96
Clairmont Transfer Company .....	RK272-3437	
Gulf Oil Corporation/Clock Tire Mart .....	RF300-16852	06/03/96
Gulf Oil Corporation/Dearman Oil Co. et al .....	RF300-13591	06/06/96
Gulf Oil Corporation/Jones Fuel & Heating Co .....	RF300-15144	06/07/96
Gulf Oil Corporation/WMG, Inc .....	RF300-21694	06/03/96
Land Paving et al .....	RF272-96134	06/06/96
Riedel International .....	RF272-69843	06/07/96
Riedel International .....	RD272-69843	
State of Tennessee .....	RR272-207	06/03/96

**Dismissals**

The following submissions were dismissed:

Name	Case No.
Allegheny Development Corporation .....	RG272-970
Arledge Kelly Hay co .....	RF272-94736
Denormandie Towel & Linen Supply .....	RF272-89976

Name	Case No.
Foia Group, Inc .....	VFA-0165
Fort Recovery Equity Exc .....	RG272-774
Honeywell, Inc .....	VFA-0149
Minden Oil, Inc .....	RF300-19560
Pomeroy Grange Supply Co., Inc .....	RG272-773
Ray Bell .....	RG272-971
Scotty's Contracting and Stone .....	RG272-771

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### Office of Hearings and Appeals

#### Notice of Issuance of Decisions and Orders From the Week of November 6 Through November 10, 1995

During the week of November 6 through November 10, 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, 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: September 6, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

#### Appeals

*Long Island Lighting Company, 11/8/95, VFA-0003*

Atlantic Richfield Company/Alfred Lowry & Bros et al ..... RF304-12892 11/08/95

#### Dismissed

The following submissions were dismissed:

Name	Case No.
Alabama Electric Cooperative, Inc. ....	RG272-00887
Albuquerque Operations Office .....	VSO-0062
Clay Hyder Trucking Lines .....	RF272-78171
Commercial Carrier Corporation .....	RF272-78169
Jim Beam Brands Co. ....	RF272-98777

The Office of Hearings and Appeals denied an appeal filed by the Long Island Lighting Company under 10 C.F.R. Part 766. LILCO had claimed that the DOE erroneously determined its special assessment for payment into the Uranium Decontamination and Decommissioning Fund established under the Energy Policy Act of 1992. In its Appeal, LILCO challenged DOE's accounting of a series of secondary market transactions in which LILCO had divested itself of enriched uranium fuel which it no longer needed due to the closing of its Shoreham New York reactor plant.

*William H. Payne, 11/8/95, VFA-0091*

William H. Payne filed an Appeal from a determination issued by the Office of Intergovernmental and External Affairs of the Department of Energy's Albuquerque Field Office (DOE/AL), in response to a request he submitted for information under the Freedom of Information Act (FOIA). In his request, Payne sought the names and dates of employment of all retired military personnel who were hired by Los Alamos National Laboratory between October 1, 1979, and September 12, 1995. In considering the Appeal, the DOE found that: (i) the University of California, a DOE contractor that possessed the records sought by Payne, is not an "agency" as defined in the FOIA; (ii) the records had not been obtained by the DOE and were not in the agency's control at the time of the appellant's request; and (iii) under the contract between the DOE and the University, the records requested by Payne were not agency records subject

to the FOIA. Accordingly, the DOE found that the records sought were not "agency records," and the Appeal was denied.

#### Implementation of Special Refund Procedures

*Malcolm M. Turner, Revere Petroleum Corp., Granite Petroleum Corp., Dalco Petroleum Corp., 11/6/95, VEF-0013, VEF-0014, VEF-0015, VEF-0016*

The DOE implemented procedures for the distribution of \$4,567,399.72 plus accrued interest in alleged overcharges obtained from Malcolm Turner, Revere Petroleum Corporation, Granite Petroleum Corporation and Delco Petroleum Corporation. These funds were remitted by each firm to the DOE to settle possible pricing violations with respect to sales of crude oil. The DOE has determined that these monies will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharge. Under that policy, 20 percent will be divided among injured purchasers of refined products, 40 percent to the federal government, and 40 percent to the states.

#### 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.