

Individual's denial of drug use, there was no basis upon which to mitigate that finding. Because the DOE's Criterion L allegation was dependent on an affirmative finding with respect to the Criterion K allegation concerning 1995 drug use, the Hearing Officer found that it too served as a basis for

revoking the Individual's clearance. The Hearing Officer, therefore, concluded that the Individual's access authorization should not be restored.

Refund Application

The Office of Hearings and Appeals issued the following Decision and Order

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:

Township of Ocean RF272-67847 12/28/95

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Issuance of Decisions and Orders; Week of October 30 Through November 3, 1995

During the week of October 30 through November 3 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, 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.o.ha.doe.gov>.

Dated: October 7, 1996.

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

Decision List No. 944

Week of October 30 Through November 3, 1995

Appeal

William M. Arkin, 10/30/95 VFA-0089

William M. Arkin filed an Appeal under the Freedom of Information Act of a determination issued to him by the Albuquerque Operations Office. Arkin had requested information concerning "blinding, dazzling, or stunning laser related counter electro-optics weapons." On Appeal, Arkin took issue with the DOE's claim that no responsive documents existed, noting that several articles concerning DOE's activities in this area had appeared in the media. The DOE found that Albuquerque had failed to adequately respond to Arkin's request and, therefore, remanded the matter for further action.

Personnel Security Hearing

Rocky Flats Field Office, 11/1/95 VSO-0043

A Hearing Officer of the Office of Hearings and Appeals issued an opinion concerning the continued eligibility of an individual for access authorization under 10 C.F.R. Part 710. The Hearing Officer found that the derogatory information presented with respect to the individual's alleged marijuana use was insufficient to raise a substantial doubt concerning the veracity of the individual's repeated denials that he ever used illegal drugs. However, the Hearing Officer found that the information presented regarding the individual's alcohol abuse was sufficient to support a denial of access authorization pursuant to 10 C.F.R. § 710.8(j). The Hearing Officer also found that the individual failed to present sufficient evidence of rehabilitation or reformation to mitigate this derogatory information.

Accordingly, the Hearing Officer

concluded that the individual's access authorization should not be restored.

Requests for Exception

C&B Warehouse, 11/3/95 VEE-0008

C&B Warehouse filed an Application for Exception from the requirement that it file Form EIA-782B, the "Reseller/Retailer's Monthly Petroleum Product Sales Report." The DOE found that the firm was not affected by the reporting requirement in a manner different from other similar firms and, consequently, was not experiencing a special hardship, inequity, or unfair distribution of burdens. Accordingly, the firm's Application for Exception was denied.

Dixie Gas & Oil Co., 11/1/95 VEE-0009

Dixie Gas & Oil Company filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA-782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." The DOE found that the firm was suffering temporary hardship related to upgrading its computer system. Therefore, the firm was granted an exception relieving it of the requirement to submit Form EIA-782B between October 1995 and January 1996.

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:

Beaufort Transfer, Inc. et al	RF272-77717	11/03/95
Crude Oil Supple Ref Dist	RB272-57	11/01/95
Crude Oil Supple Refund Dist	RB272-48	10/31/95
Gulf Oil Corporation/Jack's Gulf Service et al	RF300-21403	11/03/95
Gulf Oil Corporation/Perfect Fuel Co.	RF300-16945	11/01/95
Wiggins Grocery	RF300-16964
Wiggins Gulf Service	RF300-16965
H&L Pippin Farms et al	RK272-1253	11/01/95
Hirsch Realty Management Corp.	RF272-78605	11/01/95
Zumo Management	RF272-78616
Iola E. Williams et al	RK272-1501	11/01/95
Laurel Cooperative Assn. et al	RF272-95101	10/31/95
Northern Neck Transfer, Inc.	RF272-95281	10/31/95
Schnuck Markets, Inc.	RC272-324	11/03/95

Texaco Inc./Pecan Shoppe of Plant City RF321-16233

11/01/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Branch Motor Express	RF300-12741
Cape Smythe Air Service	RF272-98003
Dolcito Quarry Company, Inc.	RK272-00246
Netumar Lines	RF272-97896
S.F. Transport, Inc.	RF272-97309
Terminal Transportation, Inc.	RF272-97334
The National Security Archive	VFA-0074
Western Electric Company	RF300-21568
York Shipping Corporation	RF272-97919
Center Equipment Company	RF272-96155
El Toro Express	RF272-77988
James J. Williams Trucking Co.	RF272-97883
Johnny Bowen Gulf Station #1	RF300-21710
New York State Electric & Gas	RF300-21566
Redi-Froz Dist. Co.	RF272-97821

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Office of Hearings and Appeals**Issuance of Decisions and Orders;
Week of September 11 Through
September 15, 1995**

During the week of September 11 through September 15, 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, 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: October 7, 1996.

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

Decision List No. 937

Week of September 11 Through
September 15, 1995

Appeals

Jeffrey R. Leist, 9/14/95, VFA-0069

Jeffrey R. Leist filed an Appeal from a determination issued to him by the Manager of the Ohio Field Office partially denying a request for information filed by him pursuant to the Freedom of Information Act. The Manager had released copies of responsive documents, but had redacted all personal identifying information from them under Exemption 6. In considering the Appeal, the DOE determined that the Manager inadvertently redacted Mr. Leist's own name from one of the responsive documents. Accordingly, the DOE directed the Manager to send to Mr. Leist a copy of this document, without a redaction of his name. Since the DOE determined that Exemption 6 was otherwise properly applied to the responsive documents, the Appeal was denied in all other respects.

Jeffrey R. Leist, 9/12/95, VFA-0071

Jeffrey R. Leist filed an Appeal from a determination issued to him by the Ohio Field Office partially denying a request for information filed by him pursuant to the Freedom of Information Act. Specifically, the Manager released copies of responsive documents, but could not locate a letter Mr. Leist alleged was sent to him. In considering the Appeal, the DOE confirmed the existence of the responsive letter and remanded the case to the Manager to either release a copy of the letter or provide a detailed explanation as to why the letter is exempt from public disclosure.

State of Michigan, 9/15/95, VFA-0066

The State of Michigan, filed an Appeal from a determination issued by the Freedom of Information and Privacy Act Division in response to a request it

submitted under the Freedom of Information Act (FOIA). Michigan sought documents concerning the 1992-93 Presidential transition members and Cities Service Oil and Gas Corporation. It contended that additional responsive documents must exist. In considering the Appeal, the DOE found that the FOIA Division performed an adequate search for responsive documents. Accordingly, the Appeal was denied.

Personnel Security Hearing

Oak Ridge Operations Office, 9/15/95,
VSO-0035

A Hearing Officer from the Office of Hearings and Appeals issued an Opinion regarding the eligibility of an individual for access authorization under the provisions of 10 C.F.R. Part 710. The Hearing Officer found that: (i) the individual used cocaine and marijuana in the past and used cocaine after assuring the DOE in writing that he would not have any involvement with illegal drugs; (ii) the individual deliberately provided false information to the DOE on three separate occasions; (iii) the acts of the individual tend to show that the individual may use illegal drugs in the future and that the individual is not honest, reliable, or trustworthy; and (iv) the DOE's security concerns regarding these behaviors were not overcome by the evidence mitigating the derogatory information underlying the DOE's charges. Accordingly, the Hearing Officer found that the individual's access authorization should not be restored.