

International Brotherhood of Electrical Workers, 6/30/97, VFA-0299

The International Brotherhood of Electrical Workers (IBEW) filed an Appeal from a determination issued to it on April 28, 1997, by the Savannah River Operations Office (SR) of the Department of Energy (DOE). That determination was issued in response to a request for information submitted by IBEW under the Freedom of Information Act. The request sought material regarding union-related activities at SR. SR issued two determinations regarding this request on October 10, 1996, and November 8, 1996, and IBEW appealed SR's final responses to the Office of Hearings and Appeals (OHA) on December 12, 1996. In those determinations, SR partially granted IBEW's request for information and

released numerous documents responsive to IBEW's request. On Appeal, IBEW clarified its initial request and OHA remanded the clarified request back to SR for a further search for responsive documents. SR issued a determination which stated that it conducted a search of its files and found no additional documents responsive to IBEW's clarified request. This Appeal challenged the adequacy of the search conducted by SR. In considering the Appeal, the DOE found that SR conducted an adequate search which was reasonably calculated to discover documents responsive to IBEW's request. Accordingly, the Appeal was denied.

Personnel Security Hearing

Personnel Security Hearing, 7/3/97, VSO-0133

A Hearing Officer found that an individual had not successfully mitigated security concerns arising from his pattern of irresponsible behavior that tended to show that the individual was not honest, reliable, and trustworthy. Accordingly, the Hearing Officer recommended in the Opinion that the individual's access authorization not be restored.

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.

F. HURLBUT CO. LIQUIDATING PAR, ET AL	RK272-03407	6/30/97
LOIS A. SKALLERUD, ET AL	RK272-1967	7/2/97
RANDY CAPE, ET AL	RK272-04185	7/2/97
REGAL MARINE, INC,	RG272-608	6/30/97

Dismissals

The following submissions were dismissed.

Name	Case No.
DIAMOND SHAMROCK, INC	RF340-00150
ELITE AMBULANCE & MEDICAL COACH	RK272-04490

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DEPARTMENT OF ENERGY**Notice of Issuance of Decisions and Orders During the Week of July 7 Through July 11, 1997****Office of Hearings and Appeals**

During the week of July 7 through July 11, 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: August 6, 1997.

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

Department of Energy

Decision List No. 41, Week of July 7 Through July 11, 1997

Appeals

Mary J. Griffin Barnett, 7/8/97, VFA-0303

Mary J. Griffin Barnett filed an Appeal from a determination issued to her by the Oak Ridge Operations Office. In her Appeal, Barnett asserted that Oak Ridge failed to conduct an adequate search for medical records requested pursuant to the FOIA. After reviewing the matter, the DOE determined that Oak Ridge had performed an adequate search. Consequently, Barnett's Appeal was denied.

Pedro Aponte Vazquez, 7/11/97, VFA-0302

Pedro Aponte Vazquez filed an Appeal from a determination issued to him by the Chicago Operations Office.

In his Appeal, Aponte asserted that the operations office failed to conduct an adequate search for records related to total body irradiation experimentation conducted at Memorial Hospital (predecessor to Memorial Sloan-Kettering Institute) between 1945 and 1959. After reviewing the matter, the DOE determined that an adequate search had been performed. Consequently, Aponte's Appeal was denied.

Personnel Security Hearing

Personnel Security Hearing, 7/7/97, VSO-0109

A Hearing Officer issued an Opinion regarding the eligibility of an individual to retain an access authorization. A drug test administered to the respondent was positive for marijuana. The respondent alleged that there must have been some problem with the drug test because he had been taking a prescription medication at the time that contained codeine which was not detected by the drug test. The Hearing Officer found that the small amount of codeine in the medication might have been below the

amount that the test could detect. Consequently, the respondent did not demonstrate that the drug test was invalid. As the respondent offered no evidence in mitigation of his drug use, the Hearing Officer found that his access authorization should not be restored.

Interlocutory Order

EG&G Rocky Flats, Inc., 7/11/97, VWZ-0008

An OHA hearing officer issued a Decision and Order regarding a Motion for Partial Dismissal and Limitation on

Scope of Complainant's Claims filed in a whistleblower proceeding under the provisions of 10 C.F.R. part 708. The hearing officer determined that DOE's whistleblower regulations do not apply to reprisals that occurred before April 2, 1992, the effective date of those regulations, and consequently dismissed those portions of the complaint that concerned those reprisals. The hearing officer specified, however, that protected disclosures made before April 2, 1992, may have led to reprisals that occurred after that date, and for that

reason those disclosures are relevant to the proceeding and evidence concerning them will be received. The Motion to Dismiss was, therefore, granted in part.

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.

ARCH MINERAL CORP. ET AL	RG272-00503	7/8/97
CHICAGO MILWAUKEE CORPORATION	RF272-69326	7/8/97
CHICAGO MILWAUKEE CORPORATION	RD272-69326	
GULF OIL CORPORATION/ASSOCIATED TRANSPORT	RF300-13114	7/11/97
LYLE BREDENKAMP	RF272-15943	7/11/97
STAR MANUFACTURING CO.	RF272-57065	
ST. JOSEPH CARE CENTER	RF272-98794	

Dismissals

The following submissions were dismissed.

Name	Case No.
A.W. STADLER, INC./DARLING INTRNTL	RK272-4489
ANDERSON CLAYTON FOODS/AC HUMKO	RK272-4401
ASHY-HUTCHISON ENT., INC.	RK272-4472

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5874-6]

Proposed Settlement; Industrial Process Cooling Towers Emission Standard Litigation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Settlement; Request for Public Comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed settlement of *Libbey-Owens-Ford Company v. United States Environmental Protection Agency*, No. 95-1141 (D.C. Cir.).

The case involves a challenge to the rule entitled "National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers," published in the **Federal Register** at 59 FR 46,339 on September 8, 1994. The proposed settlement provides for EPA to issue a revision to the rule allowing sources to demonstrate compliance through recordkeeping in lieu of water sample analysis.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments to the settlement from persons who were not named as parties to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed settlement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Copies of the settlement are available from Gwendolyn Jones, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260-7620. Written comments should be sent to Patricia A. Embrey at the above address and must be submitted on or before [insert date 30 days after publication].

Dated: August 4, 1997.

Scott C. Fulton,

Acting General Counsel.

[FR Doc. 97-21536 Filed 8-13-97; 8:45 am]

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FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday, August 19, 1997 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday, August 21, 1997 at 10:00 a.m.

PLACE: 999 E Street, N.W. Washington, D.C. (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Report of the Audit Division on Pete Wilson for President Committee (continued from meeting of July 31, 1997).

Administrative Matters.