

The report is available for public review and inspection during normal business hours in the Commission's Public Reference Room, Room 2A, 888 First Street, N.E., Washington, D.C. 20426. The report is also available for review and downloading on the Commission Issuance Posting System (CIPS), an electronic bulletin board service, that provides access to the texts of formal documents issued by the Commission. The Industry's Phase 2 report can be found under the file name "RM95-9L.EXE", the date of the file is November 20, 1997, and its title is "Industry Report on the Future of OASIS." The report is in WordPerfect 6.1 format and is contained in a self extracting file.

CIPS is available at no charge to the user. CIPS can be accessed over the Internet by pointing your browser to the URL address: <http://www.ferc.fed.us>. Select the link to CIPS. CIPS also may be accessed using a personal computer with a modem by dialing 202-208-1397, if dialing locally, or 1-800-856-3920, if dialing long distance. To access CIPS in this manner, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. CIPS user assistance is available at 202-208-2474.

The complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, La Dorn Systems Corporation. La Dorn Systems Corporation is located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

We invite written comments on this report within 60 days of the date of issuance of this notice in accordance with the instructions below.

**Instructions for Filing Written Comments**

Written comments (an original and 14 paper copies and one copy on a computer diskette in WordPerfect 6.1 format or in ASCII format) must be received by the Commission on or before [insert date 60 days from the date of issuance of this notice]. Comments must be filed with the Office of the Secretary and must contain a caption that references Docket No. RM95-9-005. All written comments will be placed in the Commission's public files and will be available for inspection or copying in the Commission's Public Reference Room during normal business hours. All comments received on diskette will be

made available to the public on the Commission's electronic bulletin board (EBB).

**ADDRESSES:** Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:**

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Gary D. Cohen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 (202) 208-0321.

**Linwood A. Watson, Jr.,**  
*Acting Secretary.*

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**DEPARTMENT OF ENERGY**

**Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of October 20 Through October 24, 1997**

During the week of October 20 through October 24, 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: January 27, 1998.

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

**Department of Energy**

*Office of Hearings and Appeals*

[Decision List No. 56]

*Week of October 20 Through October 24, 1997*

**Personnel Security Hearing**

*Personnel Security Hearing, 10/20/97, [VSO-0155]*

An OHA Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain access authorization under the provisions of 10 CFR Part 710. The Hearing Officer found that the individual used an illegal drug, cocaine, based on the positive test result of a random drug screening conducted by the National Guard. The Hearing Officer found that additional security concerns were raised by the fact that the Individual had used cocaine after signing a drug certification in which he promised not to use drugs while holding an access authorization. The Hearing Officer found the Individual had not mitigated these security concerns and recommended that the individual's access authorization not be restored.

**Refund Application**

*CertainTeed Corporation, 10/20/97, [RC272-345, RC272-353]*

The Department of Energy rescinded two crude oil refunds granted to CertainTeed Corp. because of the waiver signed by the firm in the Surface Transporters (ST) proceeding. The DOE rejected the firm's argument that it was not bound by the waiver since the DOE had granted its request to dismiss its ST claim and process its crude oil refund application. However, in view of the unique circumstances of this case, the DOE decided not to require the repayment of the larger of the two refunds.

**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.

Dale V. Hunt .....	RJ272-48	10/24/97
Empire Manufacturing Co. ....	RK272-03956	10/24/97
Gerber Products Co. et al .....	RK272-03188	10/24/97
Homes of Merit, Inc .....	RC272-00371	10/24/97
Homes of Merit, Inc .....	RK272-4587	

Homes of Merit, Inc .....	RJ272-00046	
Mary Ann Haman et al .....	RK272-01897	10/20/97
Royce & Gerald Woolfolk et al .....	RK272-04047	10/20/97
Shirley E. Smith .....	RJ272-49	10/24/97
Speck Cab Co., Inc .....	RK272-04651	10/20/97
Transit Mix Concrete & Materials Co .....	RK272-04625	10/20/97
Tuscarora Incorp .....	RK272-04636	10/20/97

**Dismissals**

The following submissions were dismissed.

Name	Case No.
GRA-PAT Gulf Mini Mart .....	RR300-291
Yellow Cab of Dallas, Inc .....	RK272-04578

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**DEPARTMENT OF ENERGY**

**Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of October 6 Through October 10, 1997**

During the week of October 6 through October 10, 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: January 27, 1998.  
**George B. Breznay**,  
*Director, Office of Hearings and Appeals.*

**Department of Energy**  
*Office of Hearings and Appeals*

[Decision List No. 54]

*Week of October 6 Through October 10, 1997*

**Appeal**

*Dennis Kirson, 10/6/97, VFA-0333*

Dennis Kirson (Kirson) filed an Appeal from a determination issued to him by the Albuquerque Operations Office (AL) of the Department of Energy (DOE). In his Appeal, Kirson asserted that AL improperly withheld a document listing the potential Reduction-in-Force affected positions at AL pursuant to Exemption 5 of the FOIA. After reviewing the document, the DOE determined that AL had properly applied Exemption 5 to most of the information in the document but that a small portion of the document, consisting of segregable factual material, could be released. Consequently, Kirson's Appeal was granted in part.

**Personnel Security Hearing**

*Personnel Security Hearing, 10/10/97, VSO-0148*

An Office of Hearings and Appeals Hearing Officer issued an opinion

recommending restoration of the security clearance of an individual whose clearance had been suspended because the Department had obtained derogatory information that fell within 10 CFR § 710.8(l). In reaching his conclusion, the Hearing Officer found that while the individual had trespassed, the entire record indicated that he was not dishonest and untrustworthy. In addition, the Hearing Officer found that inconsistencies the individual told the police were overcome by his honesty to DOE security once a security investigation was started. The Hearing Officer concluded that the individual is sufficiently honest, reliable and trustworthy within the meaning of 10 CFR § 710.8(l) to hold an access authorization.

**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.

Bob Shaefer et al .....	RK272-1984	10/10/97
Crude Oil Supple .....	RB272-00120	10/6/97
Crude Oil Supple .....	RB272-00121	10/6/97
Crude Oil Supple .....	RB272-00122	10/7/97
Excavating & Painting Co. et al .....	RK272-1840	10/8/97
Gibson Drilling Co. ....	RJ272-47	10/9/97
Mary F. Gibson .....	RK272-4644	
Kenneth L. Gibson .....	RK272-4645	
Harold Walter et al .....	RK272-01737	10/7/97
Holverson Farming Assoc et al .....	RK272-01921	10/7/97
I. Neuman & Sons, Inc. et al .....	RK272-04575	10/8/97
Kentucky-American Water Co. et al .....	RF272-94751	
Lois A. Ronan et al .....	RK272-04627	10/10/97
Moog Enterprises et al .....	RK272-02569	10/9/97
Vessels Gas Processing Co./Petroleum Trading & Transport .....	RF354-00006	10/6/97