

Freedom of Information Act. The Los Alamos National Laboratory was able to find some of the information requested. In considering the Appeal, the DOE found that DOE/AL had conducted an adequate search for responsive documents, and it accordingly denied the Appeal.

Personnel Security Hearing

Personnel Security Hearing, 9/30/97, VSO-0153

A Hearing Officer Opinion recommended that an individual be granted access authorization. The Opinion found that the individual had resolved his financial problems and was behaving responsibly. The Opinion also found that the individual's omission of certain information on a security

questionnaire did not involve an intent to deceive and that he could be entrusted with security matters.

Supplemental Order

Crysen Corporation, 9/29/97, VFX-0013

The Office of Hearings and Appeals found that the money contained in the subaccount funded by Crysen Corporation was subject to the provisions of the Stripper Well Settlement Agreement. Accordingly the OHA ordered the DOE's Office of the Controller to make available the Crysen funds for distribution in the following manner: 40 percent to the Federal government, 40 percent to the State governments, and 20 percent to crude oil claimants.

Refund Application

State Escrow Distribution, 10/3/97, RF302-20

The Office of Hearings and Appeals ordered the DOE's Office of the Controller to distribute \$23,500,000 to the State Governments. The use of the funds by the States is governed by the Stripper Well Settlement Agreement.

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	RB272-00118	9/29/97
Estate of Walter Satrom et al	RK272-1958	10/3/97
Harris Teeter Super Markets Inc	RC272-00372	10/1/97
Iowa State Achievement Fund et al	RK272-02293	10/1/97
Merlyn Schocker et al	RK272-4551	10/3/97
Nationwide Utilities/Inactive Corp, In	RF272-98663	10/2/97
Pillsbury Company	RR272-303	10/1/97
Puerto Rico Elec Power Auth	RF272-67318	10/3/97
Steuben County Farm Bureau	RR272-265	10/3/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Canonie Construction	RF272-76844
Chamberlain Oil Co., Inc	VEE-0046
Continental Bondware	RF272-76961
Daisey Brothers, Inc	RF272-76848
Earl Smith, Inc	RF272-76952
Elbar, Inc	RF272-76451
Gina Karen Fishing, Inc	RF272-76713
M/V Jo Linda	RF272-76714
Montauk Caribbean Airways, Inc	RF272-76999
North Kitsap Gravel & Asphalt Co	RF272-76397
Pearman & Sons, Inc	RF272-76774
S & R Sanitation, Inc	RF272-76801
Sutherland Construction, Inc	RF272-76765
West Foods, Inc./Ventura Div	RF272-76793
Wilcox Drillers, Inc	RF272-98790
Williard Oil Company, Inc	VEE-0047

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of November 24 Through November 28, 1997

During the week of November 24 through November 28, 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 2, 1998.
George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 61; Week of November 24 Through November 28, 1997

Appeal

Rural Alliance for Military Accountability, 11/26/97, VFA-0335

Boise City Farmers Coop et al	RF272-94732 ...	11/25/97
Gulf Oil Corporation/Sitton's Gulf	RF300-21690 ...	11/25/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Patricia L. Baade	VFA-0294
William H. Payne	VFA-0354

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DEPARTMENT OF ENERGY

During the Week of December 15 Through December 19, 1997

Notice of Issuance of Decisions and Orders; Office of Hearings and Appeals

During the week of December 15 through December 19, 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, S.W., 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>.

DOE granted an appeal that challenged the adequacy of the search for documents in response to a FOIA request. OHA remanded the matter to the DOE's Albuquerque Operations Office to conduct a further search for responsive documents in two offices under its jurisdiction.

Boise City Farmers Coop et al	RF272-94732 ...	11/25/97
Gulf Oil Corporation/Sitton's Gulf	RF300-21690 ...	11/25/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Patricia L. Baade	VFA-0294
William H. Payne	VFA-0354

Dated: February 2, 1998.
George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 64 Week of December 15 through December 19, 1997

Appeals

Convergence Research, 12/19/97 VFA-0350

DOE granted an Appeal of a determination that withheld information in response to a FOIA request. OHA remanded the matter to the DOE's Bonneville Power Administration BPA for a new determination that either releases additional information or explains in detail its reasons for withholding it.

Information Focus on Energy, 12/19/97 VFA-0353

The DOE denied a Freedom of Information Act (FOIA) Appeal that was filed by Information Focus on Energy (IFOE). In its Appeal, IFOE claimed that the determination issued to it by the Inspector General's Office was inadequate because it did not explain the contents of the documents that were provided to IFOE. IFOE also challenged the adequacy of a search for responsive documents. The DOE found that the FOIA does not require an agency to explain the contents of documents that it provides to FOIA requesters and that the search for responsive documents was adequate.

Refund Applications

Congress Financial Corp. (Central) Franciscan Health Partnership, Inc., 12/16/97 RF272-04523, RF272-04692

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.

Congress Financial Corp. (Central), and Franciscan Health Partnership, Inc., filed Applications for Supplemental Refund in the Subpart V crude oil overcharge refund proceeding. Congress applied for a supplemental refund based on its position as creditor of the recipient of the original refund, Hawthorn Melody, Inc. (HMI). After receiving its original refund, HMI had declared bankruptcy and the bankruptcy case had been closed. The DOE found Congress was eligible to receive the refund because the trustee of HMI's bankruptcy proceeding submitted an affidavit stating that he was aware of the amount of the supplemental refund and that Congress should receive it. In addition, DOE found that Franciscan Health Partnership, Inc., was eligible to receive the refund that had originally been granted to St. Mary Hospital. Franciscan had owned St. Mary, a non-incorporated entity, and sold it to another hospital, after St. Mary received its original refund. The DOE determined Franciscan had retained the right to a crude oil refund. Accordingly, Congress' and Franciscan's Applications for Supplemental Refund were granted.

- Hudson River Management Corp. RK272-04618*
- Hudson River Management Corp. D/B/A Hudson River Inn & Conference Center RC272-00376*
- HS 3, INC. D/B/A Hudson River Inn & Conference Center, 12/15/97 RJ272-00051*

Hudson River Management Corp. (HRMC) filed an Application for Supplemental Refund in the Subpart V crude oil overcharge refund proceeding.