

of March 31, 1996, the allocation totaled \$856,829 (\$372,150 in principal and \$484,679 in interest), but the allocation will be slightly higher at the time of disbursement due to interest earned between March 31, 1996 and the date of disbursement. The DOE found that Mississippi's proposal would provide timely restitutionary benefits to injured consumers of refined petroleum products. Accordingly, Mississippi's second-stage refund application was granted.

Gulf Oil Corp./Victoria Guernsey, Inc., 4/11/96, RF300-18821

The DOE issued a Decision and Order granting a refund application filed by Victoria Guernsey, Inc. in the Gulf Oil Corporation special refund proceeding. The DOE found that Victoria Guernsey made a reasonable demonstration that it purchased the claimed amount of Gulf

product through two suppliers, Parton Oil Co. and Armour Oil Co. Because there was no affirmative evidence that either supplier absorbed the alleged Gulf overcharges, the DOE determined that Victoria Guernsey should be considered for a refund under the standards applicable to direct purchasers. Accordingly, the DOE granted Victoria Guernsey a \$23,981 refund based on the medium range presumption of injury.

Valley Line Co., 4/12/96, RC272-337

The DOE issued a Decision and Order rescinding a refund granted to The Valley Line Co. in the Subpart V crude oil refund proceeding. The DOE was informed by The Valley Line that Chromalloy American Corporation, the former parent company of The Valley Line, had received a refund from the Rail & Water Transporters Escrow, one

of the eight escrows established by the final Settlement Agreement in the Stripper Well Exemption Litigation. In order to receive a refund from a Stripper Well escrow, a claimant was required to waive its right and the rights of its affiliates to participate in any future refund proceeding based on crude oil overcharges. Therefore, The Valley Line was ineligible to receive a refund in the crude oil proceeding.

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.

Gulf Oil Corporation/Ed & Ray's Gulf et al	RF300-13549	04/08/96
Heartland Co-op et al	RK272-03205	04/11/96
Hereford Independent School District et al	RF272-86302	04/09/96
Mueller Industries, Inc	RC272-00336	04/08/96
Rick Rush	RJ272-9	04/11/96
Ricky Timmons Estate et al	RK272-01106	04/08/96
Woods Research & Development Corp. et al	RK272-03328	04/11/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Air Ontario Limited	RF272-98755
Arundel Asphalt Products	RD272-74858
Arundel Asphalt Products, Inc.	RF272-74858
Bouchard Transportation Co., Inc.	RF272-74311
Bouchard Transportation Co., Inc.	RD272-74311
Dianna McNew	VFA-0146
Dispatch Distribution Line, Inc.	RF272-77995
Leotal, Inc. for Northeast Tool and Engineering	RG272-00102
Liberty Express	RF272-98705

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Notice of Issuance of Decisions and Orders During the Week of April 1 through April 5, 1996

During the week of April 1 through April 5, 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, 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>.

Dated: August 28, 1996.

Thomas O. Mann,
Acting Director, Office of Hearings and Appeals.

Decision List No. 966

Week of April 1 through April 5, 1996

Appeal

David K. Hackett, 4/3/96, VFA-0135

The Department of Energy (DOE) issued a Decision and Order (D&O) denying a Freedom of Information Act (FOIA) Appeal that was filed by David K. Hackett. In the Decision, the DOE found that the Oak Ridge Operations Office properly applied Exemption 4 of the FOIA in withholding portions of one of the documents provided to Mr. Hackett. The DOE further found that the

search for responsive documents was adequate.

Personnel Security Hearing

Oak Ridge Operations Office, 4/5/96, VSA-0057

The Director of the Office of Hearings and Appeals issued an Opinion regarding an individual's request for review of a Hearing Officer's adverse decision regarding his eligibility for access authorization under the provisions of 10 C.F.R. Part 710. After

considering the individual's arguments and the record, the Director found that: (i) the Hearing Officer had not showed bias and/or prejudice, (ii) the Hearing Officer had made a comprehensive, common-sense judgment, and (iii) the Hearing Officer did not incorrectly examine the case retrospectively to determine the possibility of coercion. Further, the Director upheld the Hearing Officer's refusal to give weight to letters submitted by the individual's former co-workers, under the circumstances presented in the case. Accordingly, the

Director recommended that the individual's access authorization should not be reinstated.

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.

Gulf Oil Corporation/White Brothers, Inc. et al	RF300-15269	04/04/96
Wisener Farms	RJ272-0010	04/04/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Chey Anthony Temple	VFA-0133
Howeard Sober, Inc.	RF272-77539

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Notice of Issuance of Decisions and Orders During the Week of March 4 Through March 8, 1996

During the week of March 4 through March 8, 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, 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>.

Dated: August 30, 1996.

Richard W. Dugan,
Acting Director, Office of Hearings and Appeals.

Decision List No. 962

Week of March 4 Through March 8, 1996

Appeal

Kenneth H. Besecker, 3/4/96, VFA-0124

The Department of Energy (DOE) issued a Decision and Order granting a Freedom of Information Act Appeal that was filed by Kenneth H. Besecker. In his Appeal, Mr. Besecker contested the adequacy of the search for documents responsive to his request. In his request, Mr. Besecker sought access to the contract under which the investigation of a particular EEOC complaint was carried out. In his Appeal, Mr. Besecker contended that a portion of the contract called the "Statement of Work" was not included in the documents provided to him. In the Decision, the DOE found that there were two statements of work generated in connection with the contract in question, and that Mr. Besecker had been provided with only one. The DOE examined the second statement of work, found it to be responsive to the request and not exempt from mandatory disclosure under the FOIA, and released it to Mr. Besecker.

Personnel Security Hearings

Albuquerque Operations Office, 3/7/96, VSX-0020

Upon remand from the Director, an Office of Hearings and Appeals Hearing Officer issued an Opinion concerning the eligibility of an individual to hold an access authorization under 10 C.F.R. Part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material. The DOE had charged that the individual had (i) deliberately omitted significant information (concerning use of illegal drugs) from a Personnel Security Questionnaire, (ii) used illegal drugs, and (iii) engaged in conduct showing that he was not reliable (due to use of illegal drugs to allay panic attacks and anxiety). The individual failed to testify at his hearing or provide any other evidence to rebut the derogatory evidence of the DOE. Accordingly, the Hearing Officer found that the individual's access authorization should not be restored.

Pittsburgh Naval Reactors Office, 3/7/96, VSA-0041

Upon review, the Director, Office of Hearings and Appeals, concurred with the Hearing Officer's recommendation in Case No. VSA-0041 that access authorization not be restored to the appellant employee. The Director found that the employee had failed to mitigate valid security concerns raised by his pattern of financial irresponsibility.