

In the December 17, 1998, order, the Commission established April 1, 1999, as the date by which pipelines are required to comply with this regulation and further required each interstate pipeline to file by April 1, 1999, a statement as to how it has complied with the OBA requirement.

In making their filings to comply with the December 17, 1998 order, each pipeline must file using the docket number under which they filed to comply with Order No. 587-G.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-6994 Filed 3-22-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of November 30 Through December 4, 1998

During the week of November 30 through December 4, 1998, the decision and order summarized below was issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy.

A copy of the full text of this decision and order is available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C., Monday through Friday, except federal holidays. It is 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>.

Date: March 15, 1999.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 114, Week of November 30 through December 4, 1998 Appeal

Doug Farver, 12/03/98, VFA-0455

The Department of Energy (DOE) issued a Decision and Order granting in part a Freedom of Information Act (FOIA) Appeal filed by Douglas Farver. In his Appeal, Mr. Farver requested that we review an Oak Ridge Operations Office (Oak Ridge) determination finding that a portion of Mr. Farver's FOIA request was too broad and, therefore, did not "reasonably describe"

the information sought. In the Decision, the OHA held that Oak Ridge did not adequately justify this determination, and, in addition, did not respond to two items of Mr. Farver's original FOIA request. We therefore remanded the appeal to Oak Ridge for further processing.

Dismissals

The following submissions were dismissed.

Name	Case No.
Matthew Cherney, M.D.	VFA-0460

[FR Doc. 99-7066 Filed 3-22-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of November 23 Through November 27, 1998

During the week of November 23 through November 27, 1998, 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, 950 L'Enfant Plaza, SW, Washington, D.C., Monday through Friday, 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: March 15, 1999.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 113 Week of November 23 Through November 27, 1998

Personnel Security Hearings

Personnel Security Hearing, 11/24/98, VSO-0198

A Hearing Officer found that the concern raised by an individual's illness or mental condition remained unresolved. Accordingly, the Hearing Officer recommended in the Opinion that the individual's access authorization not be restored.

Personnel Security Hearing, 11/23/98, VSO-0211

An OHA Hearing Officer issued an Opinion regarding the eligibility of an individual to be granted access authorization under the provisions of 10 CFR part 710. The Hearing Officer found that the individual has a mental condition which causes or may cause a significant defect in his judgment or reliability. The Hearing Officer also found that the individual had been diagnosed by a board-certified psychiatrist as alcohol abusive. In addition, the Hearing Officer found that the individual had failed to mitigate concerns raised by seventeen years of falsifications regarding his drug use. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Personnel Security Hearing, 11/23/98, VSO-0220

An OHA Hearing Officer issued an opinion concerning an individual whose access authorization was suspended. The DOE alleged that the individual engaged in unusual conduct by violating a drug certification, stealing from his employer, and defrauding an insurance company by arranging the theft of his car. In addition, the DOE contended that the individual deliberately falsified significant information regarding past arrests and drug use. The Hearing Officer found that the individual had not overcome the security concerns of DOE with regard to his violation of the drug certification and that the individual had engaged in unusual conduct in his actions surrounding the theft of his car. In addition, the Hearing Officer found that the individual had not presented sufficient evidence to mitigate DOE's legitimate concerns arising from his falsifications. Accordingly, the Hearing Officer recommended that the individual's access authorization should not be restored.

Personnel Security Hearing, 11/24/98, VSO-0222

An OHA Hearing Officer issued an opinion concerning an individual whose access authorization was suspended. A DOE consultant-psychiatrist diagnosed the individual as suffering from alcohol abuse. In addition, the DOE alleged that the individual deliberately falsified significant information on a number of personnel security questionnaires. The Hearing Officer found that the individual had not overcome the security concerns of DOE with regard to his alcohol use. In addition, the Hearing Officer found that the individual had

not presented sufficient evidence to mitigate DOE's concerns arising from his falsifications. Accordingly, the Hearing Officer recommended that the individual's access authorization should 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.

Name	Case No.	Date
N.Y. City Health & Hospital	RC272-00396 RJ272-00067	11/24/98

[FR Doc. 99-7067 Filed 3-22-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of November 16 Through November 20, 1998

During the week of November 16 through November 20, 1998, 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, 950 L'Enfant Plaza, SW, Washington, D.C. 20585-0107, Monday through Friday, 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: March 15, 1999.

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

Decision List No. 112 Week of November 16 Through November 20, 1998

Appeals

Alan Henney, 11/17/98, VFA-0454

The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) received a request from the Department of Commerce asking DOE to provide a direct response to part of an Appeal filed by Alan Henney under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. OHA dismissed this Appeal. Under 10 CFR § 1004.8(a) of the DOE regulations, OHA does not have jurisdiction to adjudicate this matter, because there is no evidence that the decision to withhold documents in response to Mr. Henney's FOIA request was made by a DOE officer who has custody or responsibility for these records under the FOIA. Moreover, under 10 CFR § 1004.7(b), a legally sufficient denial of records under the FOIA has not been issued. OHA requested the FOIA/Privacy Act Division of the Office of the Executive Secretariat (DOE FOIA Office) to treat the Appeal as if it were a new request for documents under the FOIA.

Ruth Towle Murphy, 11/17/98, VFA-0453

The OHA denied an Appeal of a determination issued by the DOE's Office of Scientific and Technical Information in response to a request for a fee waiver. The requester claimed that her status as a graduate student, and her intention to incorporate the requested information into research for a dissertation, was sufficient to qualify her for a waiver of search and copying fees. The OHA found that the requester failed to show that she could disseminate the requested information to a broad enough audience to qualify for a fee waiver.

Personnel Security Hearing

Personnel Security Hearing, 11/16/98, VSO-0216

An Office of Hearings and Appeals Hearing Officer issued an Opinion under 10 CFR Part 710 concerning the continued eligibility of an individual to hold an access authorization. The Hearing Officer found that the individual had failed to establish the truthfulness of his explanation for receiving a positive test result for the presence of cocaine metabolite in a urine sample provided by the individual pursuant to a random drug screening conducted by his employer. The Hearing Officer found that the individual had therefore failed to mitigate the legitimate security concerns of DOE relating to the use of illegal drugs. Accordingly, the Hearing Officer recommended that the individual's access authorization, which had been suspended, should 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.

Name	Case No.	Date
Mercer County et al	RF272-96900	11/18/98
Raymond Canada et al	RC272-00395 RJ272-00066	11/19/98

Dismissals

The following submissions were dismissed.