

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*

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.

**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.

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.

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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*

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.