

Name	Case No.
Carl Buddig & Co	RF272-95207
Glendale Union HS Dist 205	RF272-80846
Personnel Security Review	VSA-0214
S.A.D. #51	RF272-80837

[FR Doc. 99-7068 Filed 3-22-99; 8:45 am]

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DEPARTMENT OF ENERGY

Notice of Issuance of Decisions and Orders by The Office of Hearings and Appeals; Week of November 9 Through November 13, 1998

During the week of November 9 through November 13, 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. 111 Week of November 9 Through November 13, 1998

Appeals

Frank E. Isbill, 11/10/98, VFA-0450

Frank E. Isbill (Isbill) filed an Appeal from a determination issued to him by the Oak Ridge Operations Office (OR) of the Department of Energy (DOE). In his Appeal, Isbill asserted that OR failed to conduct an adequate search for documents, requested pursuant to the FOIA, that pertained to various personnel records and complaints at the DOE's Office of Scientific and Technical Information (OSTI). After reviewing the search that was conducted for responsive documents, the DOE determined that OR had performed an adequate search. In reaching this determination, DOE also held that records held by two contractors at OSTI were not agency records subject to the

FOIA nor were they subject to the DOE's policy on contractor records. Consequently, Isbill's Appeal was denied.

Ashok Kaushal, 11/13/98, VFA-0452

DOE denied an appeal of a determination issued by the Albuquerque Operations Office (DOE/AL). OHA found that the search conducted by DOE/AL was reasonably calculated to uncover material responsive to the request.

Tammi D. Mourfield Selvidge, et al., 11/12/98, VFA-0449

Tammi D. Mourfield Selvidge, et al., filed an appeal from a denial by the Oak Ridge Operations Office of a request for information that it filed under the Freedom of Information Act (FOIA). The DOE upheld a determination by Oak Ridge that no documents existed that were responsive to the request for a list of 100 specified substances. The DOE referred the appeal of denial of access to classified information to the appropriate office in the Office of Security Affairs, to be addressed in Case No. VFA-0451. The DOE did not address the remaining issues raised in the appeal because Oak Ridge had not yet issued complete determinations regarding them. Accordingly, the appeal was denied in part and dismissed in part.

Personnel Security Hearings

Personnel Security Hearing, 11/9/99, VSO-0219

An OHA Hearing Officer issued an opinion concerning an individual whose access authorization was suspended because the DOE obtained derogatory information that the individual was alcohol dependent. At a hearing convened at the individual's request, the individual maintained that he was rehabilitated from alcohol dependence. A DOE consultant psychiatrist found that the individual was in full remission from his alcohol dependence and had shown adequate evidence of rehabilitation. Other witnesses corroborated that the individual had not used alcohol for more than one year and that he was committed to his rehabilitation program. Based on this evidence, the Hearing Officer found that the individual had

mitigated the DOE's concern regarding his alcohol dependence. Accordingly, the Hearing Officer recommended that the individual's access authorization be restored.

Personnel Security Hearing, 11/13/98, VSO-0226

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. After considering the testimony presented at the hearing and the record, the Hearing Officer first 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 has been a user of alcohol habitually to excess and had been diagnosed by a board-certified psychiatrist as alcohol dependent. This finding was based on the DOE consultant psychiatrist's diagnosis of alcohol dependence and opinion that there was insufficient evidence of rehabilitation and reformation. The individual's Employment Assistance Program counselor agreed with the DOE consultant psychiatrist that the individual was alcohol dependent and not yet rehabilitated. Accordingly, the Hearing Officer recommended that the individual not be granted access authorization.

Dismissals

The following submissions were dismissed.

Name	Case No.
Apex Oil Co./Clark Oil Co./Albert Burzinski.	RF342-00328

[FR Doc. 99-7069 Filed 3-22-99; 8:45 am]

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DEPARTMENT OF ENERGY

Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of October 26 Through October 30, 1998

During the week of October 26 through October 30, 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. 109, Week of October 26 through October 30, 1998
Appeals

Tod N. Rockefeller, 10/28/98, VFA-0447
 Tod N. Rockefeller (Rockefeller), through his attorney, requested documents from DOE's Albuquerque Operations Office (AL) under the FOIA, and also asked that AL waive all fees. AL denied the request for a fee waiver, stating that the disclosure of the information was not in the public interest and that the request, since it was made by an attorney, was made for the attorney's commercial interest. Because Rockefeller had not shown an ability to disseminate the information to the public, the Office of Hearings and Appeals (OHA) concluded that the request was not in the public interest. However, OHA also noted that there was no evidence that the request was made for the attorney's commercial

interest. Accordingly, the Appeal was denied.
Personnel Security Hearing
Personel Security Hearing, 10/29/98, VSO-0209

An Office of Hearings and Appeals Hearing Officer issued an opinion against restoration of the security clearance of an individual whose clearance had been suspended because the Department had obtained derogatory information that fell within 10 C.F.R. 710.8(k) & (1). In reaching his conclusion, the Hearing Officer found that the individual had failed to make a showing of mitigating facts and circumstances sufficient to overcome DOE's security concerns.

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.

Arrow Trucking Co.	RF272-95745	10/27/98
William P. Johnson	RK272-04853	10/27/98
Russell Hosiery Mill	RK272-04855	
Johnston Industries Alabama	RK272-04857	
Marilyn Barnes	RK272-04859	
Putnam Asphalt Corp.	RK272-04864	

Dismissals

The following submissions were dismissed.

Name	Case No.
Personnel Security Hearing	VSO-0239

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6313-2]

Annual Conference on Analysis of Pollutants in the Environment

AGENCY: U.S. Environmental Protection Agency (EPA).
ACTION: Notice of public meeting.

SUMMARY: The U.S. EPA, Office of Water, Office of Science and Technology will co-sponsor, along with Battelle, the "22nd Annual Conference on Analysis of Pollutants in the Environment" to discuss all aspects of environmental measurement. The conference is open to the public.

DATES: The annual conference will be held on June 2-3, 1999. On June 2, 1999 the conference will begin at 8:30 a.m. and adjourn at 5:00 p.m. On June 3, 1999 the conference will begin at 8:45 a.m. and adjourn at 4:15 p.m.

On June 4, 1999 a workshop sponsored by Horizon Technology, Inc. will be held in addition to the conference. The workshop topic and program times are: Implementation of EPA Method 1664 for Oil and Grease Testing Workshop, June 4, 1999, 8:30 a.m. to 3:00 p.m.

ADDRESSES: The conference will be held at the Wyndham Franklin Plaza Hotel, 17th & Race Streets, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Conference and workshop arrangements are being arranged by Battelle. For information on registration, hotel rates, transportation, social events, and reservations call the Battelle coordinator, Lynn McLeod, at (781) 952-5381. If you have technical questions regarding the conference program, contact the EPA coordinator, Cindy Simbanin, at (202) 260-5019 or by facsimile at (202) 260-7185.

SUPPLEMENTARY INFORMATION: The 22nd Annual Conference on Analysis of Pollutants in the Environment is designed to bring together representatives of regulated industries, commercial environmental laboratories, state and federal regulators, and environmental consultants and contractors to discuss all aspects of environmental measurement with a particular focus on analytical methods and related issues.

The draft program for the conference follows:

Wednesday, June 2, 1999

Welcome and Status of EPA Office of Water Activities

- 8:30 am Welcome—Carlton Hunt, Battelle
- 8:45 am U.S. EPA's Office of Water Activities—James Hanlon, U.S. EPA Office of Science & Technology
- 9:00 am U.S. EPA's Wastewater Analytical Program Activities—William Telliard, U.S. EPA Office of Science & Technology
- 9:30 am U.S. EPA's Drinking Water Analytical Program Activities—Richard Reding, U.S. EPA Technical Support Center