DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of January 12 Through January 16, 1998

During the week of January 12 through January 16, 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 decision and order 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: May 21, 1998.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

Decision List No. 68

Week of January 12 through January 16, 1998

Personnel Security Hearings

Personnel Security Hearing, 1/12/98, *VSO–0164*

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization under the provisions of 10 CFR Part 710. The DOE issued a Notification Letter which alleged that the individual (1) deliberately falsified information from a Questionnaire for National Security Position and in a Personnel Security Interview, and (2) engaged in unusual conduct that showed the individual is not honest, reliable, or trustworthy or is subject to coercion that may cause the individual to act contrary to the best interests of national security. *See* 10 CFR 710.8(f)(1). After carefully examining the record of the proceeding, the Hearing Officer determined that the individual had deliberately omitted information from a Questionnaire for National Security Position and had engaged in financially irresponsible conduct and other behavior involving a sensitive foreign country that showed the individual is not trustworthy and is subject to coercion. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Personnel Security Hearing, 1/12/98 *VSO–0166*

An individual's access authorization had been suspended due to two items of derogatory information that gave rise to security concerns. The first item was a diagnosis by a DOE psychiatrist that the individual suffered from paranoid delusional disorder, a mental condition that causes, or may cause, a significant defect in judgment or reliability as provided at 10 CFR 710.8(h). The second item was an interview in which the individual stated she would disclose classified information relating to health issues, which indicated that the individual is not honest reliable, or trustworthy, as provided at 10 CFR 710.8(1). At the hearing, the individual, while casting doubt on the DOE psychiatrist's diagnosis, failed to establish her eligibility for access authorization. Her expert witness however, a clinical psychologist, testified that the individual suffered from psychotic depression with episodic loss of contact with reality. In addition, the individual stated at the hearing that she would not disclose classified information, The Hearing Officer found, however, that the individual's statements were unconvincing in view of testimony at the hearing that she was emotionally labile and subject to psychotic episodes. Accordingly, the Hearing Officer expressed the opinion that the individual's access authorization should not be restored.

Dismissals

The following submissions were dismissed.

Name	Case No.
Dykema Gossett PLLC	VFA–0362
Interstate Gulf	RF300–21691
National Starch & Chemical Co.	RF272–95738
Personnel Security Hearing	VSO–0182

[FR Doc. 98–14712 Filed 6–2–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

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

Week of January 26 Through January 30, 1998

During the week of January 26 through January 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. 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: May 20, 1998.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

Decision List No. 70

Week of January 26 through January 30, 1998

Appeal

Charles G. Frazier, 1/28/98, VFA–0361

Charles G. Frazier (Appellant) filed an Appeal of a Determination issued to him by the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA). In its determination, the Chicago Field Office (Chicago) claimed that the requested information was not an ''agency record.'' Chicago asserted that the requested appointment books were created for the convenience of the individual officials not for an agency purpose. The Office of Hearings and Appeals determined that these documents were not ''agency records'' and, therefore, not subject to the FOIA. Accordingly, the DOE denied the Appeal.

Personnel Security Hearing

Personnel Security Hearing, 1/29/98, VSO–0179

A Hearing Officer found that an individual had successfully shown rehabilitation from his grief-related alcohol abuse. Accordingly, the Hearing Officer recommended in the Opinion that the individual's access authorization 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.

Ash Grove Cement West, Inc., et al	RF272–57083	1/27/98
Eastern Freightways, Inc.	RF272–98683	1/27/98
Associated Transport, Inc.	RF272–98763	.....
Lylin & Carolyn Cowan, et al	RK272–04703	1/28/98
Polysar Gulf Coast, Inc.	RD272–48280	1/30/98
Polysar Gulf Coast, Inc.	RF272–48280	1/30/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Cox Enterprises, Inc.	RF272–8644
Hanford Education Action League	VFA–0347

[FR Doc. 98–14715 Filed 6–2–98; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6106–1]

Agency Information Collection Activities Under OMB Review Recordkeeping Requirements for Producers of Pesticides Under Section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act as Amended (FIFRA); (ICR # 0143.06 AND OMB # 2070–0028)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507 (a)(1)(D)), this document announces that the Information Collection Request (ICR) for recordkeeping requirements for producers of pesticides under section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA) as described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument, i.e., forms.

DATES: Comments must be submitted on or before July 6, 1998.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer, 202–260–2740, and refer to EPA ICR No. 0143.06

SUPPLEMENTARY INFORMATION:

Title: Recordkeeping Requirements for Producers of Pesticides under section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA); (OMB Control No. 2070–0028; EPA ICR No. 0143.06). This is a request for an extension of a currently approved collection.

Abstract: Producers of pesticides must maintain certain records with respect to their operations and make such records available for inspection and copying as specified in section 8 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and in regulations at 40 CFR part 169. This information collection is mandatory under FIFRA section 8. It is used by the Agency to determine compliance with the Act. The information is used by EPA Regional pesticide enforcement and compliance staffs, OECA, and the Office of Pesticide Programs (OPP) within the Office of Prevention, Pesticides and Toxic Substances (OPPTS), as well as the U.S. Department of Agriculture (USDA), the Food and Drug Administration (FDA), other Federal agencies, States under Cooperative Enforcement Agreements, and the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The Federal Register document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 5, 1998 (63 FR 10870), and no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to be an average of 120 minutes. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and