

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS
[Week of July 21 through July 25, 1997]

Date	Name and location of applicant	Case No.	Type of submission
7/21/97	Egan & Associates, P.C. Washington, DC.	VFA-0318	Appeal of an Information Request Denial. If Granted: The July 9, 1997 Freedom of Information Act Request Denial issued by the Office of Executive Secretariat would be rescinded, and Egan & Associates, P.C. would receive access to all documentation submitted to or sent by any Department of Energy Headquarters office pertaining to Envirocare of Utah, Inc., or Waste Control Specialists LLC of Pasadena, Texas.
7/21/97	Los Alamos Study Group, Santa Fe, New Mexico.	VFA-0316	Appeal of an Information Request Denial. If Granted: The June 16, 1997 Freedom of Information Act Request Denial issued by the Albuquerque Field Office would be rescinded, and Los Alamos Study Group would receive access to lists of all Los Alamos National Laboratory's contractors, consultants, associates, and fellows for the calendar year 1996 and the amount paid to them.
7/21/97	Ralph C. Elkins, Sugar Grove, Ohio ..	VFA-0317	Appeal of an Information Request Denial. If Granted: The June 27, 1997 Privacy Act Request Denial issued by the Office of Executive Secretariat would be rescinded, and Ralph C. Elkins would receive access to all of his records.
7/22/97	Willard Oil Company, Inc., Spartanburg, SC.	VEE-0047	Exception to the Reporting Requirements. If Granted: Willard Oil Company, Inc. would not be required to file Form EIA-782B "Resellers'/Retailers' Monthly Petroleum Product Sales Report."
7/21/97	William H. Payne, Albuquerque, NM ..	VFA-0315	Appeal of an Information Request Denial. If Granted: The June 23, 1997 Privacy Act Request Denial issued by the Office of Executive Secretariat would be rescinded, and a privacy record would be amended.
7/24/97	National Security Archive, Washington, DC.	VFA-0319	Appeal of an Information Request Denial. If Granted: The June 2, 1997, Freedom of Information Act Request Denial issued by the Department of Defense would be rescinded, and National Security Archive would receive access to information withheld from "MIRV: A Brief History of Minuteman and Multiple Re-entry Vehicles," dated February 1976.
7/25/97	Personnel Security Hearing	VSO-0167	Personnel Security Hearing. If Granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. part 710.
7/25/97	Personnel Security Hearing	VSO-0168	Personnel Security Hearing. If Granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. part 710.
7/25/97	Personnel Security Hearing	VSO-0169	Personnel Security Hearing. If Granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. part 710.

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DEPARTMENT OF ENERGY

Notice of Cases Filed With the Office of Hearings and Appeals

Week of July 28 through August 1, 1997

During the Week of July 28 through August 1, 1997, the appeals,

applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be

filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585-0107.

Dated: August 14, 1997.

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

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS
[Week of July 28 Through August 1, 1997]

Date	Name and location of applicant	Case No.	Type of Submission
7/29/97	Citizen Action, Washington, DC	VFA-0320	Appeal of an Information Request Denial. If Granted: Citizen Action would receive a determination regarding its Freedom of Information Request and access to certain DOE information.
7/30/97	Curry Contracting Co., Inc., College Park, Georgia.	VFA-0321	Appeal of an Information Request Denial. If Granted: The June 30, 1997 Freedom of Information Request Denial issued by the Oak Ridge Operations Office would be rescinded, and Curry Contracting Co., Inc. would receive access to (1) copies of OSHA Reports filed against the Department of Energy at the OSTI Building for the past three years; (2) copies of reports on Curry Contracting Co., Inc.; and (3) copies of Award Fee/Incentive Fee contracts for the past three years.
7/30/97	Vessels Gas Processing Co., Denver, Colorado.	VFX-0012	Supplemental Order. If Granted: The volumetric factor in the Vessels Gas Processing Co. Special refund proceeding will be changed from \$0.0185 to \$0.0261.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued
[Week of July 28 Through August 1, 1997]

Date	Name and location of applicant	Case No.	Type of Submission
7/31/97	Personnel Security Review	VSA-0132	Request for Review of Opinion under 10 C.F.R. part 710. If Granted: The June 10, 1997 Opinion of the Office of Hearings and Appeals, Case No. VSO-0132, would be reviewed at the request of an individual employed by the Department of Energy.
8/1/97	Burlin McKinney, Oliver Springs, Tennessee.	VFA-0322	Appeal of an Information Request Denial. If Granted: The July 23, 1997 Freedom of Information Request Denial issued by Oak Ridge Operations Office would be rescinded, and Burlin McKinney would receive access to certain DOE information.

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

pursuant to the FOIA. The documents pertained to the transportation of spent nuclear fuel from foreign sources across the northern part of Nevada. After reviewing the search that was conducted, the DOE determined that additional responsive documents may exist which were not provided to NIEC. Consequently, NIEC's Appeal was granted.

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of July 21 Through July 25, 1997

During the week of July 21 through July 25, 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>.

DECISION LIST NO. 43

Appeals

Barton J. Bernstein, 7/21/97, VFA-0117

Barton J. Berstein filed an Appeal from a denial by the Albuquerque Operations Office of a request for information that he filed under the Freedom of Information Act (FOIA). Because the withheld information was identified as classified under the Atomic Energy Act, the DOE withheld it under Exemption 3 of the FOIA. In considering the information that was withheld, the DOE determined on appeal that the majority of the information must continue to be withheld under Exemption 3. However, more precise redaction permitted the DOE to release a portion of the previously withheld material. Accordingly, the Appeal was granted in part.

Nevada Indian Environmental Coalition, 7/21/97, VFA-0303

The Nevada Indian Environmental Coalition (NIEC) filed an Appeal from a determination issued to it by the Director of the Office of the Executive Secretariat (Director) of the Department of Energy (DOE). In its Appeal, NIEC asserted that the Director failed to conduct an adequate search for documents, which were requested

Personnel Security Hearing

Personnel Security Hearing, 7/25/97, VSO-0138

A Hearing Officer recommended that access authorization be restored to an individual whose access was suspended when he entered a plea of no contest to a charge of having unlawful sexual intercourse with a minor. At the hearing, the individual brought forward testimony from a number of witnesses showing that he had not engaged in sexual intercourse with the underage complainant and had entered a plea of no contest to avoid the risks and burdens of a criminal trial.

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
Garuda Indonesia Airways	RA272-77	7/24/97
Gulf Oil Corporation/Cox Brothers et al	RF300-13404	7/24/97
Gulf Oil Corporation/Phillips Gulf Service	RF300-20137	7/22/97
Lembke Construction Co., Inc. et al	RK272-04477	7/25/97
Polish Ocean Lines et al	RG272-195	7/21/97
Robert Defilippis et al	RK272-2000	7/25/97
The Byerlite Company	RF272-97060	7/25/97
West Penn Power Company	RG272-633	7/22/97
Wion Sales and Service	RK272-040	7/24/97
Wion Sales and Service	RC272-00365

Dismissals

The following submissions were dismissed.