

[FR Doc. 97-2393 Filed 1-30-97; 8:45 am]  
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**Issuance of Decisions and Orders During the Week of November 25 Through November 29, 1996**

During the week of November 25 through November 29, 1996, 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, S.W., 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: January 22, 1997.  
 George B. Breznay,  
 Director, Office of Hearings and Appeals.

Decision List No. 9

Week of November 25 through November 29, 1996.

Appeals

*Ashok K. Kaushal, 11/26/96, VFA-0228*

DOE granted in part an Appeal of withholding of documents related to an investigation of the requester's

Averitt Express, Inc .....	RR272-263	11/27/96
International Mill Service, et al .....	RK272-01849	11/27/96
San Mateo Cnty Superintendent, et al .....	RF272-95418	11/25/96
United Truck Line .....	RR272-249	11/25/96

whistleblower complaint. DOE found that some of the records sought by the appellant were neither "agency records" within the meaning of the FOIA, nor subject to the release under the DOE regulations. Regarding other records, DOE remanded the request for processing under the Privacy Act.

*Douglas A. Holman, 11/27/96, VFA-0240*

DOE denied an Appeal of withholding of documents related to an investigation of the requester's role as a union steward conducted by his employer, a DOE contractor. DOE found that the records sought by the appellant were neither "agency records" within the meaning of the FOIA, nor subject to the FOIA under DOE regulations.

*Gary L. Graham, 11/27/96, VFA-0237*

Gary L. Graham Appealed a determination issued to him on October 4, 1996, by the Western Area Power Administration (WAPA) in response to a request for information he submitted under the Freedom of Information Act. WAPA had released some information Mr. Graham requested but stated that it could not find information responsive to a portion of his request. We determined that WAPA followed procedures which were reasonably calculated to uncover the information sought by Mr. Graham. Therefore, the Appeal was denied.

*Research Information Services, Inc., 11/27/96, VFA-0235*

The DOE granted a Freedom of Information Act Appeal filed by Research Information Services, Inc. (RIS). RIS challenged the adequacy of a search conducted by the DOE's Office of Arms Control and Nonproliferation (OACN). DOE found that the determination issued by OACN was inadequate. Accordingly, DOE

remanded the matter to OACN with instructions to correct the determination's deficiencies.

*Thomas Stampahar, 11/29/96, VFA-0239*

Thomas Stampahar filed an Appeal from a determination issued by the Nevada Operations Office in response to a Request for Information submitted under the Freedom of Information and Privacy Acts. In considering the Appeal, the DOE noted that as a general matter, a FOIA search should encompass all documents which would be subject to the Privacy Act. On review the DOE determined that the search in this case was adequate. It also found that any responsive records which might be held by Bechtel Nevada are contractually the property of Bechtel Nevada and are not subject to the FOIA under 10 C.F.R. § 1004.3(e). Accordingly, the Appeal was denied.

Refund Application

*Good Hope Refineries/Commonwealth Edison Co., 11/29/96, RF339-19*

Commonwealth Edison Company filed an Application for Refund in the Good Hope Refineries II Refund Proceeding. The DOE denied ConEd's application after finding that it had failed to establish that it was an indirect purchaser of Good Hope petroleum products.

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.

Dismissals

The following submissions were dismissed.

Name	Case No.
Ralph L. Coulon .....	RF272-92198
Personnel Security Hearing .....	VSO-0117

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