

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Cases Filed During the Week of December 1 Through December 5, 1997

Office of Hearings and Appeals

During the Week of December 1 through December 5, 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: February 2, 1998.

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

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of December 1 through December 5, 1997]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 3, 1997	James R. Hutton, Kingston, Tennessee.	VFA-0359	Appeal of an information request denial. If Granted: The November 13, 1997 Freedom of Information Request Denial would be rescinded and James R. Hutton would receive access to certain DOE Information.
Dec. 4, 1997	David Kouns, Denver, Colorado	VWA-0019	Request for Hearing under DOE Contractor Employee Protection Program. If Granted: A hearing under 10 C.F.R. Part 708 would be held on the complaint of David Kouns that reprisals were taken against him by management officials of Rocky Flats Field Office as a consequence of his having disclosed safety/health concerns.
	Ruth Towle Murphy, Knoxville, Tennessee.	VFA-0360	Appeal of an information request denial. If Granted: The Freedom of Information Request Denial issued by Oak Ridge Operations Office would be rescinded, and Ruth Towle Murphy would receive access to certain DOE information.
Dec. 5, 1997	Charles G. Frazier, Plainfield, Illinois.	VFA-0361	Appeal of an Information Request Denial. If Granted: The Freedom of Information Request Denial issued by the Chicago Operations Office would be rescinded, and Charles G. Frazier would receive access to certain DOE information.
	Jackie Hair Moldenhauer	VWA-0020	Request for Hearing under DOE Contractor Employee Protection Program. If Granted: A hearing under 10 C.F.R. Part 708 would be held on the complaint of Jackie Hair Moldenhauer that reprisals were taken against her by management officials of Lockheed Martin as a consequence of her having disclosed safety/health concerns.
	Personnel Security Hearing	VSO-0186	Request for Hearing under 10 C.F.R. Part 710. If Granted: An individual employed by a contractor of the Department of Energy would receive a hearing under 10 C.F.R. Part 710.
	Personnel Security Hearing	VSO-0187	Request for Hearing under 10 CFR Part 710. If Granted: An individual employed by the Department of Energy would receive a hearing under 10 C.F.R. Part 710.

[FR Doc. 98-3169 Filed 2-6-98; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of September 29 Through October 3, 1997

During the week of September 29 through October 3, 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. 53; Week of September 29 Through October 3, 1997

Appeals

Richard R. McNulty, 10/1/97, VFA-0331

The DOE's Office of Hearings and Appeals (OHA) issued a decision

granting in part a Freedom of Information Act (FOIA) Appeal filed by Richard R. McNulty. McNulty sought the release of information withheld by the Richland Operations Office (Richland). In its decision, OHA found that Richland's withholding was not sufficiently explained and justified in its determination letter. OHA also ordered Richland to obtain a document which a Richland employee claimed he had taken home and "lost." Accordingly, the Appeal was remanded to Richland for completion of an expanded search for the lost document, and the issuance of a new determination letter.

Wilburn T. Dunlap, 9/29/97, VFA-0330

Wilburn T. Dunlap filed an Appeal from a partial denial by the Department of Energy's Albuquerque Operations Office (DOE/AL) of a request for information that he submitted under the