

**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 If Granted: The November 13, 1997 Freedom of Information Request Denial would be rescinded and James R. Hutton would receive access to certain DOE Information.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 If Granted: The Freedom of Information Request Denial issued by Oak Ridge Operations Office would be rescinded, and Ruth Towle Murphy would receive access to certain DOE information.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 If Granted: The Freedom of Information Request Denial issued by the Chicago Operations Office would be rescinded, and Charles G. Frazier would receive access to certain DOE information.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

Freedom of Information Act. The Los Alamos National Laboratory was able to find some of the information requested. In considering the Appeal, the DOE found that DOE/AL had conducted an adequate search for responsive documents, and it accordingly denied the Appeal.

**Personnel Security Hearing**

*Personnel Security Hearing, 9/30/97, VSO-0153*

A Hearing Officer Opinion recommended that an individual be granted access authorization. The Opinion found that the individual had resolved his financial problems and was behaving responsibly. The Opinion also found that the individual's omission of certain information on a security

questionnaire did not involve an intent to deceive and that he could be entrusted with security matters.

**Supplemental Order**

*Crysen Corporation, 9/29/97, VFX-0013*

The Office of Hearings and Appeals found that the money contained in the subaccount funded by Crysen Corporation was subject to the provisions of the Stripper Well Settlement Agreement. Accordingly the OHA ordered the DOE's Office of the Controller to make available the Crysen funds for distribution in the following manner: 40 percent to the Federal government, 40 percent to the State governments, and 20 percent to crude oil claimants.

**Refund Application**

*State Escrow Distribution, 10/3/97, RF302-20*

The Office of Hearings and Appeals ordered the DOE's Office of the Controller to distribute \$23,500,000 to the State Governments. The use of the funds by the States is governed by the Stripper Well Settlement Agreement.

**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.

Crude Oil Supple Ref Dist .....	RB272-00118	9/29/97
Estate of Walter Satrom et al .....	RK272-1958	10/3/97
Harris Teeter Super Markets Inc .....	RC272-00372	10/1/97
Iowa State Achievement Fund et al .....	RK272-02293	10/1/97
Merlyn Schocker et al .....	RK272-4551	10/3/97
Nationwide Utilities/Inactive Corp, In .....	RF272-98663	10/2/97
Pillsbury Company .....	RR272-303	10/1/97
Puerto Rico Elec Power Auth .....	RF272-67318	10/3/97
Steuben County Farm Bureau .....	RR272-265	10/3/97

**Dismissals**

The following submissions were dismissed.

Name	Case No.
Canonie Construction .....	RF272-76844
Chamberlain Oil Co., Inc .....	VEE-0046
Continental Bondware .....	RF272-76961
Daisey Brothers, Inc .....	RF272-76848
Earl Smith, Inc .....	RF272-76952
Elbar, Inc .....	RF272-76451
Gina Karen Fishing, Inc .....	RF272-76713
M/V Jo Linda .....	RF272-76714
Montauk Caribbean Airways, Inc .....	RF272-76999
North Kitsap Gravel & Asphalt Co .....	RF272-76397
Pearman & Sons, Inc .....	RF272-76774
S & R Sanitation, Inc .....	RF272-76801
Sutherland Construction, Inc .....	RF272-76765
West Foods, Inc./Ventura Div .....	RF272-76793
Wilcox Drillers, Inc .....	RF272-98790
Williard Oil Company, Inc .....	VEE-0047

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**DEPARTMENT OF ENERGY**

**Office of Hearings and Appeals**

**Notice of Issuance of Decisions and Orders During the Week of November 24 Through November 28, 1997**

During the week of November 24 through November 28, 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>.