

Name	Case No.
Carl Buddig & Co .....	RF272-95207
Glendale Union HS Dist 205 .....	RF272-80846
Personnel Security Review .....	VSA-0214
S.A.D. #51 .....	RF272-80837

[FR Doc. 99-7068 Filed 3-22-99; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Notice of Issuance of Decisions and Orders by The Office of Hearings and Appeals; Week of November 9 Through November 13, 1998**

During the week of November 9 through November 13, 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: March 15, 1999.

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

**Decision List No. 111 Week of November 9 Through November 13, 1998**

*Appeals*

*Frank E. Isbill, 11/10/98, VFA-0450*

Frank E. Isbill (Isbill) filed an Appeal from a determination issued to him by the Oak Ridge Operations Office (OR) of the Department of Energy (DOE). In his Appeal, Isbill asserted that OR failed to conduct an adequate search for documents, requested pursuant to the FOIA, that pertained to various personnel records and complaints at the DOE's Office of Scientific and Technical Information (OSTI). After reviewing the search that was conducted for responsive documents, the DOE determined that OR had performed an adequate search. In reaching this determination, DOE also held that records held by two contractors at OSTI were not agency records subject to the

FOIA nor were they subject to the DOE's policy on contractor records. Consequently, Isbill's Appeal was denied.

*Ashok Kaushal, 11/13/98, VFA-0452*

DOE denied an appeal of a determination issued by the Albuquerque Operations Office (DOE/AL). OHA found that the search conducted by DOE/AL was reasonably calculated to uncover material responsive to the request.

*Tammi D. Mourfield Selvidge, et al., 11/12/98, VFA-0449*

Tammi D. Mourfield Selvidge, et al., filed an appeal from a denial by the Oak Ridge Operations Office of a request for information that it filed under the Freedom of Information Act (FOIA). The DOE upheld a determination by Oak Ridge that no documents existed that were responsive to the request for a list of 100 specified substances. The DOE referred the appeal of denial of access to classified information to the appropriate office in the Office of Security Affairs, to be addressed in Case No. VFA-0451. The DOE did not address the remaining issues raised in the appeal because Oak Ridge had not yet issued complete determinations regarding them. Accordingly, the appeal was denied in part and dismissed in part.

*Personnel Security Hearings*

*Personnel Security Hearing, 11/9/99, VSO-0219*

An OHA Hearing Officer issued an opinion concerning an individual whose access authorization was suspended because the DOE obtained derogatory information that the individual was alcohol dependent. At a hearing convened at the individual's request, the individual maintained that he was rehabilitated from alcohol dependence. A DOE consultant psychiatrist found that the individual was in full remission from his alcohol dependence and had shown adequate evidence of rehabilitation. Other witnesses corroborated that the individual had not used alcohol for more than one year and that he was committed to his rehabilitation program. Based on this evidence, the Hearing Officer found that the individual had

mitigated the DOE's concern regarding his alcohol dependence. Accordingly, the Hearing Officer recommended that the individual's access authorization be restored.

*Personnel Security Hearing, 11/13/98, VSO-0226*

An OHA Hearing Officer issued an Opinion regarding the eligibility of an individual to be granted access authorization under the provisions of 10 CFR Part 710. After considering the testimony presented at the hearing and the record, the Hearing Officer first found that the individual has a mental condition which causes or may cause a significant defect in his judgment or reliability. The Hearing Officer also found that the individual has been a user of alcohol habitually to excess and had been diagnosed by a board-certified psychiatrist as alcohol dependent. This finding was based on the DOE consultant psychiatrist's diagnosis of alcohol dependence and opinion that there was insufficient evidence of rehabilitation and reformation. The individual's Employment Assistance Program counselor agreed with the DOE consultant psychiatrist that the individual was alcohol dependent and not yet rehabilitated. Accordingly, the Hearing Officer recommended that the individual not be granted access authorization.

**Dismissals**

The following submissions were dismissed.

Name	Case No.
Apex Oil Co./Clark Oil Co./Albert Burzinski.	RF342-00328

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**DEPARTMENT OF ENERGY**

**Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of October 26 Through October 30, 1998**

During the week of October 26 through October 30, 1998, the decisions and orders summarized below were