

**DEPARTMENT OF ENERGY**

**Office of Hearings and Appeals**

**Notice of Issuance of Decisions and Orders; Week of June 16 Through June 20, 1997**

During the week of June 16 through June 20, 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: July 15, 1997.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

**Decision List No. 38**

*Appeals*

*Dennis J. McQuade, 6/17/97, VFA-0297*

Boyer Construction, et al .....	RK272-03686	6/19/97
Conrey Munson, et al .....	RK272-03201	6/17/97
Crude Oil Supple Ref Dist .....	RB272-00107	6/17/97
Crude Oil Supple Ref Dist .....	RB272-00112	6/19/97
Crude Oil Supple Ref Dist .....	RB272-00113	6/19/97
Devine & Son Trucking Co., et al .....	RK272-01519	6/18/97
Duffy Storage & Moving .....	RG272-87	6/17/97
Essex Specialty Products .....	RG272-97	6/18/97
Fraiman Realty .....	RF272-67278	6/18/97
Frank B. Hall & Co., Inc./AON SVC Corp .....	RK272-04387	6/18/97
Morgan Cnty Svc Co .....	RG272-166	6/17/97
Scott Farm Services Inc .....	RG272-171	
Mount Carmel Public Utility Co .....	RF272-77400	6/19/97
Rockwell Drilling Co .....	RJ272-00044	6/20/97
Veterans Admin Medical Cntr .....	RF272-89296	6/17/97

**Dismissals**

The following submissions were dismissed.

Name	Case No.
Fairmount Chemical Co .....	RG272-00530

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The DOE denied an appeal of a determination issued by the Oak Ridge Operations Office denying a request for information filed under the Freedom of Information Act. OHA found that the search conducted by the Operations Office was reasonably calculated to uncover material responsive to the request.

*James D. Hunsberger, 6/18/97 VFA-0267*

James D. Hunsberger filed an Appeal from a denial by the Nevada Operations Office of a request for information that he filed under the Freedom of Information Act. In considering his arguments that Nevada did not undertake an adequate search for all responsive records, the DOE determined that Nevada's search was reasonable and proper. Accordingly, the Appeal was denied.

*Los Alamos Study Group, 6/19/97 VFA-0298*

Los Alamos Study Group (Appellant) filed an Appeal of a Determination issued to it by the Albuquerque Operations Office (AOO) in response to a request under the Freedom of Information Act (FOIA). In the request, the Appellant asked for Conceptual Design Plans (CDPs) for various projects, including the Los Alamos Neutron Science Center (LANSC). In its Determination, AOO found that a CDP did not exist for the LANSC. On appeal, the Appellant requested all documents that were the equivalent of a CDP for the LANSC. The DOE found that this request on Appeal was outside the

scope of the Appellant's initial FOIA request and accordingly denied the Appeal.

*Personnel Security Hearing*

*Personnel Security Hearing, 6/17/97 VSO-0129*

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 a user of alcohol habitually to excess and was diagnosed by a board-certified psychiatrist as alcohol dependent. At a hearing convened at the individual's request, the individual maintained that he was not alcohol dependent. The Hearing Officer found that the individual did not support this position, and that he failed to present sufficient evidence of rehabilitation. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

**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.