In Defense of Animals, 10/21/94, LFA-0424

In Defense of Animals (IDA) filed an Appeal from determinations by the DOE's Freedom of Information (FOI) and Privacy Acts Branch and the Nevada Operations Office. In the determinations, these DOE offices stated that no documents could be found that were responsive to the Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the search for responsive documents was inadequate, and the Request was remanded to the FOI and Privacy Acts Branch for a further search. The DOE's Decision was based on the fact that DOE documents pertaining to IDA's request were mentioned in various publications. Martha L. Powers, 10/17/94, LFA-0411

Martha L. Powers filed an Appeal from a determination issued to her by the DOE's Nevada Operations Office (Nevada Operations) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that, with the information available to it, Nevada Operations conducted an adequate search for documents relating to George Egish, a civilian employee of the Army who may have photographed atmospheric atomic explosion tests during the 1940's and 1950's. After consulting with Mrs. Powers, Nevada Operations and various DOE offices, the DOE determined that the agency may be able to identify some responsive documents if she were to submit a new request with additional identifying information. Nevada Operations personnel indicated their willingness to work with Mrs. Powers to refine any new search request she might make. Accordingly, the Appeal was denied.

Painters District Council No. 55, 10/18/ 94, LFA-0422

Painters District Council No. 55 (PDC) filed an Appeal from a determination issued by the DOE's Bonneville Power Administration (BPA), which determination denied in part a Request for Information PDC submitted under the Freedom of Information Act (FOIA). PDC requested documents relating to BPA's procurement of a painting services contract, including all proposals, the final contract and documents generated by BPA in the course of the procurement process. BPA released redacted copies of the final contract, a document entitled "Document of Award Decision" (Decision), and the proposals (Proposals). However, BPA withheld the

"Best Buy Analysis" and the Analysis of Offers and portions of the Contract, Proposals and Decision pursuant to FOIA Exemptions 4 and 5. In its Appeal, PDC argued that BPA had improperly withheld that material and had failed to provide additional responsive documents. In considering the Appeal, the DOE determined that the unit prices and individual components of unit prices were properly withheld under Exemption 4. However, the DOE found that other portions of the Best Buy Analysis and the Proposals were improperly withheld under Exemption 4. Additionally, the DOE found that portions of the Decision and the Analysis of Offers were improperly withheld pursuant to Exemption 5. The DOE also found that BPA had made an adequate search in response to PDC's FOIA request. Consequently, the DOE granted the Appeal in part and remanded the matter to BPA for further action.

U.A. Plumbers and Pipefitters Local 36, 10/17/94, LFA-0421

U.A. Plumbers and Pipefitters Local 36 (Local 36) filed an Appeal from a determination issued to it on September 16, 1994, by the DOE's Idaho Operations Office. In that determination, the Authorizing Official denied a request for a waiver of fees in connection with a request filed by Local 36 under the Freedom of Information Act (FOIA), 5 U.S.C. 552, as implemented by the DOE in 10 CFR Part 1004. The Authorizing Official advised Local 36 that the cost of processing its request would be approximately \$156,255. In its Appeal, Local 36 asked that the Office of Hearings and Appeals (OHA) reverse the initial determination, and grant it a fee waiver. In considering the Appeal, the OHA found that although disclosure of the requested information was in the commercial interest of Local 36, a partial reduction of fees was appropriate because the requested information will primarily benefit the general public. The OHA determined that it would be appropriate to reduce the charges assessed Local 36 by 75 percent. Therefore, the Appeal was granted in part.

## **Requests for Exception**

Brindley Oil Co., 10/21/94, LEE-0123

Brindley Oil Company (Brindley) filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA–782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that the firm was suffering a gross inequity and a serious hardship. The

DOE issued a final Decision and Order determining that the exception request should be granted.

Carter Oil Company, 10/19/94, LEE-0100

Carter Oil Company (Carter) filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA–782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." The DOE determined that Carter did not meet the standards for exception relief because it was not experiencing a serious hardship or gross inequity as a result of the reporting requirements. Accordingly, exception relief was denied.

Chambers Oil Company, 10/17/94, LEE-0116

Chambers Oil Company (Chambers) filed an Application for Exception from the provisions of the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA–782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." The DOE determined that Chambers did not meet the standards for exception relief because it was not experiencing a serious hardship or gross inequity as a result of the reporting requirements. Accordingly, exception relief was denied.

Ewing Oil Company, 10/17/94, LEE-0084

Ewing Oil Company filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA–782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering Ewing's request, the DOE found that the firm, which the EIA characterized as a "certainty firm" because of its significant market share, was not experiencing a serious hardship or a gross inequity. Accordingly, exception relief was denied.

Petroleum Products, Inc., 10/17/94, LEE-0087

Petroleum Products, Inc., filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA–782B, the "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering this request, the DOE found that the firm was not suffering a gross inequity or serious hardship, and denied Petroleum Product's Application for Exception.

Texpar Energy, Inc., 10/18/94, LEE-0119