

The DOE issued a Decision and Order in the Texaco Inc. special refund proceeding concerning California Target Enterprises, Inc. (Target). Target operated 113 retail outlets during the refund period and purchased Texaco products both directly and indirectly. Target indirectly purchased Texaco products from Cook & Cooley, Inc. (C&C), and other suppliers. Because C&C had made a partially successful injury showing, Target was only eligible for a refund for its C&C purchases based on 42 percent of its regular gasoline purchases from that supplier, and was

not eligible for a refund based on purchases of any other types of petroleum products from that supplier. Further, Target submitted estimates of its gallonage during the refund period. The DOE rejected Target's estimates for the early portion of the refund period, since the DOE discovered Texaco volume records for that time period. As for the latter portion of the refund period, the DOE rejected Target's estimate, which used figures from all of 1981, in favor of an estimate that relied primarily on the volume for January 1981, the only month of that year in

which price and allocation controls were in effect. Thus, the DOE granted Target a refund of \$77,040, including interest.

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.

Atlantic Richfield Company/Friendly Oil Co. et al	RF304-14244	03/22/96
Atlantic Richfield Company/Robert S. Long	RF304-15051	03/22/96
Avco Construction, Inc	RK272-03272	03/18/96
B & O Railroad	RC272-0330	03/22/96
C & O Railroad	RC272-0331	
Gulf Oil Corporation/Ingram's Trucking Co. et al	RF300-15286	03/22/96
Gulf Oil Corporation/Melvin Fordham Store	RF300-13009	03/18/96
Gulf Oil Corporation/Rice's Grocery & Gulf Service	RR300-00274	03/22/96
J.J. Clement et al	RK272-2478	03/19/96
Rosalie Schlemmer et al	RK272-00835	03/18/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Del Grego's Arco	RF304-15342
Farmers Union Co-op Association	RF272-85391
Georgina Jacobs	VFA-0126
Pittsburgh Naval Reactors Office	VSO-0080
Shultz Arco	RF304-15401
Tonka Products	RF272-78126

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Notice of Issuance of Decisions and Orders From the Week of July 22 Through July 26, 1996

During the week of July 22 through July 26, 1996, the decision and order summarized below was issued with respect to an appeal 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, S.W., 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: September 10, 1996.
George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 982

Appeal

Richard Joslin, 7/22/96, VFA-0183
The OHA remanded on appeal a request to the Bonneville Power Administration (BPA) for information

concerning an investigation of allegedly improper acts by an official at BPA. BPA had withheld a responsive document in its entirety pursuant to Exemption 5 of the Freedom of Information Act. The OHA found that BPA had failed to consider whether the withheld document contained releasable material that could be reasonably segregated, and had failed to apply a foreseeable harm test to the withheld material.

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.

Atlantic Richfield Company/Bippus Oil Co. et al	RF304-13423	07/26/96
Carolina Dairies Corp. et al	RF272-97820	07/23/96
Clark Oil & Refining Corp./Rasmussen Fuel Company, Inc	RF342-203	07/22/96
Enron Corp./Barnard Oil Company, Inc	RF340-42	07/23/96
Engel, Inc	RF340-48	
Farmers Supply Cooperative et al	RF272-97887	07/24/96

Gulf Oil Corporation/Aluminum Co. of America	RF300-16770	07/23/96
Gulf Oil Corporation/Carl Hatton Butane Co	RF300-18514	07/26/96
Carl Hatton Butane Co	RF300-18792	
Gulf Oil Corporation/Jackson & Michael Gulf Service	RR300-00286	07/24/96
Gulf Oil Corporation/Rowan Street Gulf	RF300-13247	07/23/96
Hall County BD of Commissioners	RF300-20415	
Village of Baldwinsville	RF300-21671	
Town of Henrietta et al	RF272-95734	07/26/96
Whiteside FS, Inc. et al	RG272-200	07/22/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Albuquerque Operations Office	VSA-0077
Caran Properties	RF272-97018
Caran Properties	RF272-97012
Caran Properties	RF272-97013
Caran Properties	RF272-97014
Caran Properties	RF272-97015
Caran Properties	RF272-97016
Caran Properties	RF272-97017
Ebon Research Systems	VFA-0191
Ellsworth-Williams	RG272-22
Farmers Union Coop Assn	RG272-333
United Truck & Bus Service Co	RF272-95145
Wheeling-Pittsburgh Steel Corp	RF272-77654

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Notice of Issuance of Decisions and Orders From the Week of May 6 Through May 10, 1996

During the week of May 6 through May 10, 1996, 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, S.W., 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: September 10, 1996.

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

Decision List No. 971—Week of May 6 Through May 10, 1996

Appeal

William H. Payne, 5/6/96, VFA-0148

William H. Payne (Appellant) filed an Appeal of a Determination issued to him by the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA) and the Privacy Act. In its Determination, the Office of Contractor Employee Protection (OCEP) redacted a DOE employee's name from one document and withheld another document entirely, including its author's name, under Exemption 6 of the FOIA. The OHA first determined that OCEP correctly handled the case exclusively under the FOIA, since the documents at issue were never in a Privacy Act "system of records." The OHA then

concluded that Exemption 6 did not protect the material withheld by OCEP. The material was not the type of personal information usually protected by Exemption 6, nor would release of the material subject anyone to the type of harm with which Exemption 6 is concerned. Accordingly, the DOE granted the Appeal and remanded the matter to OCEP for further action.

Request For Exception

O'BRIEN OIL COMPANY, 5/7/96 LEE-0013, LEE-0138

O'Brien Oil Company filed two Applications for Exception from the requirement that it file Form EIA-782B, the "Reseller/Retailer's Monthly Petroleum Product Sales Report." The DOE found that the firm was not affected by the reporting requirement in a manner different from other similar firms, and consequently was not experiencing a special hardship, inequity, or unfair distribution of burdens. Accordingly, the firm's Applications for Exception were denied.

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.

Carl R. Bieber, Inc	RF272-97805	05/06/96
Crude Oil Supple Ref Dist	RB272-00073	05/06/96
Crude Oil Supple Ref Dist	RB272-00071	05/06/96