

received a refund for its direct purchases of Texaco products, R.A. Reiff Fuels, Inc.'s refund attributable to the common owner was reduced by 75 percent so that he would not receive two refunds for the same gallons of

product. The total of the refunds granted to the applicants was \$12,005 (\$8,288 principal and \$3,717 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.

Name	Case No.	Date
Atlantic Richfield Company/R.D.P. Corporation et al	RF304-14596	02/23/95
City of Columbus et al	RF272-83003	02/22/95
Deer Trail Truckline	RC272-277	02/23/95
Deer Trail Truckline	RR272-187	
Muckleroy Cattle Co. et al	RF272-91900	02/21/95
Prins Rental et al	RF272-90188	02/22/95
Texaco Inc./Air Comfort, Inc	RF321-21058	02/21/95
Texaco Inc./Allen Texaco et al	RF321-9086	02/22/95
Texaco Inc./Pritchard's Texaco et al	RF321-17144	02/21/95
Texaco Inc./Silva's Texaco et al	RF321-20818	02/22/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Arizona Chemical	RF321-20821
Schadow Texaco	RF321-12996

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, 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.

Dated: April 21, 1995.

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

Issuance of Decisions and Orders; Week of March 20 through March 24, 1995

During the week of March 20 through March 24, 1995 the decisions and orders summarized below were issued with respect to appeals and applications for other relief 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.

Appeals

National Security Archive, 3/24/95, LFA-0297

National Security Archive filed an Appeal from a denial by the Department of Defense of a request for information that it filed under the Freedom of Information Act (FOIA). The information had been withheld by the predecessor to the DOE's Office of Declassification as classified material under Exemptions 1 and 3 of the FOIA. After considering the matter, the DOE determined that all of previously withheld material could now be released. Accordingly, the Appeal was granted.

Richard J. Levernier, 3/21/95, VFA-0025

Richard J. Levernier filed an Appeal from a determination issued by the Manager of the Department of Energy's Rocky Flats Office (DOE/RF), in response to a request for information under the Freedom of Information Act (FOIA). Levernier sought records of telephone conversations between himself and personnel of Wackenhut Services, Inc., a DOE contractor. In his Appeal, Levernier challenged the adequacy of DOE/RF's search for records. In considering the Appeal, the DOE found that, because the DOE/RF FOIA Officer consulted each of the offices at DOE/RF that were likely to possess the records, including the offices that Levernier stated had reviewed the documents, her search was reasonably calculated to uncover the records sought by the Appellant. Accordingly, the Appeal was denied.

Robert L. Hale, 3/20/95, VFA-0026

The Department of Energy issued a Decision and Order denying a Freedom of Information Act Appeal filed by Robert L. Hale. In his Appeal, Mr. Hale contested the adequacy of the search for

responsive documents performed by the DOE's Oak Ridge Operations Office. After conducting its own inquiry into the scope of the search, the DOE concluded that the search was adequate. Mr. Hale's Appeal was therefore denied.

Personnel Security Hearings

Albuquerque Operations Office, 3/22/95, VSO-0011

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain a level "Q" access authorization under the provisions of 10 CFR part 710. The individual was alleged to have an illness or mental condition of a nature that in the opinion of a board-certified psychiatrist causes, or may cause, a significant defect in her judgment or reliability. On February 15, 1995, an evidentiary hearing was conducted in which a DOE-sponsored psychiatrist and the individual's psychiatrist testified, along with other relevant witnesses. After carefully examining the record of the proceeding, the Hearing Officer determined that although the individual suffers from recurrent major depression, her psychiatric profile, type of depression, work record and efforts at rehabilitation indicate to him that she is not a risk to national security. Accordingly, the Hearing Officer found that the individual's access authorization should be reinstated.

Albuquerque Operations Office, 3/23/95, VSO-0013

An OHA Hearing Officer issued an opinion concerning the access authorization of an individual whose security clearance was suspended because he tested positive for marijuana use and also because he lied on a DOE form, stating that he had not used illegal drugs. The Hearing Officer found that the individual was rehabilitated from

his drug use, but had not shown rehabilitation from the falsification. Accordingly, the Hearing Officer determined that the individual's clearance should not be restored.

Refund Application

Gulf Oil Corporation/Hilltop Auto Laundry, 3/23/95, RF300-15647

Hilltop Auto Laundry filed an Application for Refund in the Gulf Oil Corporation (Gulf) special refund proceeding. Hilltop requested an above-

volumetric refund based on Gulf's alleged breach of 1972 franchise and supply agreements. The conduct cited by Hilltop was Gulf's termination of the franchise arrangement, Gulf's use of a substitute supplier, and Hilltop's receipt of less product than provided for under the 1972 contract. In considering Hilltop's Application, the DOE noted that refunds are granted based on alleged or actual regulatory violations, not alleged breaches of contractual agreements. The DOE determined that

Hilltop had not demonstrated that the conduct in question violated the regulations. Accordingly, the Application was 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.

Name	Case No.	Date
Skilo Mfg. Inc.	RC272-285	03/22/95
Texaco Inc./Dave & Jack's Texaco Service, Inc.	RF321-20885	03/22/95
Millcrest Texaco	RF321-20914.	
White's Texaco	RF321-20931.	
Texaco Inc./Lake Street Texaco et al	RF321-572	03/24/95
Texaco Inc./Six Points Texaco	RF321-15920	03/22/95
Southside Texaco	RR321-159.	
Texaco Inc./Spiros Karamalegos et al	RF321-7550	03/24/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Agipcoal USA, Inc.	RF272-95020
Airport Limousine Service, Inc.	RF272-91666
American Western Corporation.	RF272-67861
Benzie County	RF272-86933
Clipper's Texaco	RF321-18913
Felix M. Rivera Rivera	RF315-9352
Gibson Texaco	RF321-18974
Hardy Gulf	RF300-21714
John Morrell & Co.	RF272-96573
Luis B. Cruz	RF315-9337
McConnell Texaco	RF321-10849
Nevada Operations Office .	VSO-0022
Rafael Torres Diaz	RF315-9342
Stanley Cain	RF321-8985
Villa Prade Auto Service ...	RF315-9347

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, 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.

Dated: April 21, 1995.

George B. Breznay,
 Director, Office of Hearings and Appeals.
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Issuance of Decisions and Orders During the Week of February 13 through February 17, 1995

During the week of February 13 through February 17, 1995, the decisions and orders summarized below were issued with respect to appeals and applications for other relief 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.

Appeal

Southwest Resource Development, 2/15/95, VFA-0020

Southwest Resource Development (Southwest) filed an Appeal from a partial denial by the DOE's Office of Inspector General (IG) of a Request for Information which Southwest had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that IG properly applied Exemptions 6 and 7(C) to the information requested by Southwest. The DOE found that the information requested by Southwest might identify individuals in an IG investigation by indicating certain functions performed by them. Since the interest in the identity of the individuals did not outweigh the individuals' privacy interest, the release of identifying information would constitute an unwarranted invasion of privacy. Accordingly, the Appeal was denied.

Refund Applications

Defense Logistics Agency, 2/14/95, RF272-11

The DOE issued a Decision and Order concerning an Application for Refund filed in the Subpart V Crude Oil refund proceeding by Defense Logistics Agency (DLA), a purchasing organ for the federal government. In granting the DLA refund claim, the DOE rejected challenges to the agency's right to receive a refund in the proceeding and DLA's claimed status as a product end-user. The DOE noted that agencies of the federal government are not precluded from participation in the Crude Oil refund proceeding, and that DLA was properly classified as an end-user since its purchase of refined petroleum product ended the commercial marketing of the product which was consumed by entities of the federal government. DLA was therefore granted a refund of \$34,161,149.

Holston Defense Corp., 2/13/95, RF272-91995

The DOE issued a Decision and Order denying Holston Defense Corporation's application for refund in the crude oil special refund proceeding. The applicant purchased petroleum products for work done under contract with the U.S. Department of Defense. Since the Department of Defense reimbursed Holston for all petroleum purchases, it was ineligible to receive a refund in this proceeding. Therefore, the Application for Refund was denied.