

dismissed Richards' Application for Refund because the firm had not responded to a request to submit a copy of the application with the owner's original signature. Soon after the application was dismissed, DOE received a copy of the application with the original signature of the owner's

widow, who is also the administrator of the owner's estate. Since Richards responded to DOE's request as quickly as it was able to, DOE granted the Motion for Reconsideration.

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.

Crude Oil Supply Ref	RB272-00096	1/10/97
Darke Landmark, Inc., et al	RG272-8	1/7/97
Dinner Bell Foods, Inc./John Morrell &	RK272-03953	1/7/97
Gulf Oil Corporation/Mclarty Leasing & Trans Co	RF300-19992	1/7/97
Randall Farms, Inc	RK272-04037	1/7/97
Sullivan Trucking/Peak Transportation	RK272-03969	1/7/97
Tampa Shipyards, Inc. Tampa Shipbuild	RK272-03820	1/7/97
Taylorville Transit, Inc./Vandalia Bus	RK272-03962	1/7/97
Wetz Transportation	RC272-358	1/7/97

Dismissals

The following submissions were dismissed.

Name	Case No.
A-1 Tool Service	RG272-862
Daniel J. Bruno	VFA-0252
Emulsion Products	RF272-67919
Gardner Industries	RF272-67920
Gatx Logistics, Inc	RG272-935
Heico Chemicals, Inc	RG272-883
J.B. Tractor & Truck	RG272-863
Jerry Haskin Trucking, Inc	RG272-865
Marlene Flor	VFA-0249
Meredith Corporation	RF355-21
Van Dusen Airport Services	RF300-19920

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Notice of Issuance of Decisions and Orders During the Week of December 30, 1996, Through January 3, 1997

During the week of December 30, 1996, through January 3, 1997, the decision and order listed below was issued with respect to an application for refund filed with the Office of Hearings and Appeals of the Department of Energy. This notice 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: January 23, 1997.

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

Decision List No. 14

Week of December 30, 1996, through January 3, 1997.

Refund Application

The Office of Hearings and Appeals issued the following Decision and Order concerning a refund application, which is not summarized. A copy of the full text of the Decision and Order is available in the Public Reference Room of the Office of Hearings and Appeals.

County of Forsyth	RC272-361 1/2/97
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Dismissals

The following submissions were dismissed.

Name	Case No.
Gretchen Lee Coles	VFA-0231
Kavanaugh Products, Inc	RK272-3335
Westwood Shipping Lines	RG272-493
Weherhaeuser Co.	RG272-494

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Issuance of Decisions and Orders During the Week of November 25 Through November 29, 1996

During the week of November 25 through November 29, 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: January 22, 1997.

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

Decision List No. 9

Week of November 25 through
November 29, 1996.

Appeals

Ashok K. Kaushal, 11/26/96, VFA-0228

DOE granted in part an Appeal of withholding of documents related to an investigation of the requester's

whistleblower complaint. DOE found that some of the records sought by the appellant were neither "agency records" within the meaning of the FOIA, nor subject to the release under the DOE regulations. Regarding other records, DOE remanded the request for processing under the Privacy Act.

Douglas A. Holman, 11/27/96, VFA-0240

DOE denied an Appeal of withholding of documents related to an investigation of the requester's role as a union steward conducted by his employer, a DOE contractor. DOE found that the records sought by the appellant were neither "agency records" within the meaning of the FOIA, nor subject to the FOIA under DOE regulations.

Gary L. Graham, 11/27/96, VFA-0237

Gary L. Graham Appealed a determination issued to him on October 4, 1996, by the Western Area Power Administration (WAPA) in response to a request for information he submitted under the Freedom of Information Act. WAPA had released some information Mr. Graham requested but stated that it could not find information responsive to a portion of his request. We determined that WAPA followed procedures which were reasonably calculated to uncover the information sought by Mr. Graham. Therefore, the Appeal was denied.

Research Information Services, Inc., 11/27/96, VFA-0235

The DOE granted a Freedom of Information Act Appeal filed by Research Information Services, Inc. (RIS). RIS challenged the adequacy of a search conducted by the DOE's Office of Arms Control and Nonproliferation (OACN). DOE found that the determination issued by OACN was inadequate. Accordingly, DOE

remanded the matter to OACN with instructions to correct the determination's deficiencies.

Thomas Stampahar, 11/29/96, VFA-0239

Thomas Stampahar filed an Appeal from a determination issued by the Nevada Operations Office in response to a Request for Information submitted under the Freedom of Information and Privacy Acts. In considering the Appeal, the DOE noted that as a general matter, a FOIA search should encompass all documents which would be subject to the Privacy Act. On review the DOE determined that the search in this case was adequate. It also found that any responsive records which might be held by Bechtel Nevada are contractually the property of Bechtel Nevada and are not subject to the FOIA under 10 C.F.R. § 1004.3(e). Accordingly, the Appeal was denied.

Refund Application

Good Hope Refineries/Commonwealth Edison Co., 11/29/96, RF339-19

Commonwealth Edison Company filed an Application for Refund in the Good Hope Refineries II Refund Proceeding. The DOE denied ConEd's application after finding that it had failed to establish that it was an indirect purchaser of Good Hope petroleum products.

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.

Averitt Express, Inc	RR272-263	11/27/96
International Mill Service, et al	RR272-01849	11/27/96
San Mateo Cnty Superintendent, et al	RF272-95418	11/25/96
United Truck Line	RR272-249	11/25/96

Dismissals

The following submissions were dismissed.

Name	Case No.
Ralph L. Coulon	RF272-92198
Personnel Security Hearing	VSO-0117

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