

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/Carl's Arco	RF304-15464 ...	01/23/95
Atlantic Richfield Company/North Market Arco et al	RF304-13214 ...	01/23/95
Cedar Fair, L.P.	RF272-93563 ...	01/23/95
City of Broken Bow et al	RF272-84910 ...	01/27/95
Davis County Schools et al	RF272-86678 ...	01/25/95
Glendenning Motorways, Inc	RF272-89025 ...	01/23/95
Wag Enterprises, Inc	RF272-89026
Hawaiian Airlines, Inc	RF272-98767 ...	01/25/95
Eastern Air Lines, Inc	RF272-98778
Prairie Transportation, Inc	RF272-95099 ...	01/27/95
Star Truck Rental Inc	RF272-93462 ...	01/25/95
Stoops Express	RF272-82514 ...	01/25/95
Monkem Co., Inc.	RF272-82515
Texaco Inc./Atkins' 7-day Market	RF321-18684 ...	01/25/95
Stop & Shop	RF321-18685
Texaco Inc./Joe Dvornich Texaco et al	RF321-20243 ...	01/27/95
Texaco Inc./Skyline Texaco et al	RF321-20646 ...	01/27/95
Warner & Smith Motor Freight, Inc	RF272-89454 ...	01/27/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Alpha Beta Company	RF321-20365
American Western Corp	RF321-20363
Austin Bridge & Road, Inc	RF272-93567
Braswell Sand & Gravel Co., Inc	RF272-95002
Brooks Lumber Company	RF272-94277
Hamakua Sugar Company, Inc	RF321-20362
Kalama Chemical, Inc	RF272-90203
Purity Dairies, Inc	RF272-97254
Singer Sewing Company	RF321-20360
Stephens Contracting	RF272-95318
TFCO, Inc	RF304-14616
Tiger Oil Co	RF321-20500

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 27, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

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Notice of Issuance of Decisions and Orders; Week of March 13 Through March 17, 1995

During the week of March 13 through March 17, 1995, the decisions and orders summarized below were issued with respect to appeals and applications for exception or 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

Casey O. Ruud, 3/16/95, VFA-0027

Casey O. Ruud filed an Appeal from a partial denial by the Richland Operations Office of a Request for Information which he had submitted under the Freedom of Information Act. The Richland Operations Office had released copies of two letters that were requested, but had withheld the identity of the writer. In considering the Appeal, the DOE found that the writer's name and address were properly withheld under Exemption 6 of the FOIA.

Robert S. Foote, 3/16/95, VFA-0024

Robert S. Foote filed an Appeal from a determination issued to him on January 18, 1995 by the Acting Associate Director for Health and Environmental Research (OHER) in the Office of Energy Research of the

Department of Energy (DOE). In that determination, the OHER denied in part a request for information filed by Mr. Foote on July 26, 1994, under the Freedom of Information Act (FOIA). The OHER released certain items requested by Mr. Foote. However, it withheld other items either in their entirety or in part pursuant to 5 U.S.C. § 552(b)(5) (Exemption 5). In his Appeal, Mr. Foote challenged the OHER's application of Exemption 5 to the requested information and requested that the DOE direct the OHER to release the withheld information. In considering the Appeal, the Office of Hearings and Appeals found that although in the past it has analyzed this kind of information under the deliberative process privilege of Exemption 5, it is more appropriate to apply FOIA Exemption 6 to the withheld information. The Office of Hearings and Appeals remanded this Appeal to the OHER to either release the withheld information or prepare a new determination that explains in detail the reasons which justify withholding the information under Exemption 6.