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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of October 12 Through October 16, 1998

During the week of October 12 through October 16, 1998, 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, 950 L'Enfant Plaza, SW., Washington, D.C. 20585-0107, Monday through Friday, 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: November 12, 1998.

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

Decision List No. 107—Week of October 12 Through October 16, 1998

Refund Applications

Apex Oil/Clark Oil Co./Kickapoo Oil Co., Inc., 10/13/98, RF342-284

The DOE denied a refund application filed in the Apex/Clark special refund proceeding. The OHA found that applicant is precluded by the doctrine of *res judicata* from relitigating its claims in Apex/Clark proceeding.

Atlantic Richfield Company/Saturn Petroleum Company, 10/13/98, RF304-15516

A refund that was granted to Saturn Petroleum Company in the ARCO refund proceeding was rescinded. The original refund had been based upon the firm's claim to have purchased about 300,000 gallons of ARCO products per month at each of four retail outlets between 1973 and 1976. However, a

review of information that the firm had submitted in the Texaco refund proceeding indicated that these outlets had not purchased ARCO products for most of the time period the firm had claimed and the monthly volume of ARCO purchases had been much lower. The firm failed to respond to an Order to Show Cause why the refund should not be rescinded in full. Accordingly, the firm was ordered to repay the refund together with interest.

State Escrow Distribution, 10/14/98, RF302-21

The Office of Hearings and Appeals ordered the DOE's Office of the Controller to distribute \$24,150,000 to the State Governments. The use of the funds by the States is governed by the Stripper Well Settlement Agreement.

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 Co./Mike's Fuel Oil Co., et al	RF304-14663	10/15/98
Bureau Valley Comm. Dist. #340	RK272-01819	10/14/98
Crude Oil Supplemental Refunds	RB272-00145	10/14/98
Harrison County Road Dept., et al	RF272-94137	10/14/98
Lincoln County	RK272-03576	10/14/98
Santa Cruz County Off. Eductn	RF272-96310	10/14/98
Larry R. or Debra F. Garner	RF272-96328
St. Mary of Mt. Carmel Church, et al	RF272-98909	10/15/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Personnel Security Hearing	VSO-0234
Redway Carriers, Inc	RK272-04832

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DEPARTMENT OF ENERGY

Notice of Issuance of Decisions and Orders During the Week of August 10 Through August 14, 1998

Office of Hearings and Appeals

During the week of August 10 through August 14, 1998, 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.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C. 20585-0107, Monday through Friday, 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: November 12, 1998.

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

Decision List No. 98
Week of August 10 Through August 14, 1998

Appeals

Arnold Kramish, 8/11/98, VFA-0426

Arnold Kramish appealed a determination of FOIA/Privacy Act Division of the Office of the Executive Secretariat. He had requested copies of all personnel records the DOE possesses