factors present in the case which can overcome the security concerns raised by the Department of Energy. Accordingly, the Hearing Officer found that the individual's access authorization, which had been suspended, should not be restored.

## **Refund Applications**

Hunt-Wesson, Inc., Hunt-Wesson, Inc., Waterloo Industries, Aristokraft, Inc., Playtex Products, 12/23/94, RF272–73865, RD272–73865, RF272–97916, RF272–97941, RF272–98638

The DOE issued a Decision and Order concerning Application for Refund submitted in the Subpart V crude oil refund proceeding by four former affiliates of Beatrice Co., Inc. Hunt-Wesson, Inc., Waterloo Industries, Aristokraft, Inc., and Playtex Products. The four applicants were found to have been affiliated with Arrowhead Drinking Water Company (Arrowhead) on August 7, 1986. Arrowhead had filed in the Surface Transporters Stripper Well proceeding. In doing so, Arrowhead had executed a waiver and release waiving its rights and the rights of its affiliates on August 7, 1986, to receive crude oil overcharge refunds. Accordingly, the DOE denied these four Applications for Refund. Because the DOE denied these Applications, the DOE also dismissed as moot a Motion for Discovery filed by a consortium of States and two Territories to Hunt-Wesson, Inc.'s Application for Refund.

## Texaco Inc./Carlton Hills Texaco, Harry's Texaco, 12/23/94, RF321– 20424, RF321–21044

Dale Fuller filed an Application for Refund in the Texaco, Inc. special refund proceeding on behalf of a retail outlet located on Carlton Hills Boulevard in Santee, California. Mr. Fuller's claimed dates of ownership conflicted with the dates claimed by Harry Orsulak, in Case No. RF321-18438, redesignated Case No. RF321-21044, and another applicant Mitchel Carter, in Case No. RF321-9802, both of whom had previously received refunds for purchases made by that outlet. The OHA determined that Mr. Orsulak was not entitled to the refund which he received for purchases made by the Carlton Hills outlet beginning in March 1973. In addition, the OHA determined that Mr. Fuller was eligible for a refund for the purchases made from March 1973 through November 1976, when Mr. Carter assured operation of the outlet. The OHA issued a Supplemental Decision and Order, granting Mr. Fuller's Application for Refund for the period March 1973 through November 1976, and instructing Mr. Orsulak to repay his refund.

## Texaco Inc./Guttman Oil Company, 12/ 20/94, RF321–17026

Guttman Oil Company (Guttman) filed an Application for Refund in the Texaco Inc. special refund proceeding. Rather than accept \$50,000, the maximum refund under the mediumrange presumption of injury, Guttman attempted to show that it was injured in its purchases of Texaco products. With respect to motor gasoline, Guttman sought a refund of 43 percent of the volumetric amount based upon a claim that it absorbed that percentage of the overcharges. Guttman sought an abovevolumetric refund with respect to its diesel fuel purchases based upon a disproportionate overcharge

The DOE rejected Guttman's contention that lower than historical profit margins in its resale of motor gasoline implied that it was injured. The DOE noted that Guttman's profit margin analysis showed little more than its bank calculations and that depressed profit margins could have resulted from causes unrelated to the price it paid Texaco for product.

The DOE agreed with Guttman that it had sustained a disproportionate overcharge based upon the findings of a Remedial Order that had been issued to Texaco concerning diesel fuel transactions. The DOE, however, found that Guttman's calculation of banked costs had to be adjusted to take into account the findings in another Remedial Order that had been issued to it. A revised bank calculation showed that in September 1975, Guttman had a bank of unrecovered product costs of \$1,949, but that subsequent to that month the firm had a sufficient bank to justify the overcharge claims. This indicated that the firm had passed through to its customers all but \$1,949 of the diesel fuel overcharges that occurred through September 1975. The DOE found that Guttman had absorbed \$67,095 in diesel fuel overcharges between September 1975 and June 1976, and that Guttman was entitled to presettlement interest (for the period between the date of the overcharge and the date Texaco paid the settlement to DOE) on this amount. Since the Texaco consent order settled the alleged violations at a fraction of their value, the DOE reduced the resulting overcharge amount to 57.5 percent (the ratio of the consent order amount to the total overcharges that had been alleged by DOE). Guttman was accordingly granted a refund of \$160,645, plus interest that has accrued on this amount since the Texaco funds were placed in an escrow account.

## **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.

A–1 Truck & Trailer Rentals, Inc R <sup>i</sup>	C272-267	12/20/94
A–1 Truck & Trailer Rentals, Inc Ru Al Tech Specialty Steel Corp. et al Ru	F272-93541	12/20/94
Atlantic Richfield Company/John Pellegrino Arco et al Ri   Burnup & Sims, Inc. et al Ri   City of Athens, Texas et al Ri   Gloucester County, NJ et al Ri	F304-14707	12/19/94
Burnup & Sims, Inc. et al R'	F272-92013	12/19/94
City of Athens, Texas et al R	EF272-85535	12/21/94
Gloucester County, NJ et al R	2F272-96502	12/21/94
Gulf Oil Corporation/Chicot Implement Co. et al R	F300-18845	12/19/94
Gulf Oil Corporation/Sherman Foundry, Inc. et al.	F300-21525	12/20/94
Gulf Oil Corporation/U.S. Radium Corporation et al R <sup>1</sup>	F300-21605	12/21/94
Gulf Power Company R	EF272-93556	12/23/94
Gulf Oil Corporation/U.S. Radium Corporation et al R   Gulf Power Company R   Duke Power Company R   Halltown Paperboard Company R   Richmond County et al R	F272-93569 .	
Halltown Paperboard Company R	2F272-67486	12/21/94
Richmond County et al	F272-95512	12/20/94
Shawano-Greshan Sch. Dist. et al Ri	F272-80955	12/23/94
Shell Oil Company/Silver Port Shell RI   Stratton Equity Coop Co. et al RI   Texaco Inc./Art & Jim's Texaco Service et al RI	F315-3393	12/20/94
Stratton Equity Coop Co. et al R	2F272-92372	12/23/94
Texaco Inc./Art & Jim's Texaco Service et al R	F321-20808	12/20/94
	F321-20204	12/23/94
	F321-20408	12/20/94
Texaco Inc./Don's Service Station et al R	F321-12545	12/23/94