LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of December 23 through December 27, 1996]

Date	Name and location of applicant	Case No.	Type of submission
12/23/96	Harold Bibeau Troutdale, Oregon	VFA–0255	Appeal of an Information Request Denial. If Granted: The December 4, 1996 Freedom of Information Request Denial issued by the Argonne Group would be rescinded, and Harold Bibeau would receive access to certain DOE information.
12/24/96	Cascade Scientific, Inc. Redmond, Washington.	VFA–0257	Appeal of an Information Request Denial. If Granted: The November 21, 1996 Freedom of Information Request Denial issued by Richland Operations Office would be rescinded, and Cascade Scientific, Inc. would receive access to certain DOE information.
12/24/96	Crooker & Sons, Inc. Santa Barbara, California.	RR272–272	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If Granted: The November 15, 1996 Dismissal, Case No. RG272–918, issued to Crooker & Sons, Inc. would be modified regarding the firm's application for refund submitted in the crude oil refund proceeding.
12/24/96	James R. Hutton, Oak Ridge, Tennessee.	VFA–0256	Appeal of an Information Request Denial. If Granted: The December 6, 1996 Freedom of Information Request Denial issued by Oak Ridge Operations Office would be rescinded, and James R. Hutton would receive access to certain DOE information.
12/24/96	W. Gordon Smith Co. Eden Prairie, Minnesota.	VEE–0037	Exception to the Reporting Requirements. If Granted: W. Gordon Smith Co. would be granted an extension of time in which to file Form EIA–782B Repeller's/Retailer's Monthly Petroleum Product Sales Report.

[FR Doc. 97–3309 Filed 2–10–97; 8:45 am]

BILLING CODE 6450–01–P

Notice of Cases Filed; Week of December 30, 1996 Through January 3, 1997

During the Week of December 30, 1996 through January 3, 1997, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC. 20585–0107.

Dated: February 3, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of December 30, 1996 through January 3, 1997]

Date	Name and Location of applicant	Case No.	Type of submission
1/2/97	Eugene Maples, Alexandria, Virginia.	VFA–0258	Appeal of an Information Request Denial. If Granted: The November 25, 1996, Freedom of Information Request Denial issued by the Assistant Inspector General for Investigations would be rescinded, and Eugene Maples would receive access to certain portions of an investigative report on the fraudulent use of oil overcharge funds in South Carolina.

[FR Doc. 97–3312 Filed 2–10–97; 8:45 am]

BILLING CODE 6450–01–P

Notice of Issuance of Decisions and Orders; Week of December 23 Through December 27, 1996

During the week of December 23 through December 27, 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, 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: February 3, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 13

Appeals

Michael A. Grosche, 12/23/96, *VFA–0193*

Michael A. Grosche filed an Appeal from a determination issued by the Office of the Inspector General (OIG) of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act. OIG had withheld names and other information from memoranda on the outcome of a closed investigation into alleged misbilling by sub-contractor employees which revealed no pecuniary loss to the

government. In considering the Appeal, the DOE determined that all of the documents were generated for a law enforcement purpose and that under those conditions, review would be under Exemption 7(C). In applying Exemption 7(C), the DOE found that OIG properly withheld the names of persons interviewed and investigated. However, the DOE remanded to the OIG for further consideration the withholding of names of federal employees who did not appear to be persons OIG either investigated or interviewed, but who only seemed to be performing their official functions. The DOE also remanded for further consideration all other withheld material such as subcontract numbers and billing accounts because none of the material appeared on its face to involve any privacy interest, but did appear to address a public interest in whether certain governmental-funded activities were well or poorly managed and how the Federal Acquisition Regulation may have been violated. Accordingly, the Appeal was denied in part, granted in part and remanded to OIG for further consideration.

Glen Milner, 12/23/96, *VFA–0238*

Glen Milner (Appellant) filed an Appeal of two Determinations issued to him by the Department of Energy (DOE) in response to a request under the Freedom of Information Act. In the request, the Appellant asked for all documents, generated from 1985 to the present, concerning the ''White Train'', which carried nuclear weapons until the 1980's. He also requested a fee waiver for costs associated with processing the FOIA request. On appeal, the OHA found that there is no provision in the DOE FOIA regulations permitting a conditional fee waiver, such as that requested by the Appellant. However, the OHA also found that disclosure of some of the information requested by the Appellant would be in the public interest, because it was likely to contribute significantly to government operations and activities. Under these circumstances the OHA determined that a fee waiver was appropriate with respect to the limited number of documents meeting those conditions. Accordingly, the DOE granted the Appeal in part.

Dismissals

The following submissions were dismissed.

Case name	Case No.
James H. Stebbings	VFA–0242
James R. Hutton	VFA–0256
L.N. Asphalt Co., Inc	RG272–981
Marlene Flor	VFA–0253
Merlon Management Corp	RG272–997

[FR Doc. 97–3310 Filed 2–10–97; 8:45 am]

BILLING CODE 6450–01–P

Notice of Issuance of Decisions and Orders; Week of January 13 through January 17, 1997

During the week of January 13 through January 17, 1997, 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: February 3, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 16

Appeals

Digital City Communications, Inc., 1/14/97, *VFA–0254*

Digital City Communications, Inc. (Digital) filed an Appeal of a Determination issued to it by the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA). In the request, the Appellant asked for Network Intrusion Detector software and the accompanying manual. In its Determination, DOE's Oakland Operations Office (Oakland) found that the requested items should be withheld under Exemption 4 of the FOIA. On Appeal, the Office of Hearings and Appeals (OHA) found that the case should be remanded because Oakland had failed to determine whether the software was a ''record'' under the FOIA. OHA further found that Oakland's Exemption 4 determination was inadequate. Therefore, the DOE granted the Appeal and remanded the matter to Oakland for further action.

Gretchen Lee Coles, 1/15/97, *VFA–0251*

Gretchen Lee Coles filed an Appeal from determinations issued by the Oak Ridge Operations Office and the Albuquerque Operations Office indicating that they had been unable to locate records that would reflect whether the federal government had employed Lee H. Coles and whether Mr. Coles had been exposed to radiation. The DOE denied the Appeal because it found that the searches conducted in response to the Appellant's Freedom of Information Act (FOIA) request were reasonable. The DOE found that the FOIA Officers contacted people who would have knowledge of whether relevant documents exist, and that these individuals used appropriate procedures to search for the records requested.

Harold Bibeau, 1/17/97 *VFA–0255*

The Department of Energy denied an Appeal of a determination that no documents responsive to the appellant's request could be located. DOE found that the search conducted was reasonably calculated to uncover material responsive to the request.

I.B.E.W., 1/15/97, *VFA–0250*

The International Brotherhood of Electrical Workers (I.B.E.W.) filed an Appeal from a determination, dated