LIST OF CASES RECEIVED

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Sept. 3, 1996 | Craig W. Anderson, Salt Lake City, Utah | VFA–0213 | Appeal of an information request denial. If Granted: The August 7, 1996 Freedom of Information Request Denial issued by Idaho Operations Office would be rescinded, and Craig W. Anderson would receive access to certain DOE information. |
| Do | Harold Bibeau, Troutdale, Oregon | VFA–0212 | Appeal of an information request denial. If Granted: The May 28, 1996 Freedom of Information Request Denial issued by the Oak Ridge Institute for Science and Education would be rescinded, and Harold Bibeau would receive access to certain Department of Energy information. |
| Sept. 4, 1996 | Schenectady Naval Reactors Office, Schenectady, New York. | VSO–0112 | Request for hearing under 10 CFR Part 710. If Granted: An individual employed at Schenectady Naval Reactors Office would receive a hearing under 10 CFR Part 710. |
| Sept. 5, 1996 | Oak Ridge Operations Office, Oak Ridge, Tennessee. | VSO–0113 | Request for hearing under 10 CFR Part 710. If Granted: An individual employed at Oak Ridge Operations Office would receive a hearing under 10 CFR Part 710. |

[FR Doc. 96–28750 Filed 11–7–96; 8:45 am]
BILLING CODE 6450–01–P

## Notice of Cases Filed; Week of September 9 Through September 13, 1996

During the Week of September 9 through September 13, 1996, 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 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, D.C. 20585–0107.

Dated: October 25, 1996.

George B. Breznay,

*Director, Office of Hearings and Appeals.*

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Sept. 9, 1996 | Hanford Education Action League, Spokane, Washington. | VFA–0217 | Appeal of an information request denial. If Granted: The August 6, 1996 Freedom of Information Request Denial issued by the Richland Office of External Affairs would be rescinded, and Hanford Education Action League would receive access to certain Department of Energy information. |
| Sept. 10, 1996 | Paul Freier, Littleton, Colorado | VFA–0214 | Appeal of an information request denial. If Granted: The August 15, 1996 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Paul Freier would receive access to certain DOE information. |
| Do | Specialized Trucking Service, Inc., Tacoma, Washington. | RR272–246 | Request for modification/rescission in the crude oil refund proceeding. If Granted: The August 19, 1996 Decision and Order Case No. RG272–931, issued to Specialized Trucking Services Inc. would be modified regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding. |
| Sept. 10, 1996 | Allied Signal, Inc., Atlanta, Georgia | RR272–247 | Request for modification/rescission in the crude oil refund proceeding. If Granted: The July 1, 1996 Decision and Order, Case No. RF272–77990, issued to Allied Signal, Inc. would be modified regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding. |
| Sept. 12, 1996 | Thomas P. Koenigs, Raleigh, North Carolina. | VFA–0215 | Appeal of an Information request denial. If Granted: The February 10, 1994 and July 26, 1994 Freedom of Information Request Denial issued by the Savannah River Operations Office would be rescinded, and Thomas P. Koenigs would receive access to certain Department of Energy information. |
| Do | Town Center Management Corp., Washington, DC. | RR272–248 | Request for modification/rescission in the crude oil refund proceeding. If Granted: The February 19, 1992 Dismissal, Case No. RF272–59805, issued to Town Center Management Corp. would be modified regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding. |

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

| Date | Name and location of applicant | Case No. | Type of submission |
|---|---|---|---|
| Sept. 13, 1996 | George O'Nale, New Castle, Virginia | VFA–0216 | Appeal of an information request denial. If Granted: The August 12, 1996 Freedom of Information Request Denial issued by the Freedom of Information/Privacy Act Division would be rescinded, and George O'Nale would receive access to certain Department of Energy information. |
| Do | Thomas Oil Co., Gainesville, Florida | VEE–0032 | Exception to the reporting requirements. If Granted: Thomas Oil Co. would not be required to file Form EIA–782B Retailer's/Reseller's Monthly Petroleum Product Sales Report. |

REFUND APPLICATIONS RECEIVED

| Date received | Name of refund proceeding/name of refund applicant | Case No. |
|---|---|---|
| 9/9 thru 9/13/96 | Crude Oil Supplemental Applications | RK272–3900 thru RK272–3906. |

[FR Doc. 96–28751 Filed 11–7–96; 8:45 am]
BILLING CODE 6450–01–P

## Notice of Issuance of Decisions and Orders During the Week of September 16 Through September 20, 1996

During the week of September 16 through September 20, 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: October 30, 1996.

George B. Breznay,

*Director, Office of Hearings and Appeals.*

Decision List No. 990

Week of September 16 Through September 20, 1996

Appeals

*FOIA Group Inc., 9/18/96, VFA–0208*

FOIA Group, Inc. (Appellant) 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. In the Determination, DOE's Schenectady Naval Reactors Office stated it could not locate any documents responsive to the Appellant's request. Upon investigation, and clarification of the Appellant's inaccurate description of the requested documents, the OHA located the requested documents as being under the jurisdiction of Richland Operations Office (DOE/RL). Accordingly, the DOE granted the Appeal and directed the matter to DOE/RL for further action.

*James D. Hunsberger, 9/20/96, VFA–0206*

James D. Hunsberger filed an Appeal from a determination issued to him by the Office of Human Experiments of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). Mr. Hunsberger had filed a lengthy FOIA request seeking information in DOE files concerning human radiation experiments in general and on any experiments which may have been performed on him in particular. He also sought information on intra- and inter-governmental sharing of human experiment data and on other related matters. In considering the Appeal, the DOE determined that the Office of Human Experiments had performed an adequate search. The DOE also found, however, that other parts of the Department might contain responsive records. The DOE also determined that parts of the request were so vague or broad that they could not form the basis of a reasonable search. Accordingly, the Appeal was denied in part, granted in part, and remanded to the Freedom of Information and Privacy Group of the DOE Executive Secretariat to determine which parts of Mr. Hunsberger's request could form the basis for a reasonable search, whether the agency might have responsive documents, and the appropriate place(s) to search for documents.

*Malcolm Parvey, 9/17/96, VFA–0205*

The DOE's Office of Hearings and Appeals (OHA) issued a determination denying a Freedom of Information Act (FOIA) Appeal filed by Malcolm Parvey (Parvey). Parvey appealed the Western Area Power Administration's (WAPA) assessment of fees. OHA found that the fees were properly assessed.

Refund Application

*Navy Resale and Services Support Office, 9/16/95, RF272–31780*

The DOE issued a Decision and Order concerning an Application for Refund filed in the crude oil special refund proceeding. The Navy Resale and Services Support Office (NAVRESSO) applied for a refund based upon its purchases of motor gasoline which it then resold to military personnel and their dependents. In support of its application, NAVRESSO asserted that all profits from its operations were funneled into a morale, welfare and recreation fund (MWR Fund) which supports programs for members of the military and their dependents. Thus, NAVRESSO argued that it was economically inseparable from its customers and it should therefore be considered an end-user. NAVRESSO also argued that it should be granted a refund because it would funnel any refund it receives back to its customers through the MWR Fund. The DOE found that NAVRESSO was a retailer and that there was not such an identity of interest between NAVRESSO, the MWR Fund and the purchasers of NAVRESSO's gasoline to justify treating NAVRESSO as an end-user. Further, the DOE found that giving NAVRESSO a refund and having it distribute the refund through the MWR Fund would