

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS  
[Week of May 12 through May 16, 1997]

Date	Name and location of applicant	Case No.	Type of submission
5/12/97 .....	Hicks Co., Santa Barbara, CA .....	RR272-292	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If Granted: The March 13, 1997 Decision and Order Case No. RG272-374 issued to Hicks Co. would be modified regarding the firm's Application for Refund submitted in the crude oil refund proceeding.
5/12/97 .....	Nebraska Asphalt Paving Co., Omaha, NE.	RR272-293	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If Granted: The January 21, 1997 Decision and Order Case No. RR272-274 issued to Nebraska Asphalt Paving Co. would be modified regarding the firm's Application for Refund submitted in the crude oil refund proceeding.
5/12/97 .....	Patricia L. Baade, Charlottesville, VA	VFA-0294	Appeal of an on Information Request Denial. If Granted: The Freedom of Information Request Denial would be rescinded, and Patricia L. Baade would receive access to certain DOE information.
5/13/97 .....	Information Focus on Energy, Inc., Gaithersburg, MD.	VFA-0295	Appeal of an Information Request Denial. If Granted: The May 1, 1997 Freedom of Information Request Denial issued by the Office of General Counsel would be rescinded, and Information Focus on Energy, Inc. would receive access to certain DOE information.
5/15/97 .....	Personnel Security Hearing .....	VSO-0156	Request for Hearing Under 10 CFR Part 710. If Granted: An individual employed by the Department of Energy would receive a hearing under 10 CFR Part 710.
5/15/97 .....	Roderick L. Ott, Knoxville, TN .....	VFA-0296	Appeal of an Information Request Denial. If Granted: The April 30, 1997 Freedom of Information Request Denial issued by Oak Ridge Operations Office would be rescinded, and Roderick L. Ott would receive access to certain DOE information.

[FR Doc. 97-15108 Filed 6-9-97; 8:45 am]  
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## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Notice of Cases Filed During the Week of April 28 through May 2, 1997

During the Week of April 28 through May 2, 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: May 29, 1997.

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

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS  
[Week of April 28 through May 2, 1997]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 4, 1997 .....	Benton County, Office of Civilian Radioactive Waste Management, Benton County, WA.	VPX-0011 .....	Supplemental order. If granted: The OHA would issue a supplemental order to the decision and order issued in Case No. LPA-0001, approving Benton County and the OCRWM's Joint Stipulation of Settlement, and would dismiss the underlying appeal by Benton County with prejudice.
Do .....	Martha J. McNeely, Gilroy, CA .....	VFA-0291 .....	Appeal of an information request denial. If granted: The March 27, 1997 Freedom of Information Request Denial issued by the Office of the Executive Secretariat would be rescinded, and Martha J. McNeely would receive access to certain DOE information.
Do .....	Personnel Security Review .....	VSA-0120 .....	Request for review of opinion under 10 CFR part 710. If granted: The March 21, 1997 Opinion of the Office of Hearings and Appeals (Case No. VSO-0120) would be reviewed at the request of an individual employed by the Department of Energy.

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

[Week of April 28 through May 2, 1997]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 29, 1997 .....	Wales Transportation, Inc., Dallas, TX .....	RR272-291 ...	Request for modification/rescission in the crude oil refund proceeding. If granted: The March 18, 1997 Decision and Order Case No. RF272-97064 issued to Wales Transportation, Inc. would be modified regarding the firm's application for refund submitted in the Crude Oil refund proceeding.
May 2, 1997 .....	Mary Feild Jarvis, Richland, WA .....	VFA-0292 .....	Appeal of an information request denial. If granted: The April 24, 1997 Freedom of Information Request Denial issued by Richland Operations Office would be rescinded, and Mary Feild Jarvis would receive access to certain DOE information.

[FR Doc. 97-15110 Filed 6-9-97; 8:45 am]

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## DEPARTMENT OF ENERGY

## Office of Hearings and Appeals

## Notice of Issuance of Decisions and Orders During the Week of May 12 Through May 16, 1997

During the week of May 12 through May 16, 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, SW, Washington, DC 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: May 29, 1997.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

**Decision List No. 33**

Week of May 12 Through May 16, 1997

*Appeal*

*Roderick L. Ott, 5/16/97, VFA-0288*

Mr. Roderick L. Ott filed an Appeal from a March 24, 1997 determination by the Manager of the Office of Scientific and Technical Information of the Department of Energy (DOE). In that determination, the Manager denied Mr. Ott's request for information and his request for a waiver of fees. In considering the Appeal, the DOE determined that Mr. Ott's request was not reasonably descriptive as the FOIA requires. Also, the DOE determined that Mr. Ott had not satisfied the four factors that an agency must weigh to determine whether the requester has met the public interest requirement for an agency to grant him a fee waiver. Thus, the DOE denied Mr. Ott's Appeal for a fee waiver and request for information.

*Refund Application*

*Hershey Entertainment & Resort Co. et. al., 5/14/97, RF272-98707 et al.*

Applicants, including Tarrant County (Tarrant), filed Applications for Refund in the Subpart V crude oil overcharge refund proceeding. Tarrant's filing service, Wilson, Keller & Associates (WKA), extrapolated from the figure shown on Tarrant's purchase volume printout in the Gulf proceeding in order to derive an estimated purchase volume. WKA claimed it was entitled to do so because Tarrant had purchased only diesel fuel from Gulf, and that product was decontrolled on July 1, 1976. The Office of Hearings and Appeals (OHA) found on a more detailed Gulf customer listing that Tarrant has actually purchased no diesel fuel from Gulf. Because WKA had apparently not attempted to verify its assertion with Tarrant, this Office or any other source, the OHA questioned WKA's reliability. Due to unreliability of the assertion of WKA concerning diesel fuel in this case, OHA ordered that Tarrant's refund check should be mailed directly to that Applicant, rather than to WKA.

**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.

Burlington Northern .....	RG272-742	5/16/97
Cal-Car Service Co. ....	RG272-10	5/14/97
Citronelle-Mobile Gathering/Globe Manufacturing Co. et al .....	RR336-112	5/14/97
Crude Oil Supple .....	RB272-00041	5/16/97
Crude Oil Supple Refund Dist .....	RB272-00108	5/14/97
Crude Oil Supple Refund Dist .....	RB272-00109	5/14/97
Gulf Oil Corporation/Michael Herndon .....	RF300-20047	5/14/97
Bruer Airland Gulf .....	RF300-20048	.....
Gulf Oil Corporation/Ken's Gulf .....	RF300-21839	5/14/97
Joe's Gulf .....	RF300-21840	.....
Hildreth Farmers Coop Assoc et al .....	RF272-93527	5/16/97
Sinton Dairy .....	RG272-747	5/16/97