

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS
[Week of January 8 to January 12, 1996]

| Date | Name and location of applicant | Case No. | Type of submission |
|---------------|--|----------|--|
| 1/11/96 | Huckins Oil Co., Inc. Pembroke, New Hampshire. | RR264-1 | Request for Modification/Rescission in the Northeast Petroleum, Inc. Refund Proceeding. If granted: The July 17, 1989 Decision and Order, Case No. RF264-17, issued to Huckins Oil Co., Inc. would be modified regarding the firm's application for refund submitted in the Northeast Petroleum Co., Inc. refund proceeding. |
| 1/11/96 | Knolls Action Project Washington, D.C. | VFA-0112 | Appeal of an Information Request Denial. If granted: Knolls Action Project would receive a waiver of all fees incurred in the processing of their Freedom of Information Request for certain Department of Energy information. |
| 1/11/96 | The News Tribune Tacoma, Washington ... | VFA-0111 | Appeal of an Information Request Denial. If granted: The November 28, 1995 Freedom of Information Request Denial issued by the Bonneville Power Administration Office would be rescinded, and The News Tribune would receive access to certain Department of Energy information. |
| 1/11/96 | Williams & Tribune, P.C. Boulder, Colorado | VFA-0110 | Appeal of an Information Request Denial. If granted: The October 16, 1996 Freedom of Information Request Denial issued by the Office of Environmental Restoration and Waste Management would be rescinded, and Williams & Trine, P.C. would receive access to certain Department of Energy information. |

REFUND APPLICATIONS RECEIVED
[January 8 to January 12, 1996]

| Date Received | Name of Refund Proceeding/Name of Refund Application | Case No. |
|--------------------------|--|----------------------------|
| 1/1/96 thru 1/5/96 | Crude Oil Refund Applications | RK272-3236 thru RK272-3280 |

[FR Doc. 96-6712 Filed 3-14-96; 8:45 am]
BILLING CODE 6450-01-P

Notice of Cases Filed During the Week of February 12 through February 16, 1996

During the Week of February 12 through February 16, 1996, the appeals and applications for exception or other relief listed in the Appendix to this

Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 C.F.R. Part 205, 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 service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of

notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person 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: March 7, 1996.
George B. Breznay,
Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS
[Week of February 12 through February 16, 1996]

| Date | Name and location of applicant | Case No. | Type of submission |
|---------------|---------------------------------|----------|---|
| 2/12/96 | James E. Minter Knoxville, TN. | VFA-0132 | Appeal of an Information Request Denial. If granted: The January 6, 1996 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded, and James E. Minter would receive access to certain DOE information. |
| 2/12/96 | Janis C. Garrett Roseville, CA. | VFA-0131 | Appeal of an Information Request Denial. If granted: The January 11, 1996 Freedom of Information Request Denial issued by the Western Area Power Administration would be rescinded, and Janis C. Garrett would receive access to certain DOE information. |

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

[Week of February 12 through February 16, 1996]

| Date | Name and location of applicant | Case No. | Type of submission |
|---------------|---|-----------|---|
| 2/13/96 | Perry Gas/Alabama Charter/Alabama RQ183-604 RQ23-605 Montgomery, AL; National Helium/Alabama Coline Gasoline/Alabama RQ3-606 RQ2-607. | | Application for Second Stage Perry Gas, Charter, National Helium, and Coline Refunds. If granted: The second stage refund application submitted by The State of Alabama in the Perry Gas, Charter, National Helium, and Coline Refund Proceedings would be granted. |
| 2/14/96 | Heller and Sons Distributing, Inc. Hermiston, OR. | VEE-0016 | Exception to the Reporting Requirements. If granted: Heller and Sons Distributing, Inc. would not be required to file Form EIA-782B, Reseller/Retailer Monthly Petroleum Products Sales Report. |
| 2/15/96 | Bayer & Mingolla Industries, Inc. Memphis, TN. | RR300-265 | Request for Modification/Rescission in the Gulf Refund Proceeding. If granted: The January 31, 1996 Dismissal letter, Case Number RF300-21419, issued to Bayer & Mingolla Industries, Inc. would be modified regarding the firm's application for refund submitted in the Gulf refund proceeding. |
| 2/15/96 | Chey A. Temple Moxee, WA | VFA-0133 | Appeal of an Information Request Denial. If granted: The Freedom of Information Request Denial issued by the Richland Operations Office would be rescinded, and Chey A. Temple would receive access to certain DOE information. |

REFUND APPLICATIONS RECEIVED

[Week of February 12 to February 16, 1996]

| Date received | Name of refund proceeding/name of refund applicant | Case number |
|---------------|--|----------------------------|
| 2/12/96 | Crude Oil Refund Application | RK272-3281 thru RK272-3323 |
| 2/16/96 | | RG272-1009 thru RG272-1015 |

[FR Doc. 96-6713 Filed 3-19-96; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5444-3]

Air Pollution Control, Proposed Action on Clean Air Act Grant to the Monterey Bay Unified Air Pollution Control District**AGENCY:** U.S. Environmental Protection Agency (EPA).**ACTION:** Proposed determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The U.S. EPA has made a proposed determination under section 105(c) of the Clean Air Act (CAA) that a reduction in expenditures of non-Federal funds for the Monterey Bay Unified Air Pollution Control District (MBUAPCD or "district") in Monterey, California is a result of a non-selective reduction in expenditures. This determination, when final, will permit the MBUAPCD to keep the financial assistance awarded to it for FY-95 by EPA under section 105(a) of the CAA.

DATES: Comments and/or requests for a public hearing must be received by EPA at the address stated below by April 19, 1996.

ADDRESSES: All comments and/or requests for a public hearing should be mailed to: Roy T. Ford, Air Grants Section (A-2-3), Air and Toxics Division, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901, FAX (415) 744-1076.

FOR FURTHER INFORMATION CONTACT: Roy T. Ford, Air Grants Section (A-2-3), Air and Toxics Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105-3901 at (415) 744-1233.

SUPPLEMENTARY INFORMATION: Under the authority of Section 105 of the CAA, EPA provides financial assistance to the MBUAPCD to aid in the operation of its air pollution control programs. In FY-94 EPA awarded the MBUAPCD \$347,863, which represented approximately 10% of the MBUAPCD's budget. In FY-95 EPA awarded the MBUAPCD \$292,856, which represented approximately 8% of the MBUAPCD's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. Section 7405(c)(1), provides that "(n)o agency shall receive any grant

under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year."

EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, "after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government." CAA Section 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

In its FY-95 Section 105 application, which EPA reviewed in early 1995, the MBUAPCD projected recurrent expenditures (or its maintenance of effort (MOE)) of \$3,254,272. This MOE would have been sufficient to meet the MOE requirements of the CAA because it was not lower than the FY-94 MOE of \$2,967,502. In January of 1996, however, the MBUAPCD submitted to EPA documentation which shows that its actual FY-95 MOE was \$2,828,502. This amount represents a shortfall of