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12, 1996 Freedom of Information Request Denial issued by the Freedom of Information/Privacy Act Division would be rescinded, and George O'Nale would receive access to certain Department of Energy information.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

not constitute sufficient restitution to the individuals actually injured by the overcharges. Because the DOE determined that NAVRESSO was not injured by the overcharges and that a refund to it would not provide restitution to injured persons, NAVRESSO's application was denied.

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.

Cascade Aggregates, Inc. et al	RK272–00432	09/17/96
City of Hayward	RF272–69291	09/16/96
James Hagan; Thomas Hagan	RJ272–19, RJ272–20	09/17/96
Lasalle Farmers Grain Co. et al	RG272–631	09/16/96
Telleri Trucking Co. et al	RG272–00544	09/18/96

Dismissals

The following submissions were dismissed:

Name	Case No.
Dorchester Cooperative	RG272–670
Jack Daniel Distillery	RG272–848
Maywood Cooperative Association	RF272–76889
Scandinavia Cooperative Produce Company	RG272–585
Western Stone Products	RR272–244

[FR Doc. 96–28748 Filed 11–7–96; 8:45 am]

BILLING CODE 6450–01–P

Notice of Issuance of Decisions and Orders During the Week of September 23 Through September 27, 1996

During the week of September 23 through September 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, 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. 991

Week of September 23 Through September 27, 1996

Appeals

Dirk T. Hummer, 9/27/96, VFA–0209

The Department of Energy issued a Decision and Order denying a Freedom of Information Act Appeal that was filed by Dirk T. Hummer. In his Appeal, Mr. Hummer contested a finding by the Richland Operations Office that the documents he requested were not ''agency records,'' and were therefore not subject to the FOIA. In the Decision, the DOE found that the documents in question were not ''agency records.'' Mr. Hummer's Appeal was therefore denied.

Local Union # 701, I.B.E.W., 9/27/96, VFA–0210

Local Union #701, I.B.E.W. (IBEW) filed an Appeal from a determination issued to it on August 22, 1996, by the Department of Energy's Fermi Group. In that determination, the Fermi Group Manager stated that the payroll records sought by the IBEW are not the property of the Department of Energy. In considering the Appeal, the DOE confirmed that the records requested by the IBEW are not agency records subject to the FOIA. Accordingly, the DOE denied the IBEW Appeal.

Personnel Security Hearing

Rocky Flats Field Office, 9/23/96, VSO–0093

An OHA Hearing Officer issued an opinion concerning the continued eligibility of an individual for access authorization under 10 C.F.R. Part 710, entitled, ''Criteria and Procedures for Determining Eligibility for Access Authorization to Classified Matter or Special Nuclear Material.'' The Rocky Flats Field Office (RFFO) had suspended the individual's access authorization based on security concerns arising from the individual's harrassment of a female coworker. The Hearing Officer found the individual had not produced evidence that would mitigate security concerns. Accordingly, the Hearing Officer found that the individual's access authorization should not be restored.

Refund Applications

Eason Oil Co./M&M Gas Company, 9/24/96, RF352–6, RF352–10 thru RF352–14

The DOE issued a Decision and Order concerning a refund application that was submitted on behalf of the former partners of M&M Gas Company in the Eason Oil Company (Eason) special refund proceeding. The DOE found that M&M Gas Company was a retailer of Eason products that qualified for a refund under the 60% mid-range presumption of injury. The DOE granted M&M Gas Company a total refund of $40,662. The OHA determined that the original partners in the business, Max Miller and John Mahoney retained their right to the company's refund. Since both of these individuals are deceased, the OHA identified their respective successors in interest and divided the refund among those individuals.

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.