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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

**Issuance of Decisions and Orders;
Week of April 7 Through April 11, 1997**

During the week of April 7 through April 11, 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,

Catalano Bros., Inc. et al	RF272-98700	4/10/97
Crude Oil Suppple Ref Dist	RB272-00106	4/9/97
James Freddie Grahler et al	RK272-02010	4/9/97
Metropolitan Petroleum Co./JM Pontiac	RF349-22	4/9/97
State of North Carolina	RK272-04041	4/9/97
Sunnyvale Elementary et al	RF272-80624	4/10/97
Wilson Johncox et al	RK272-4143	4/9/97

Dismissals

The following submissions were dismissed.

Name	Case No.
C.H. Leavins Gulf Service	RF272-84021
JM Family Enterprises, Inc	RF349-23
Manor Towers Owners Corp	RK272-3968
Natural Resources Def. Council	VFA-0285
Personnel Security Hearing	VSO-0131

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5826-7]

**Proposed Settlement Agreement;
Ozone Nonattainment Areas; 15% VOC
FIP for Phoenix, AZ**

AGENCY: Enviromental Protection Agency (EPA).

ACTION: Notice of proposed settlement agreement.

SUMMARY: In accordance with Section 113(g) of the Clean Air Act ("Act"), as amended, 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement

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: May 7, 1997.

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

Decision List No. 28

Week of April 7 Through April 11, 1997

Appeals

Request for Exception

Edris Oil Service, Inc., 4/9/97, VEE-0042

Edris Oil Service, Inc. filed an Application for Exception from the Energy Information Administration requirement that it file form EIA-782B, the "Resellers/Retailers" Monthly Petroleum Product Sales Report." In considering Edris's request, the DOE found that the firm was not experiencing a serious hardship or gross inequity. Accordingly, exception relief 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.

agreement concerning litigation instituted against the Environmental Protection Agency ("EPA") by the Arizona Center for Law in the Public Interest. The lawsuit concerns EPA's alleged failure to perform a nondiscretionary duty with respect to promulgating a federal implementation plan ("FIP") to reduce volatile organic compound ("VOC") emissions by fifteen percent [15%] from 1990 levels, under Act section 182(b)(1), in the Phoenix, AZ ozone nonattainment area.

For a period of thirty [30] days following the date of publication of this notice, the Agency will receive written comments relating to the settlement agreement. EPA or the Department of Justice may withhold or withdraw consent to the proposed settlement agreement if the comments disclose facts or circumstances that indicate that

such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Copies of the settlement agreement are available from Phyllis Cochran, Air and Radiation Division (2344), Office of General counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 260-7606. Written comments should be sent to Howard J. Hoffman at the above address and must be submitted on or before June 16, 1997.

Dated: May 12, 1997.

Scott C. Fulton,
Acting General Counsel.

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