

financial condition resulting from continuing losses and the poor health of the owner's wife, who prepares the report, the DOE found that submitting the report would cause the firm unusually severe problems. Accordingly, exception relief was extended through May 1998.

Supplemental Order

*Akin Energy, 4/30/96, VFX-0007*

The DOE issued a Supplemental Order regarding Akin Energy (Akin), a

private filing service. In the Supplemental Order, the DOE announces that Akin, its officers and employees are barred from receiving future refund checks in any proceedings conducted by OHA under 10 C.F.R. Part 205, Subpart V. DOE's action was prompted by two instances where Akin failed to repay money erroneously paid to it and are of its clients by DOE. Because Akin failed to repay the amount it owes to DOE, the DOE found that

Akin should be barred from receiving refund checks on behalf of its clients.

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.

CAPITAL TRANSPORT CO., INC. ....	RR272-0198	04/30/96
CIMARRON VALLEY COOPERATIVE .....	RF272-97138	05/03/96
AGRI-URBAN, INC. ....	RF272-97158	
CRUDE OIL SUPPLEMENTAL REFUND .....	RB272-00074	04/29/96
CRUDE OIL SUPPLEMENTAL REFUNDS .....	RB272-00075	04/29/96
DALLAS CARRIERS CORPORATION ET AL .....	RK272-02251	05/03/96
DAVID VOLKERDING ET AL .....	RK272-02400	05/02/96
EDWARD HUCKMAN ESTATE ET AL .....	RK272-2920	04/29/96
GEORGIA WILLOUGHBY ET AL .....	RK272-02640	05/02/96
GULF OIL CORPORATION/FRENCH & CURTIS, INC./WEBBER ENERGY FUELS .....	RF300-20417	04/30/96
LONDON & OVERSEAS FREIGHTERS ET AL .....	RK272-2956	04/29/96
LYONDELL PETROCHEMICAL COMPANY .....	RG272-00532	05/03/96
POWER PRO EQUIPMENT CO./E.V. MARTIN CORPORATION .....	RK272-03432	05/03/96
PROVIDENCE HOSPITAL .....	RC272-338	05/02/96
RENNER MOTOR LINES, INC .....	RF272-97081	04/29/96
ROGERS DYE-FINISHING .....	RF272-69198	04/30/96
ROGERS DYE-FINISHING .....	RD272-69198	

Dismissals

The following submissions were dismissed:

Name	Case No.
CAMERON IRON WORKS .....	RF272-98747
COKER AVIATION, INC. ....	RF272-98731
KITTY HAWK AIR CARGO, INC .....	RF272-98730
RENTON-ISSAQUAH AUTO TRANSPORT .....	RF272-99069
WILDER CONSTRUCTION CO., INC .....	RF272-77984

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**Notice of Issuance of Decisions and Orders; Week of May 27 Through May 31, 1996**

During the week of May 27 through May 31, 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 the 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, 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: September 9, 1996.  
George B. Breznay  
*Director, Office of Hearings and Appeals.*

Decision List No. 974

Appeals

*Ball, Janik & Novack, 5/29/96, VFA-0159*

The DOE's Office of Hearings and Appeals (OHA) issued a determination denying a Freedom of Information Act (FOIA) Appeal filed by Ball, Janik & Novack (Ball). Ball appealed the Bonneville Power Administration's (BPA) withholding of information created as a result of its marketing research. OHA found that the information was properly withheld

under Exemption 5's confidential commercial information privilege.

*Gilberte R. Brashear, 5/30/96, VFA-0161*

Gilberte R. Brashear filed an Appeal from a determination issued to her on April 8, 1996 by the Department of Energy's Albuquerque Operations Office (AO) which denied a request for information she had filed under the Freedom of Information Act (FOIA). The request sought information regarding the possible exposure to radiation of Mrs. Brashear's late husband while he was in the U.S. Army at Los Alamos, New Mexico. AO stated that it conducted a search of its records at AO's Occupational Safety and Health Division and that it found no responsive documents. The Appeal challenged the adequacy of the search conducted by AO. In considering the Appeal, the DOE found that AO conducted an adequate search which was reasonably calculated to discover documents responsive to

Mrs. Brashear's request. Accordingly, the Appeal was denied.

*Howard T. Uhal, 5/31/96, VFA-0160*

The OHA denied an appeal of a request to the Sandia National Laboratory for information concerning equipment used to detect chemical or biological agents. The OHA found that the search performed by Sandia National Laboratory was adequate, and referred the requester to the Department of the Army for other possible documents.

**Implementation of Special Refund Procedures**

*Macmillan Oil Company, Kenny Larson Oil Company, 5/29/96, LEF-0046; VEF-0002*

The DOE issued a Decision and Order implementing procedures for the distribution of funds obtained from Macmillan Oil Company and Kenny Larson Oil Company. These funds were remitted by each firm to the DOE to settle possible pricing violations with respect to sales of refined petroleum products. For both firms, the audit records indicated the amount that each customer had been overcharged. The DOE determined that these monies will be distributed to the overcharged customers in proportion to the overcharges reflected in the audit records.

**Refund Applications**

*Four Circle Cooperative, 5/30/96, RK272-3483*

Frenchman Valley Farmers sought a supplemental refund on behalf of Four Circle Cooperative. After the previous refund was disbursed, Four Circle was dissolved and its physical assets sold to Frenchman. The DOE noted that refund applications filed by cooperatives are deemed to have been filed on behalf of the members to whom they sold petroleum products. Since approximately one-half of Four Circle's members joined Frenchman when Four Circle was liquidated, DOE granted Frenchman one-half of the supplemental refund.

*Gulf Oil Corporation/The Celotex Corporation, 5/31/96, RF300-16329; RF300-16720*

The DOE issued a Decision and Order granting a refund based on two applications submitted by the Celotex Corporation (Celotex) in the Gulf Oil Corporation overcharge refund proceeding conducted under 10 CFR Part 205, Subpart V. The DOE determined that the Gulf customer number Celotex submitted with one application included the gallonage claimed under a different customer number in Celotex's other application. Celotex was granted a refund of \$59,475 based on 47,579,661 gallons of petroleum purchases.

*Peel Bros. Truck Leasing; Texaco Inc./Peel Bros. Truck Leasing, 5/30/96, RC272-340; RF321-21086*

The Department of Energy (DOE) issued a Decision and Order rescinding

refunds that were granted to Peel Bros. Truck Leasing (Peel) in the Texaco and crude oil refund proceedings. In the Decision, the DOE found that Peel was a corporation, and the stock of that corporation had been sold to Ryder Systems Inc., which had previously been granted a refund for Peel's purchases. The DOE further found that the right to a refund had been transferred with the stock, and that the former owner of Peel was not entitled to a refund in either proceeding.

*The 341 Tract Unit of the Citronelle Field/Consumers Power Company, 5/31/96, RF345-68*

The DOE issued a Supplemental Order reducing a \$68,650 refund granted to Consumers Power Company in *The 341 Tract Unit of the Citronelle Field/Consumers Power Company*, Case No. RF345-2 (May 23, 1996). In the Supplemental Order, the DOE corrected two calculation errors and determined that the proper refund amount was \$61,467. Accordingly, the Consumers Power refund was reduced by \$7,183.

**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.

ATLANTIC RICHFIELD COMPANY/GROVES OIL CO. ET AL .....	RF304-02369	
	05/30/96	
CRUDE OIL SUPPLE REFUND DIST .....	RB272-00077	05/31/96
CRUDE OIL SUPPLE REFUND .....	RB272-00080	05/30/96
GLENDALE MEMORIAL HOSPITAL ET AL .....	RF272-89208	05/28/96
INEEDA UNITOG RENTALS, INC .....	RF272-85971	05/30/96
PEPSI-COLA METROPOLITAN BOTTLING CO. ET AL .....	RK272-00035	05/31/96
POZZI BROTHERS TRANSFER ET AL .....	RR272-171	05/28/96
TEXACO INC./COASTAL CORP. ET AL .....	RF321-9722	05/29/96
TEXACO INC./LEO LONGTIN'S TEXACO .....	RR321-196	05/30/96

**Dismissals**

The following submissions were dismissed:

Name	Case No.
GARRETT PAVING CONTRACTORS, INC .....	RF272-98609
HOLLAND FUELS, INC .....	RF304-4871

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**FEDERAL COMMUNICATIONS COMMISSION**

**Notice of Public Information Collections Being Reviewed by the Federal Communications Commission**

September 13, 1996.

**SUMMARY:** The Federal Communications Commission, as part of its continuing

effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it