

## 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 If granted: The April 24, 1997 Freedom of Information Request Denial issued by Richland Operations Office would be rescinded, and Mary Feild Jarvis would receive access to certain DOE information.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

## Dismissals

The following submissions were dismissed.

Name	Case No.
Clear Fork Ranch .....	RF272-98603
Consolidation Coal Co. ....	RF272-98660
David Warren & Son, Inc. ....	RF272-98605
National Steel Corp. ....	VXA-0001
Peoria County Service Co. ....	RR272-282

[FR Doc. 97-15109 Filed 6-9-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5837-9]

### Agency Information Collection Activities Under OMB Review; Comment Request; New Source Performance Standards for Primary Aluminum Reduction Plants

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Standards of Performance for Primary Aluminum Reduction Plants (NSPS Subpart S), OMB Control Number 2060-0031 Expiration Date: 7/31/97. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before July 10, 1997.

**FOR FURTHER INFORMATION OR A COPY CALL:** Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No.1683.02 (Previously numbered 1067.05).

#### SUPPLEMENTARY INFORMATION:

**Title:** Standards of Performance for Primary Aluminum Reduction Plants (OMB Control No. 2060-0031; EPA ICR No. 1683.02 (Previously numbered 1067.05). This is a request for an extension of a currently approved ICR.

**Abstract:** Primary aluminum reduction plants emit particulate matter, carbon monoxide, volatile organic compounds (VOCs), hydrogen fluoride and sulfur dioxide in quantities that the Administrator believes cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Consequently,

New Source Performance Standards for primary aluminum reduction plants were promulgated. Affected facilities are required to meet total fluoride emission limits as well as opacity limits. Unless approved for less frequent testing, owners or operators must conduct monthly performance tests to verify compliance with the standards, and maintain daily records of production, raw material feed rates, and cell or potline voltages. In the absence of such information, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information, was published on December 2, 1996 (61 FR 63840). No comments were received.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Primary Aluminum Reduction Plants.  
**Estimated Number of Respondents:** 6.

**Frequency of Response:** On Occasion.  
**Estimated Total Annual Hour Burden:** 4,365 hours.

**Estimated Total Annualized Cost Burden:** 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1067.05 and OMB Control No. 2060-0031 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA 725 17th Street, NW, Washington, DC 20503.

Dated: June 4, 1997.

**Richard Westlund,**

*Acting Director, Regulatory Information Division.*

[FR Doc. 97-15092 Filed 6-9-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5838-2]

### Agency Information Collection Activities: Submission for OMB Review

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Oil Pollution Act Facility Response Plan,