

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 98-34588 Filed 12-30-98; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 8118-021]

#### **Mr. Jerry B. Buckley, Ms. Brooke Buckley (Excutrix); Notice of Availability of Draft Environmental Assessment**

December 23, 1998.

The staff of the Office of Hydropower Licensing (OHL), Division of Licensing and Compliance, has prepared a draft environmental assessment (EA) which is available for public review. The EA was prepared to analyze impacts associated with the Commission's proposal to revoke the license for the Jerry B. Buckley Hydroelectric Project, FERC No. 8118. The EA reviews four action-

alternatives for the project license and the no-action alternative. The EA finds that approval of the Commission's proposed revocation of license, with staff recommendations, would not constitute a major federal action significantly affecting the quality of the human environment. The Project is located in the Platte River Basin on Clear Creek, near the Town of Georgetown in Clear Creek County, Colorado.

Copies of the EA are available for review in the Public Reference Branch, Room 2A of the Commission's Offices at 888 First Street, NE., Washington, D.C. 20426, or by calling the Commission's Public Reference Room at (202) 208-1371. Please submit any written comments within 30 days from the date of this public notice. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation.

Comments should be address to Mr. David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix the caption "Jerry B. Buckley Project, FERC No. 8118-021" to all comments. For further information, please contact the environmental coordinator, CarLisa Linton at (202)

219-2802 or the project manager, Tom Papsidero at (202) 219-2715.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 98-34623 Filed 12-30-98; 8:45 am]

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## DEPARTMENT OF ENERGY

### **Notice of Cases Filed; Week of September 7 through September 11, 1998**

#### **Office of Hearings and Appeals**

During the Week of September 7 through September 11, 1998, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt 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.

Date: December 22, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

### LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of September 7 through September 11, 1998]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 8, 1998	Baker, Donelson, Bearman & Caldwell, Washington, D.C.	VFA-0443	Appeal of an Information Request Denial. If granted: The August 27, 1998 Freedom of Information Request Denial issued by the Golden Field Office would be rescinded, and Baker, Donelson, Bearman & Caldwell would receive access to certain DOE information.
Sept. 9, 1998	Missouri River Energy Services, Washington, D.C.	VFA-0444	Appeal of an Information Request Denial. If granted: The August 10, 1998 Freedom of Information Request Denial issued by the Western Area Power Administration would be rescinded, and Missouri River Energy Services would receive access to certain DOE information.

[FR Doc. 98-34681 Filed 12-30-98; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### **Office of Hearings and Appeals**

#### **Notice of Cases Filed; Week of November 2 through November 6, 1998**

During the Week of November 2 through November 6, 1998, the appeals,

applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and

Appeals, Department of Energy, Washington, DC 20585-0107.

Dated: December 22, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

## LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of November 2 through November 6, 1998]

Date	Name and location of applicant	Case No.	Type of submission
Nov. 3, 1998 ..	Personnel Security Hearing .....	VSO-0247	Request for Hearing under 10 CFR Part 710. If granted: An individual employed by a contractor of the Department of Energy would receive a hearing under 10 CFR Part 710.
Nov. 2, 1998 ..	Personnel Security Review .....	VSA-0205	Request for Review of Opinion under 10 CFR Part 710. If granted: The October 1, 1998 Opinion of the Office of Hearings and Appeals, Case No. VSO-0205, would be reviewed at the request of an individual employed by a contractor of the Department of Energy.
Nov. 6, 1998 ..	Louella Benson, Alexandria, Virginia .....	VFA-0456	Appeal of an Information Request Denial. If granted: The October 2, 1998 Freedom of Information Request Denial issued by the DOE Germantown Accounting Division would be rescinded, and Louella Benson would receive access to certain DOE information.
Nov. 6, 1998 ..	Personnel Security Review .....	VSA-0214	Request for Review of Opinion under 10 CFR Part 710. If granted: The October 15, 1998 Opinion of the Office of Hearings and Appeals, Case No. VSO-0214, would be reviewed at the request of an individual employed by a contractor of the Department of Energy.

[FR Doc. 98-34682 Filed 12-30-98; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

## Office of Hearings and Appeals

## Notice of Issuance of Decisions and Orders; Week of August 31 through September 4, 1998

During the week of August 31 through September 4, 1998, 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, 950 L'Enfant Plaza, SW, Washington, DC, Monday through Friday, 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: December 22, 1998.

**George B. Breznay,***Director, Office of Hearings and Appeals.***Department of Energy***Office of Hearings and Appeals**Washington, D.C. 20585-0107*

Decision List No. 101, Week of August 31 through September 4, 1998

**Appeals***Heart of America Northwest, 9/2/98, VFA-0435*

Heart of America Northwest filed an Appeal from July 1, 1998 and July 7, 1998 determinations of the Director of the Office of External Affairs (Director) of the Department of Energy's (DOE) Richland Operations Office requesting copies of documents regarding various types of waste at the Hanford Site. In considering the Appeal, the DOE determined that the Director should not have withheld the name of a commercially available chemical product, but that the Director properly withheld other responsive information pursuant to Exemption 4. Accordingly, the DOE partially granted the Heart of America Northwest Appeal.

*Scripps Institute of Oceanography, 9/2/98, VFA-0434*

The Department of Energy (DOE) issued a Decision and Order (D&O) denying a Freedom of Information Act (FOIA) Appeal that was filed by Scripps Institute of Oceanography. In its Appeal, Scripps requested that we review a determination issued by the Federal Energy Technology Center that certain documents relating to the relationship between a DOE contractor and one of its subcontractors were exempt in their

entirety from mandatory disclosure pursuant to Exemptions 4 and 7(A). In the Decision, the OHA found that the documents were voluntarily submitted for purposes of Exemption 4 and were thus confidential under the *Critical Mass* decision because they were customarily treated as confidential by the contractor. The documents were therefore properly withheld under Exemption 4. However, the OHA found that Exemption 7(A) was inapplicable because the documents were not compiled for law enforcement purposes, as that term is used in the Exemption.

*William Payne, 9/3/98, VFA-0436*

William Payne (Payne) filed an Appeal from a determination of the Department of Energy's (DOE) Albuquerque Operations Office requesting copies of documents related to contracts between a private company and Sandia National Laboratories, Los Alamos National Laboratories or DOE. DOE stated that the type of procurement files requested are not "agency records" and thus not subject to release under the FOIA. In considering the Appeal, the Office of Hearings and Appeals (OHA) determined that the records requested were the property of the contractor and were not covered by the FOIA. Accordingly, the DOE denied Payne's Appeal.

**Personnel Security***Personnel Security Hearing, 8/31/98, VSO-0203*

An Office of Hearings and Appeals Hearing Officer recommended that the Personnel Security Division of the Department of Energy/Albuquerque Operations Office restore an