

Henna Chevrolet, Inc. et al	RF272-94116	9/11/98
McFarland School Dist. et al	RF272-80761	9/10/98
Towner County Memorial Hosp. et al	RK272-01784	9/10/98

Dismissals

The following submissions were dismissed.

Name	Case No.
City of Dallas	RF272-96152
City of Inverness	RG272-00159
Hernando Cnty Dist. Schl Brd.	RF272-98979
The Sanctuary Foundation	VFA-0439

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DEPARTMENT OF ENERGY

NOTICE OF ISSUANCE OF DECISIONS AND ORDERS

Office of Hearings and Appeals; Week of September 14 through September 18, 1998

During the week of September 14 through September 18, 1998, the decisions and orders listed 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, D.C., 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. 103, Week of September 14 through September 18, 1998

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.

Cincinnati Paperboard Corp.	RF272-98969	9/17/98
Supplemental Crude Refunds	RB272-00143	9/17/98
Thomas v. Foresee	RK272-04849	9/17/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Buckeye Gas Products Co., Inc	RF304-15414
Personnel Security Hearing	VSO-0218
Personnel Security Hearing	VSO-0217
Roberson Lumber Co	RG272-00129
Tamper Corp	RK272-03895

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of September 21 through September 25, 1998

During the week of September 21 through September 25, 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, D.C., 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. 104, Week of September 21 through September 25, 1998

Appeal

The National Security Archive, 9/25/98, VFA-0189

The National Security Archive filed an Appeal from a denial by the Office of Energy Intelligence of a request for information that it filed under the Freedom of Information Act (FOIA). Energy Intelligence withheld most of one responsive document under Exemption 1. In considering the

information that was withheld, the DOE determined on Appeal that the information was not DOE classified information and did not fall within the scope of Exemption 1. However, because it related to intelligence activities, the DOE referred the document to the CIA for review. The

CIA determined that some of the information previously withheld must continue to be withheld under Exemptions 1 and 3. Accordingly, the Appeal was granted in part and denied in part.

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.

Carrollton School Dist. et al	RF272-96302	9/23/98
Circle V Farms	RK272-01791	9/25/98
Sarah L. Wicklund	RK272-04851	
Crude Oil Supplemental Refunds	RB272-00146	9/25/98
Yeager Trucking, Inc	RK272-04844	9/21/98
Dakota Sand & Gravel Co	RK272-04845	

Dismissals

The following submissions were dismissed.

Name	Case No.
Jackie Hair Moldenhauer	VWA-0020
Skymark International, Inc	VEE-0049
State of Indiana, Dept/Commerce	VEG-0005

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5498-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 14, 1998 Through December 18, 1998 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1998 (62 FR 17856).

Final EISs

ERP No. F-AFS-J65265-WY, Tie Camp Timber Sale, Harvesting Timber and Road Construction, Medicine Bow-Routt National Forest, Brush Creek/Hayden Ranger District, Carbon County, WY and Jackson County, CO.

Summary: EPA concerns were addressed in the Final EIS.

ERP No. F-AFS-J65283-CO, North Fork Salvage Timber Analysis Area,

Implementation, Medicine Bow-Routt National Forest, Routt County, CO.

Summary: EPA concerns were addressed in the preferred alternative.

ERP No. F-AFS-K61143-CA, Emigrant Wilderness Management Direction, Implementation, Stanislaus National Forest, Tuolumne County, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F-AFS-L61216-WA, White Pass Ski Area Expansion, Special-Use-Permit, Pigtail Basin and Hogback Basin, Wenatchee and Gifford, Pinchot National Forests, Yakima and Lewis Counties, WA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F-COE-K32050-CA, Oakland Harbor Inner and Outer Deep Navigation (-50 Foot) Improvement Project, Implementation, Feasibility Study, Port of Oakland, Alameda and San Francisco Counties, CA.

Summary: EPA continued to have specific comments and concerns on several issues, although the FEIS generally responded to many issues raised by EPA on the DEIS. EPA provided comments on mitigation for air quality impacts, the need for a new general air quality conformity applicability analysis should dredged material be transported to different locations, the projected volumes of

dredged material in future years from maintenance dredging of channel and berth areas, and adverse noise impacts in the City of Alameda.

ERP No. F-COE-K36122-CA, Upper Guadalupe River Feasibility Study, Flood Control Protection, Construction, National Economic Development Plan (NED), Santa Clara Valley Water District, City of San Jose, Santa Clara County, CA.

Summary: EPA expressed environmental concerns that the Corps' two separate EIS's for the project (one EIS for Federal funding, a second EIS on issuance of a Clean Water Act Section 404 permit) should have been addressed in a single consolidated FEIS.

ERP No. F-COE-K39046-AZ, Rio Salado Environmental Restoration of two Sites along the Salt River; (1) Phoenix Reach and (2) Tempe Reach, Feasibility Report, in the Cities of Phoenix and Tempe, Maricopa County, AZ.

Summary: EPA provided comments regarding the Clean Water Act Section 402 (NPDES) permits that would be required for the project's construction and operation, the location of groundwater production wells required by the project in connection with the 19th Avenue Landfill Federal Superfund site, and monitoring of groundwater derived from these production wells.

ERP No. F-USN-K11086-CA, US Pacific Fleet F/A 18 E/F Aircraft for Development of Facilities to Support