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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of October 27 Through October 31, 1997

During the week of October 27 through October 31, 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, 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: February 6, 1998.

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

Decision List No. 57: Week of October 27 Through October 31, 1997

Appeals

Chemdata, Inc., 10/31/97, VFA-0342

ChemData, Inc. appealed a Determination issued to it by the Department of Energy in response to a request under the Freedom of Information Act (FOIA) for information concerning bid prices for a subcontract. The Rocky Flats Field Office had found that all responsive documents were owned by the management and operating contractor, Kaiser-Hill Company. The DOE rejected the Appellant's argument that all "taxpayer-funded records" are subject to release

under the FOIA and that all contracting records of a DOE contractor are DOE property. Accordingly, the Appeal was denied.

Natural Resources Defense Council, 10/31/97, VFA-0338

The Natural Resources Defense Council filed a Freedom of Information Act (FOIA) Appeal requesting a new search for responsive documents. In considering the Appeal, the DOE determined that additional responsive documents may exist and remanded the matter to the Albuquerque Operations Office.

Patricia C. McCracken, 10/30/97, VFA-0337

The Department of Energy denied a Freedom of Information Act (FOIA) Appeal that was filed by Patricia C. McCracken. In her Appeal, Ms. McCracken challenged both the finding of the Savannah River Operations Office that a contractor proposal was exempt from disclosure pursuant to Exemption 3 and the adequacy of the search for responsive documents. In the Decision, the DOE found that the search for responsive documents was adequate and that the proposal was properly withheld under Exemption 3, because release of the proposal under the FOIA is forbidden by Section 821(b) of the National Defense Authorization Act of 1997, P.L. 104-201.

Personnel Security Hearing

Personnel Security Hearing, 10/28/97, VSO-0163

An OHA Hearing Officer issued an opinion concerning an individual whose access authorization was suspended because of derogatory information that the individual was alcohol dependent and had violated a drug certification by illegal possession of amphetamines and drug paraphernalia. At a hearing, the individual maintained that he was rehabilitated from alcohol dependence. He also contended that he saw the amphetamines and drug paraphernalia lying in the street and picked them up to show to his friends as a joke, but did not purchase or intend to use them. The Hearing Officer found that the individual did not bring forth sufficient corroboration to support these

assertions. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Implementation of Special Refund Procedures

Crude Oil Purchasing, Inc.; Grutex Corp./Compton Corp.; Jaguar Petroleum, Inc.; Westport Energy Corp. & Westport Petroleum, 10/29/97, LEF-0058, VEF-0012, LEF-0059, LEF-0113

This Implementation Order sets forth the procedures for disbursement of \$2,451,396 (plus accrued interest) in alleged or adjudicated crude oil overcharges obtained by the DOE from Crude Oil Purchasing, Incorporated, Jaguar Petroleum, Incorporated, Westport Energy Corporation/Westport Petroleum Corporation, and Grutex Corporation/Compton Corporation. The DOE determined that the funds obtained from these firms, plus accrued interest, will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases.

Refund Application

Gulf Oil Corporation/Love Tractor Sales, et al., 10/28/97, RF300-14859, et al.

The DOE denied applications for refund submitted by five firms affiliated with the John D. Love Oil Company (LOC). When, for the purpose of applying the presumptions of injury established in the Gulf Oil Corp. overcharge refund proceeding, the gallonage of these applicants is combined with the gallonage of LOC, the principal refund for all affiliated firms is \$5,000. Since LOC already received a refund of \$5,000 for its own gallonage in a previous Decision and Order, the Applicants were not eligible to receive any additional refund for their gallonage.

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.

JAMES BROS. PARTNERSHIP, ET AL	RK272-04613	10/29/97
JERRY SETTLE, ET AL	RK272-01763	10/29/97

Dismissals

The following submissions were dismissed.

Name	Case No.
OCTANE PETROLEUM #1	RF300-15400

Name	Case No.
OCTANE PETROLEUM #2	RF300-15401
VANTAGE PETROLEUM #1	RF300-15402
VANTAGE PETROLEUM #2	RF300-15403

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5948-3]

LCP Chemicals Georgia Site/ Brunswick, Georgia; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has proposed to settle claims for response costs at the LCP Chemicals Georgia Site (the "Site") located in Brunswick, Georgia, with AlliedSignal, Inc., Atlantic Richfield Company, and Georgia Power Company of Georgia. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, Program Services Branch, Waste Management Division, 61 Forsyth Street, SW, Atlanta, Georgia 30303, (404) 562-8887.

Written comments may be submitted to Mrs. Ann Mayweather-Boyd at the above address within 30 days of the date of publication.

Dated: December 10, 1997.

Richard D. Green,

Acting Director, Waste Management Division.

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FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by FCC for Extension Under Delegated Authority 5 CFR 1320 Authority, Comments Requested

February 4, 1998.

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 proposed and/or continuing information collections, 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 displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before April 20, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St.,

NW., Washington, DC 20554 or via internet to jboleym@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Judy Boley at 202-418-0214 or via internet at jboleym@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0286.

Title: Section 80.302, Notice of discontinuance, reduction, or impairment of service involving a distress watch.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit, individuals or households, non-profit institutions, state and local governments.

Number of Respondents: 160.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 160 hours.

Frequency of Response: On occasion.

Total Annual Cost: N/A.

Needs and Uses: The reporting requirement contained in Section 80.145 is necessary to ensure that the U.S. Coast Guard is timely notified when a coast station, which is responsible for maintaining a listening watch on a designated marine distress and safety frequency, discontinues, reduces or impairs its communications services. This notification allows the Coast Guard to seek an alternate means of providing radio coverage to protect the safety of life and property at sea or object to the planned diminution of service. The information is used by the U.S. Coast Guard district office nearest to the coast station. Once the Coast Guard is aware that such a situation exists, it is able to inform the maritime community that radio coverage has or will be affected and/or seek to provide coverage of the safety watch via alternate means. When appropriate the Coast Guard may file a petition to deny an application.

OMB Approval Number: 3060-0221.

Title: Section 90.155 Time in which station must be placed in operation.

Form No.: N/A.

Type of Review: Extension of existing collection.

Respondents: Businesses or other for-profit, state, local or tribal government, not-for-profit institutions.

Number of Respondents: 55.

Estimated Time Per Response: 1 hour per response.