

Name	Case No.
Ellzey & Brooks, LLC	VFA-0433
Michael Ares	VWA-0022
Personnel Security Hearing	VSO-0210

[FR Doc. 98-31363 Filed 11-23-98; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of July 20 Through July 24, 1998

During the week of July 20 through July 24, 1998, the decision and order summarized below was issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy.

Copies of the full text of this decision and order is available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, DC 20585-0107, 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: November 12, 1998.

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

Decision List No. 95

Week of July 20 Through July 24, 1998

Refund Application

*ENRON CORP./APEX OIL CO., 7/22/98
RF340-136*

The DOE denied a refund application filed by Apex Oil Company in the Enron Corporation refund proceeding. The DOE determined that Apex was a spot purchaser of Enron product and that Apex had not rebutted the spot purchaser presumption of non-injury.

[FR Doc. 98-31364 Filed 11-23-98; 8:45 am]
BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of July 27 Through July 31, 1998

During the week of July 27 through July 31, 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. 20585-0107, 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: November 12, 1998.

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

Decision List No. 96—Week of July 27 Through July 31, 1998

Appeals

Charles W. Hemingway, 7/31/98, VFA-0424

DOE denied a Freedom of Information Act (FOIA) Appeal filed by Charles W. Hemingway. Hemingway contended that the redacted information was wrongfully withheld under Exemption 6 of the FOIA because he filed his request under the Ethics in Government Act (EGA), to which FOIA exemptions are inapplicable. OHA dismissed this portion of the Appeal because it lacks jurisdiction to consider matters arising under the EGA. DOE denied Hemingway's claim that it had waived the right to withhold a social security number under Exemption 6 by previously releasing it in a proceeding before the Merit Systems Protection Board. DOE held that the submission to the MSPB did not dissolve the employee's privacy right.

Edwin S. Rothschild, 7/28/98, VFA-0423

The DOE denied a Freedom of Information Act (FOIA) Appeal filed by the Edwin S. Rothschild. Rothschild sought documents used to prepare a report to Congress pertaining to consideration of a regional petroleum product reserve. Responsive documents were located by the Office of the Deputy

Assistant Secretary for Strategic Petroleum Reserves (SPR), but were withheld under Exemption 5. Rothschild argued that release of the report mandated release of the preparatory material. DOE found that the status of the documents as predecisional was not altered by the release of the final report, DOE and that SPR had articulated the foreseeable harm that would result from release of the requested documents.

Personnel Security

*Personnel Security Review, 7/29/98,
VSA-0186*

The Director of OHA issued an Opinion regarding the eligibility of an individual to maintain access authorization. The Director agreed with the Hearing Officer that the individual had failed to mitigate security concerns regarding his alcohol abuse, because while the individual had agreed not to use alcohol while participating in the Employee Assistance Program (EAPRO), he did so on ten occasions, and then lied about that use to his EAPRO counsel on eight occasions. Accordingly, the Director recommended that the individual's access authorization not be restored.

Refund Application

*Good Hope Refiners/Apex Oil
Company 7/31/98, RF339-12*

DOE considered an Application for Refund filed by Apex Oil Company in the Good Hope Refineries Special Refund Proceeding. DOE denied that portion of the application based on Apex's purchases of middle distillates during the period, August 19, 1973 through July 31, 1976, because Apex was a spot purchaser during this period and had failed to rebut the spot purchaser presumption of non-injury. DOE granted Apex a refund based on Apex's purchases of 500,241.901 gallons of motor gasoline during the period, August 1976 through July 31, 1979. DOE found that Apex had demonstrated injury by showing it had positive banks of unrecovered increased product costs in excess of the refund sought, and had suffered a competitive disadvantage as a result of its purchases from Good Hope.

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.

Crude Oil Supple	RB272-00140	7/31/98
Donald Claunch	RR272-308	7/28/98
Donald Claunch	RR272-309	
Philippine Government	RG272-754	7/31/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Mark Donham	VFA-0428
Personnel Security Hearing	VSO-0213

[FR Doc. 98-31365 Filed 11-23-98; 8:45 am]
BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

OPPTS-140276; FRL-6045-5

Access to Confidential Business Information by ABT Associates

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: EPA has authorized its contractor, ABT Associates (ABT), of 55 Wheeler Street, Cambridge, Massachusetts and ABT's subcontractor Eastern Research Group (ERG), of 110 Hartwell Avenue, Lexington, Massachusetts, for access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data will occur no sooner than December 4, 1998.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under contract number 68-W98-005, contractor ABT Associates of 55 Wheeler Street, Cambridge, MA and its subcontractor ERG of Lexington, MA, will assist the Office of Pollution

Prevention and Toxics (OPPT) in conducting economic and regulatory impact analysis to support all aspects of EPA decision-making.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68-W98-005, ABT and ERG will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. ABT and ERG personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ABT and ERG access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters; ABT Associates of 4800 Montgomery Lane, Suite 400, Room 413B, Bethesda, MD and ABT Associates of 55 Wheeler St., Cambridge, MA facilities; and at Eastern Research Group of 110 Hartwell Avenue, Lexington, MA, and Eastern Research Group of Avion Lakeside D, 14555 Avion Parkway, Chantilly, VA facilities.

ABT and ERG will be authorized access to TSCA CBI at their facilities, provided they comply with the provisions of the EPA *TSCA Confidential Business Information Security Manual*.

Before access to TSCA CBI is authorized at ABT and ERG's sites, EPA will perform the required inspection of its facilities, and ensure that these facilities are in compliance with the Manual. Upon completing review of the CBI materials, ABT and ERG will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this contract may continue until September 30, 2002.

ABT and ERG personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection, Access to confidential business information.
Dated: November 12, 1998.

Deborah A. Williams,

Acting Director, Information Management Division, Pollution Prevention and Toxics.

[FR Doc. 98-31391 Filed 11-23-98; 8:45 am]
BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-00253; FRL-6045-8]

National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: A meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will be held on December 7-9, 1998, in Washington, DC. At this meeting, the NAC/AEGL Committee will address, as time permits, the various aspects of the acute toxicity and the development of Acute Exposure Guideline Levels (AEGLs) for the following chemicals: Cyclohexylamine, ethylene oxide, HFC-134a, HCFC-141b, hydrogen sulfide,