

(2) an approximately 100-foot-long by 80-foot-wide brick powerhouse attached to the spillway on the south bank of the St. Joseph River having 3 horizontal shaft 4-Francis turbines (2 camelback pairs) with a 3.44 megawatts installed capacity; (3) 6, 9-foot six-inch diameter concrete draft tube tunnels transitioning to 10-foot-high 6-foot-wide openings; and (4) other appurtenances.

k. With this notice, we are initiating consultation with the Indiana State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

l. Under Section 4.32(b)(7) of the Commission's regulations (18 CFR 4.32(b)(7)), if any resource agency, SHPO, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate, factual basis for a complete analysis of this application on its merits, they must file a request for the study with the Commission, together with justification for such request, not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

David P. Boergers,

Acting Secretary.

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of February 2 Through February 6, 1998

During the week of February 2 through February 6, 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.

ALABAMA HIDE TALLOW CO. ET AL	RF272-94128	2/6/98
ATLANTIC RICHFIELD CO./JOPPA FOOD STORE ET AL	RF304-14124	2/6/98
CRUDE OIL SUPPLE REF DIST	RB272-00132	2/2/98
GULF OIL CORPORATION/G.J. FOOD CENTER INC	RF300-13634	2/3/98
JOHN DEHNER, INC ET AL	RK272-03539	2/6/98
WARREN LYONS ET AL	RK272-1980	2/6/98

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: June 2, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 71, Week of February 2 Through February 6, 1998

Appeals

Hanford Education Action League,
2/2/98, VFA-0217

Hanford Education Action League appealed a denial by the Richland Operations Office of a request for information that it filed under the Freedom of Information Act (FOIA). Because the withheld information was identified as classified under the Atomic Energy Act, the DOE withheld it under Exemption 3. The DOE determined on appeal that the information was no longer classified and released an unredacted version. Accordingly, the Appeal was granted.

The Oregonian, 2/3/98, VFA-0368

The Department of Energy granted a Freedom of Information Act (FOIA) Appeal filed by the Oregonian of a determination issued by the Bonneville Power Administration (BPA) that documents relating to litigation expenses were exempt from mandatory disclosure pursuant to the attorney work product and attorney-client privileges encompassed by Exemption 5. The DOE found that the documents contained some information that was properly withheld, but that information relating to travel, copying, courier and shipping expenses was improperly withheld. The

DOE remanded this matter to the BPA for further review and for the segregation and release of non-exempt material.

Personnel Security Hearing

Personnel Security Hearing, 2/6/98,
VSO-0181

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain access authorization. The Hearing Officer found that the individual had been appropriately diagnosed with a mental illness affecting his judgment and reliability and was habitually using alcohol to excess. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Refund Application

Primerica Corporation, 2/6/98, RR272-00300, RR272-00301, RF265-02888

The DOE denied reconsideration of *Primerica Corp.*, 26 DOE ¶ 85,050 (1997), which determined that Primerica was not entitled to a refund for the American Can Company business or for American Can's interest in Chemplex. In considering Primerica's request for reconsideration, the DOE determined that American Can (i) transferred the can business assets, including the right to the refund, to a third party, and (ii) did not retain the right to the refund for Chemplex when it sold to a third party the stock of the American Can subsidiary which owned Chemplex. Finally, the DOE determined a refund granted to Primerica in the Getty Oil Company refund proceeding should be rescinded.

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.

Dismissals

The following submissions were dismissed.

Name	Case No.
BUCKNELL UNIVERSITY	RF272-95320
HOWARD TRUCKING CO., INC	RF272-95284

Name	Case No.
LINDEMANN PRODUCE, INC	RK272-04643

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of February 9 Through February 13, 1998

During the week of February 9 through February 13, 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: June 2, 1998.

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

Decision List No. 72 Week of February 9 Through February 13, 1998

Appeal

Marjorie A. Jillson, 2/11/98, VFA-0366

Marjorie A. Jillson appealed a determination issued to her by the Freedom of Information and Privacy Act Division (FOIA Division) of the Department of Energy concerning a request for information she filed pursuant to the Privacy Act. The FOIA Division found no records responsive to Ms. Jillson's request. In considering her Appeal, the DOE found that the FOIA Division had adequately searched all the systems of records under its control that

might reasonably be expected to contain the material sought by Ms. Jillson. Accordingly, the Appeal was denied.

Personnel Security Hearing

Personnel Security Hearing, 2/9/98, VSO-0178

A Hearing Officer found that the individual (1) had made false statements to the DOE and the OPM, (2) had been appropriately diagnosed as alcohol dependent, and (3) suffered from alcohol dependence which affected his judgment and reliability. The individual failed to prove rehabilitation. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

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.

BREWER PRODUCTS, INC.	RF272-93953	2/11/98
DONALD R. CLAUNCH	RG272-00766	2/11/98
DONALD R. CLAUNCH	RG272-00767	
DR. PEPPER, 7-UP, ROYAL CROWN BOTT. CO	RK272-04734	2/11/98
JOANNE MCCARTY ET AL	RK272-04698	2/11/98

Dismissals

The following submissions were dismissed.

Name	Case No.
WAVECREST MANAGEMENT	RF272-97795

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of May 4 Through May 8, 1998

During the week of May 4 through May 8, 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: June 2, 1998.

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

Decision List No. 84 Week of May 4 Through May 8, 1998

Appeals

Air-Con, Inc., 5/4/98, VFA-0403

Air-Con, Inc. appealed a determination issued to it by the Idaho Operations Office (Idaho) of the Department of Energy in which it asserted that Idaho failed to conduct an adequate search for various contract settlement documents requested pursuant to the FOIA. The DOE