

DEPARTMENT OF ENERGY**Office of Hearings and Appeals****Notice of Issuance of Decisions and Orders During the Week of March 16 Through March 20, 1998**

During the week of March 16 through March 20, 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. 77 Week of March 16 Through March 20, 1998**Refund Applications**

Gulf Oil Corp./F.O. Fletcher, Inc., 3/20/98, RF300-6619

F.O. Fletcher, Inc., sought an above volumetric refund in the Gulf Oil Corporation Refund proceeding. The DOE found that as an indirect purchaser of Gulf motor gasoline through Tesoro Oil Company, Fletcher was overcharged by greater than the volumetric level.

However, the DOE also concluded that the firm had not shown injury at that level. Accordingly, the firm's refund was limited to the maximum mid-range presumption of \$50,000, plus interest.

Merichem Company, 3/20/98, RG272-00529

DOE denied an application filed by Merichem Company for a crude oil refund based on purchases of sodium cresylate and sodium sulfide. DOE found that neither product was eligible for a refund because they were not produced by a refinery.

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.

GULF OIL CORPORATION/AMERIGAS PROPANE, INC	RF300-18151	3/20/98
UTILITY PROPANE CO	RF300-18293	
UNIROYAL CHEMICAL CO., INC	RF272-18699	3/20/98
UNIROYAL CHEMICAL CO., INC	RD272-18699	

Dismissals

The following submissions were dismissed.

Name	Case No.
PERSONNEL SECURITY HEARING	VSO-0190
PERSONNEL SECURITY HEARING	VSO-0193

[FR Doc. 98-15571 Filed 6-10-98; 8:45 am]

BILLING CODE 6450-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6110-4]

Ambient Air Monitoring Reference and Equivalent Methods; Designation of Two Reference Methods and Two Equivalent Methods

AGENCY: Environmental Protection Agency.

ACTION: Notice of designation.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has designated, in accordance with 40 CFR part 53, two new reference methods for the measurement of PM_{2.5} concentrations in the ambient air and two new equivalent methods for the measurement of sulfur dioxide and ozone (respectively) in the ambient air.

FOR FURTHER INFORMATION CONTACT: Frank F. McElroy, Human Exposure and Atmospheric Sciences Division (MD-

46), National Exposure Research Laboratory, U.S. EPA, Research Triangle Park, North Carolina 27711. Phone: (919) 541-2622, email: mcelroy.frank@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA announces the designation of two new reference methods for measuring mass concentrations of particulate matter as PM_{2.5} in the ambient air and two new equivalent methods, for monitoring concentrations of sulfur dioxide (SO₂) and ozone (O₃), respectively, in the ambient air. These designations are made under the provisions of 40 CFR part 53, as amended on July 18, 1997 (62 FR 38764).

Each of the new reference methods is a manual monitoring method based on a particular PM_{2.5} sampler, one being a single-filter sampler and the other capable of automatically collecting multiple (sequential) samples. The first equivalent method is an automated method (analyzer) for SO₂ that utilizes a measurement principle based on ultraviolet fluorescence. The other equivalent method is an automated method (analyzer) for O₃ that utilizes a

measurement principle based on absorption of ultraviolet radiation at a wavelength of 254 nm. The new methods are identified as follows:

RFPS-0598-119, "Graseby Andersen Model RAAS2.5-100 PM_{2.5} Ambient Air Sampler," operated with software version 4B configured for "Single 2.5" operation, for 24-hour continuous sample periods at a flow rate of 16.67 liters/minute, and in accordance with the Model RAAS2.5-100 Operator's Manual and with the requirements and sample collection filters specified in 40 CFR Part 50, Appendix L.

RFPS-0598-120, "Graseby Andersen Model RAAS2.5-300 PM_{2.5} Sequential Ambient Air Sampler," operated with software version 4B configured for "Multi 2.5" operation, for 24-hour continuous sample periods at a flow rate of 16.67 liters/minute, and in accordance with the Model RAAS2.5-300 Operator's Manual and with the requirements and sample collection filters specified in 40 CFR Part 50, Appendix L.

EQSA-0197-114, "Horiba Instruments Model APSA-360 or APSA-360ACE Ambient Sulfur Dioxide Monitor," operated at any temperature in the range of 5 °C to 40 °C; Model APSA-360: operated with a full scale range of 0-0.5 ppm, with a Line Setting of "MEASURE", and an Analog Output of "MOMENTARY VALUE", and with or without either of the following options: 1) Rack Mounting Plate and Side Rails; 2) RS-232 Communications Port; Model APSA-360ACE: operated on any of the following ranges: 0-0.05 ppm or 0-0.1 ppm or 0-0.2 ppm or 0-0.5 ppm or 0-1.0 ppm, with any selectable time constant from 10 to 300 seconds.

EQOA-0992-087, "Advanced Pollution Instrumentation, Inc. Model 400 or 400A Ozone Analyzer," operated on any full scale range between 0-100 ppb and 0-1000 ppb, with any range mode (Single, Dual, or AutoRange), at any ambient temperature in the range of 5 °C to 40 °C, with the dynamic zero and span adjustment feature (some Model 400 units only) set to OFF, with a 5-micron TFE filter element installed in the rear-panel filter assembly, and with or without any of the following options: Zero/Span Valve option, Internal Zero/Span (IZS) option, IZS ozone generator reference feedback option, standard serial port or Multi-drop RS-232, digital status outputs, analog outputs: 100 mV, 1 V, 5 V, 10 V, 4-20 mA current loop, optional metal wool ozone scrubber, optional external sample pump, optional 47 mm diameter filter, optical bench heater, rack mount with slides.

An application for reference method determinations for the Graseby Andersen PM_{2.5} methods was received by the EPA on January 8, 1998, and a notice of the receipt of this application was published in the **Federal Register** on February 10, 1998. The methods are available commercially from the applicant, Graseby Andersen, 500 Technology Court, Smyrna, GA 30082.

An application for an equivalent method determination for the Horiba Model APSA-360ACE SO₂ method was received by EPA on March 26, 1998 (publication of notice of receipt in the **Federal Register** is currently pending). The Horiba Model APSA-360 was previously designated as an equivalent method (62 FR 6968) and continues to be designated, although it will be commercially superseded by the Model APSA-360ACE. These analyzers are available from the applicant, Horiba Instruments, Incorporated, 17671 Armstrong Avenue, Irvine, CA 92714.

An application for an equivalent method determination for the Advanced Pollution Instrumentation, Inc. (API)

Model 400A O₃ method was received by EPA on February 24, 1998 (publication of notice of receipt in the **Federal Register** is currently pending). The API Model 400 was previously designated as an equivalent method (57 FR 44565) and continues to be designated, although it will be commercially superseded by the Model 400A. These analyzers are available from the applicant, Advanced Pollution Instrumentation, Incorporated, 6565 Nancy Ridge Drive, San Diego, CA 92121.

Test samplers or analyzers representative of each of these methods have been tested by the respective applicants in accordance with the test procedures specified in 40 CFR part 53 (as amended on July 18, 1997). After reviewing the results of those tests and other information submitted by the applicants, EPA has determined, in accordance with part 53, that these methods should be designated as reference or equivalent methods, as appropriate. The information submitted by the applicants will be kept on file at EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711 and will be available for inspection to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated reference or equivalent method, each of these methods is acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method, the specifications and limitations (e.g., sample period or operating temperature range) specified in the applicable designation method description (see identification of the methods above), and (for PM_{2.5} reference methods) the specifications and requirements set forth in Appendix L to 40 CFR part 50. Use of the method should also be in general accordance with the guidance and recommendations of Quality Assurance Guidance Document 2.12 (for PM_{2.5} reference methods) or other applicable section of the Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II (EPA/600/R-94/038b). Vendor modifications of a designated reference or equivalent method used for purposes of part 58 are permitted only with prior approval of the EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to 40

CFR part 58 (Modifications of Methods by Users).

In general, a method designation applies to any sampler or analyzer which is identical to the sampler or analyzer described in the designation application. In some cases, similar samplers or analyzers manufactured prior to the designation may be upgraded (e.g., by minor modification or by substitution of a new operation or instruction manual) so as to be identical to the designated method and thus achieve designated status at a modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated reference or equivalent method analyzers or samplers comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(a) A copy of the approved operation or instruction manual must accompany the sampler or analyzer when it is delivered to the ultimate purchaser.

(b) The sampler or analyzer must not generate any unreasonable hazard to operators or to the environment.

(c) The sampler or analyzer must function within the limits of the applicable performance specifications given in parts 50 and 53 for at least one year after delivery when maintained and operated in accordance with the operation or instruction manual.

(d) Any sampler or analyzer offered for sale as part of a reference or equivalent method must bear a label or sticker indicating that it has been designated as part of a reference or equivalent method in accordance with part 53 and show its designated method identification number.

(e) If such an analyzer has two or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(f) An applicant who offers samplers or analyzers for sale as part of a reference or equivalent method is required to maintain a list of ultimate purchasers of such samplers or analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the method has been canceled or if adjustment of the sampler or analyzer is necessary under 40 CFR part 53.11(b) to avoid a cancellation.

(g) An applicant who modifies a sampler or analyzer previously designated as part of a reference or equivalent method is not permitted to sell the sampler or analyzer (as

modified) as part of a reference or equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the sampler or analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR part 53.14(c) that the original designation or a new designation applies to the method as modified, or until he has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the sampler or analyzer as modified.

(h) An applicant who offers PM_{2.5} samplers for sale as part of a reference or equivalent method is required to maintain the manufacturing facility in which the sampler is manufactured as an ISO 9001-registered facility.

(i) An applicant who offers PM_{2.5} samplers for sale as part of a reference or equivalent method is required to submit annually a properly completed Product Manufacturing Checklist, as specified in part 53.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, National Exposure Research Laboratory, Human Exposure and Atmospheric Sciences Division (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of these reference and equivalent methods is intended to assist the States in establishing and operating their air quality surveillance systems under part 58. Questions concerning the commercial availability or technical aspects of any of these methods should be directed to the appropriate applicant.

In a notice in the April 16, 1998 issue of the **Federal Register** (63 FR 18911), the EPA announced that a method for monitoring PM_{2.5} in the ambient air identified as "RFPS-0498-116, BGI Incorporated Model PQ200 PM_{2.5} Ambient Fine Particle Sampler" was "conditionally" designated as a reference method under § 53.51(b)(2) pending ISO 9001 certification of the BGI manufacturing facility. That certification is now complete, and the designation of the PM_{2.5} reference method based on the BGI Model PQ200 sampler (BGI, Incorporated, 58 Guinan Street, Waltham, MA 02154) is no longer conditional.

Henry L. Longest II,
Acting Assistant Administrator for Research and Development.

[FR Doc. 98-15587 Filed 6-10-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6110-1]

Proposed Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed de minimis administrative settlement and opportunity for public comment—Woodward Metal Processing site.

SUMMARY: The United States Environmental Protection Agency (EPA) is proposing to enter into a de minimis administrative settlement to resolve certain claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). Notification is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement is intended to resolve 48 de minimis parties' liability for certain response costs incurred by EPA at the Woodward Metal Processing Superfund Site in Jersey City, New Jersey.

DATES: Comments must be provided by July 13, 1998.

ADDRESSES: Comments should be addressed to the United States Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007, and should refer to: In the Matter of the Woodward Metal Processing Superfund Site: Woodward Metal Processing De Minimis Settlement, U.S. EPA Index No. II-CERCLA-98-0101.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007; Attention: Virginia A. Curry, Esq. (212) 637-3139, or curry.virginia@epa.mail.epa.gov

SUPPLEMENTARY INFORMATION: In accordance with section 122(i)(1) of CERCLA, notification is hereby given of a proposed administrative de minimis settlement concerning the Woodward Metal Processing Superfund Site located in Jersey City, New Jersey. Section 122(g) of CERCLA provides EPA with authority to settle certain claims for costs incurred by the United States when, as in this case, the settlement involves only a minor portion of the response costs at the Site, the amount of hazardous substances contributed by each settling party is minimal compared with the other hazardous substances at

the Site and the contributed hazardous substances are not more toxic than the other substances at the site.

De minimis parties will pay a total of \$167,345.28 under the terms of the settlement to reimburse EPA for response costs incurred at the Woodward Metal Processing Superfund site.

Dated: March 20, 1998.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 98-15586 Filed 6-10-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday, June 16, 1998 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE & TIME: Thursday, June 18, 1998 at 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes.

Audit: 1996 Democratic National Convention Committee, Inc.

Audit: Chicago's Committee for '96.

Soft Money: Revised Draft Notice of Proposed Rulemaking.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Ron Harris, Press Officer,
Telephone: (202) 694-1220.

Signed:

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 98-15702 Filed 6-9-98; 11:36 am]

BILLING CODE 6715-01-M