

an individual. The Hearing Officer found that information presented by the DOE established that the individual suffers from alcohol abuse and had not mitigated the security concerns by sufficient evidence of rehabilitation and reformation.

Refund Application

Pruner Health Services, Inc., et al., 10/14/97; RK272-02447 et al.

The Department of Energy issued a Decision and Order granting 16 Applications for Supplemental Refund filed in the Subpart V crude oil refund proceeding.

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 REF DIST	RB272-00123	10/15/97
ERIE MATERIALS, INC. ET AL	RF272-98607	10/16/97
MACDONALD H. JONES ET AL	RK272-04624	10/15/97

Dismissals

The following submissions were dismissed.

NAME	CASE NO.
OXNARD FROZEN FOOD COOPERATIVE	RF272-76782
PERSONNEL SECURITY HEARING	VSO-0162

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DEPARTMENT OF ENERGY

Office of Hearing and Appeals

Notice of Issuance of Decisions and Orders by the Office of Hearings and Appeals; Week of November 3 Through November 7, 1997

During the week of November 3 through November 7, 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 11, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 58; Week of November 3 through November 7, 1997

Appeals

Convergence Research, 11/7/97, [VFA-0340]

Convergence Research (CR) appealed a determination by the Bonneville Power Administration (BPA) that denied in part a request for information that it filed under the Freedom of Information Act (FOIA). The DOE found that a likelihood of significant competitive harm would result from release of the requested information and that, therefore, BPA properly withheld the information under Exemption 5. Consequently, CR's Appeal was denied. *The Oregonian*, 11/3/97, [VFA-0336]

The *Oregonian* appealed a determination by the Bonneville Power Administration (BPA) that denied in part a request for information the newspaper filed under the Freedom of Information Act (FOIA). The DOE found that a likelihood of significant competitive harm would result from release of the requested information and that, therefore, BPA properly withheld the information under Exemption 5. Consequently, the Appeal filed by The *Oregonian* was denied.

Refund Applications

Eason Oil Co./Koch Hydrocarbon Co., 11/7/97, [RF352-2]

The DOE granted in part an application for refund submitted by Koch Hydrocarbon Co. (KHC) in the Eason Oil Co. (Eason) special refund

proceeding. The DOE found that KHC purchased a mixed stream of NGLs from Eason, which it fractionated into propane, butane and natural gasoline and resold to third parties. KHC's NGL purchases from Eason were not discretionary in nature, and were dictated by KHC's requirements for its fractionation and marketing activities. For the period November 1973 through December 1979, the DOE found that KHC had demonstrated that the prices it paid to Eason for butane resulted in some economic injury to KHC. However, the DOE found that KHC's competitive disadvantage analysis failed to establish that KHC suffered the type of substantial and consistent competitive disadvantage that would qualify the firm for 100% of its allocable share of the refund. Accordingly, the DOE granted KHC a refund based on 79.5 percent of its allocable share.

Gulf Oil Corp./Ryder Energy

Distributing, 11/3/97, [RR300-261]

The DOE denied a motion for reconsideration filed by the Ryder Energy Distributing in the Gulf refund proceeding. The DOE had previously granted Ryder a \$36,637 refund based on the medium range presumption of injury applicable to resellers. In considering the motion, the DOE found that Ryder Energy failed to demonstrate that it was entitled to the end-user presumption of injury for any of its Gulf purchases.

Star-Kist Foods, Inc., 11/6/97, [RR272-148]

The DOE granted a Motion for Reconsideration filed by Star-Kist Foods, Inc. The DOE found that the company had acted in a timely fashion

when it corrected the deficiency which had caused the DOE to dismiss Star-Kist's Application for Refund, and DOE determined that Star-Kist should receive a refund.

TMBR/Sharp Drilling, Inc. Tom Brown, Inc. Tom Brown, Inc., 11/3/97, [RF272-98766; RC272-00375; RJ272-00050]

TMBR/Sharp Drilling, Inc. (TMBR) filed an Application for Refund in the crude oil refund proceeding. Another company, Tom Brown, Inc. (TBI), from

which TMBR had been spun off, had earlier received a refund for the same purchases for which TMBR was entitled to a refund. The DOE rescinded the portions of TBI's original and supplemental refunds pertaining to purchases made by its drilling division, which became TMBR. Moreover, the DOE accepted TBI's estimates of its drilling division's purchases instead of TMBR's, because TBI's records were based on records contemporaneous to the refund period, as opposed to TMBR's estimates, which were based on

current records. Accordingly, TMBR was granted a refund and TBI's refunds were reduced.

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 Supply Refund	RB272-00124	11/7/97
Gulf Oil Corporation/Monarch Oil Co., Inc	RF300-21676	11/3/97
Gulf Oil Corporation/Texas City Refining, Inc	RF300-14009	11/6/97
Shell Oil Co./Merbert M. Hsu	RF315-10287	11/4/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Nash Finch Co.	RK272-04629

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5970-1]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Registration of Fuels and Fuel Additives—Health-effects Research Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Registration of Fuels and Fuel Additives: Health-effects Research Requirements for Manufacturers (40 CFR 79—subpart F) (OMB Control Number 2060-0297, expiration date: 4-30-98). The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 25, 1998.

FOR FURTHER INFORMATION CONTACT:

For a copy of the ICR, call Sandy Farmer at EPA, by phone at (202) 260-2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download off the Internet at <http://www.epa.gov/icr/icr.htm>, and refer to EPA ICR No. 1696.02.

SUPPLEMENTARY INFORMATION

Title: Registration of Fuels and Fuel Additives: Health-effects Research Requirements for Manufacturers (40 CFR 79—subpart F), (OMB Control Number 2060-0297, EPA ICR Number 1696.02) expiring 4-30-98. This is a request for an extension of a currently approved collection.

Abstract: In accordance with the Clean Air Act regulations at 40 CFR 79, manufacturers (including importers) of gasoline, diesel fuel, and additives for gasoline or diesel fuel, are required to have their products registered by the EPA prior to their introduction into commerce. Registration involves providing a chemical description of the fuel or additive, and certain technical, marketing, and health-effects information. The health-effects research is the subject of this ICR. The other information collection requirements at 40 CFR 79 are covered by a separate ICR (EPA ICR Number 309.09, OMB Control Number 2060-0150). The health-effects research is divided into three tiers of requirements for specific categories of fuels and additives. Tier 1 requires a health-effects literature search and emissions characterization. Tier 1 data were submitted in 1997 and will be

applicable for most new products seeking registration. Tier 2 requires short-term inhalation exposures of laboratory animals to emissions to screen for adverse health effects, unless comparable data are already available. Alternative Tier 2 testing can be required in lieu of the standard Tier 2 if EPA concludes that such testing would be more appropriate. Certain small businesses are exempt from some or all of the Tier 1 and Tier 2 requirements. Tier 3 provides for follow-up research, if necessary. (However, no Tier 3 requirements have been established. Thus, it is not covered in this notice.) This information will be used to determine if there are any products whose evaporative or combustion emissions may pose an unreasonable risk to public health, thus meriting further investigation and potential regulation. In accordance with the Clean Air Act, the results of this research shall not be considered confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information, was published on December 1, 1997 (62 FR 63544); no comments were received.