Ruth Towle Murphy completed the filing of a Freedom of Information Act (FOIA) Appeal requesting that the Office of Hearings and Appeals of the Department of Energy (DOE) order the release of ''estimated costs, fixed fees, and the names of key personnel to implement a contract,'' information withheld pursuant to 5 U.S.C. § 552(b)(4). In considering the Appeal, the DOE determined that all of the information withheld was commercial information within the meaning of that Exemption. Thus, the DOE dismissed Ms. Murphy's Appeal.

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.

CITY OF PROVO	RG272–738	1/20/98
CITY OF QUINCY	RF272–95482	1/20/98
ELSA COOP GIN ASSN	RF272–95719	.....
J & H ASSOCIATES ET AL	RK272–01580	1/21/98
QUANTUM CHEMICAL CORP./RICE OIL CO	RF330–67	.....
RICE-LINDQUIST, INC	RF300–21841	.....
WINN-DIXIE MIDWEST, INC. ET AL	RK272–04683	1/23/98

Dismissals

The following submissions were dismissed.

Name	Case No.
ARTHUR F. MURFIN	VWA–0016
BROOKLYN-GERNSEY-MALCOLM COMM. SCHOOLS	RF272–79520
GENERAL DELIVERY AND SERVICE	RF272–94642
JONES, WALKER, WAECHTER, POITEVENT, CA	VFA–0363

[FR Doc. 98–14972 Filed 6–4–98; 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 March 2 Through March 6, 1998

During the week of March 2 through March 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.

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, 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: May 20, 1998.

Thomas O. Mann,

Acting Director, Office of Hearings and Appeals.

Decision List No. 75; Week of March 2 Through March 6, 1998

Appeal

GLEN MILNER, 3/3/98, *VFA–0170*

Glen Milner filed an Appeal from a denial by the Albuquerque Operations Office of a Request for Information that he filed under the Freedom of Information Act (FOIA). Because the withheld information was identified as classified under Executive Order 12958 and the Atomic Energy Act, the DOE withheld it under Exemptions 1 and 3 of the FOIA. In considering the information that was withheld, the DOE determined on appeal that a small portion of the document must continue to be withheld under Exemption 3, but the remainder could be released. Accordingly, the Appeal was granted in part and a newly redaction version of the requested information was ordered to be released.

Personnel Security Hearing

PERSONNEL SECURITY HEARING, 3/5/98 *VSO–0183*

A Hearing Officer Opinion recommended against the grant of access authorization. The Opinion found that the individual had not resolved the security concern arising from a pattern of dishonest conduct.

Refund Applications

ENRON CORP./FERRELLGAS, INC., 3/3/98, RF340–60

The DOE granted an Application for Refund submitted by Ferrellgas, Inc. (Ferrellgas) in the Enron Corporation (Enron) special refund proceeding. The DOE found that Ferrellgas was a reseller and retailer that purchased large quantities of propane and butane from Enron. The DOE also found that Ferrellgas' propane and butane purchases from Enron were not discretionary in nature, and were necessary for Ferrellgas to meet the supply requirements of its regular customers. The DOE found that Ferrellgas had demonstrated that the prices it paid to Enron for butane resulted in an economic injury to Ferrellgas, and granted Ferrellgas a full volumetric refund for its butane purchases. However, with respect to propane, the DOE found that Ferrellgas had not established a level of injury sufficient to qualify for a full volumetric refund. The DOE therefore limited this refund to the volume of propane that Ferrellgas purchased from Enron at above market prices. Accordingly, the DOE granted Ferrellgas a refund, including interest, of $347,549.

LAWRENCE PAPERBOARD CORPORATION, 3/3/98, RK272–04120, RK272–04178, RC272–00377

The DOE issued a Decision and Order concerning competing claims to the right to a refund based on the purchases of Lawrence Paperboard Corporation. The DOE had originally granted the refund to Atlantic Coast Paperboard. In the instant case, the DOE learned that Atlantic merely purchased the assets of Lawrence Paperboard and that the assets did not include the right to the refund. Accordingly, the DOE rescinded the refund granted Atlantic. As between the two remaining claimants to the refund, the bankruptcy trustee on one hand, and the sole owner of the corporation at the time of its dissolution on the other, the DOE determined that the refund should be sent to the bankruptcy trustee for distribution to unpaid creditors. Accordingly, the request of the bankruptcy trustee was granted and the claim of the owner at the time of dissolution was denied.

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.

CITY OF RENSSELAER ELEC. DEPT. ET AL	RF272–79197	3/3/98
JOHN RAY TRUCKING CO. ET AL	RF272–76565	3/3/98

Dismissals

The following submissions were dismissed.

Name	Case No.
VERNON J. BRECHIN	VFA–0383

[FR Doc. 98–14973 Filed 6–4–98; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6108–2]

New Jersey State Prohibition on Marine Discharges of Vessel Sewage; Final Affirmative Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notification is hereby given that the Regional Administrator, Environmental Protection Agency (EPA) Region II has affirmatively determined, pursuant to section 312(f) of Public Law 92–500, as amended by Public Law 95–217 and Public Law 100–4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Manasquan River, Counties of Monmouth and Ocean, State of New Jersey.

This petition was made by the New Jersey Department of Environmental Protection (NJDEP) in cooperation with the Monmouth-Ocean Alliance to Enhance the Manasquan River. Upon receipt of this affirmative determination, NJDEP will completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Manasquan River in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a). Notice of the Receipt of Petition and Tentative Determination was published in the **Federal Register** on March 12, 1998. Comments on the tentative determination were accepted during the comment period which closed on April 13, 1998. Written statements were received from the following:

1. James F. Lacey, Freeholder Director, Ocean County Board of Chosen Freeholders, P.O. Box 2191, Toms River, New Jersey 08754–2191
2. Mr. Lester W. Jargowsky, M.P.H., Public Health Coordinator, Monmouth County Board of Health, 3435 Highway 9, Freehold, New Jersey 07728
3. Ms. Cindy Zipf, Executive Director, Clean Ocean Action, P.O. Box 505, Highlands, New Jersey 07732
4. Mr. Arthur J. Bretnall, Jr., President, Raritan Engineering, P.O. Box 1157, Millville, New Jersey 08332
5. Mr. Philip G. Conner, President, Crockett Brothers Boatyard, Inc., P.O. Box 369, Oxford, Maryland 21654

The comments are summarized and responded to below:

Three individuals expressed their support of the Manasquan River determination. One individual stated that the notice failed to mention that the proposed No Discharge Area (NDA) included the southern shore of the Manasquan River which lies within Ocean County. Another individual stated that many organizations and individuals have worked hard to ensure that there are an adequate and convenient supply of sewerage pumpout facilities in the subject coastal watershed. He further commented that his organization will continue to educate and motivate boaters to adhere to the designation.

EPA acknowledges the support. While the document clearly indicates the boundaries of the area including the southern shoreline, EPA has added Monmouth County and Ocean County to the listed communities for clarification. The description now reads, ''The lower 6.5 miles of the river forms the estuary that is bordered by Wall Township, Brielle Borough and Manasquan Borough to the north in Monmouth County and Brick Township, Point Pleasant Borough and Point Pleasant Beach Borough to the south in Ocean County.'' EPA also agrees that education is a key component of the compliance and enforcement effort.

One individual stated that there is evidence that there is a need for better management of marine sewage. He commented that shellfish beds in the river continue to be closed to harvesting due to elevated fecal coliform counts. Through the establishment of an NDA, the local Boards of Health will have a new management tool for vessel sewage which can reduce the fecal coliform loading and which may assist in the reopening of the shellfish beds for harvest. No revision to the determination is warranted based on this comment.

Another individual stated that there is no credible reason to disallow the continued use of the Type I and Type II Marine Sanitation Devices (MSDs). He further stated that according to the National Shellfish Register the five principal sources of pollution are upstream sources, wildlife, individual waste management systems, septic tanks and waste treatment plants.

In response, EPA notes that the National Shellfish Register stated in the