

Smith was granted temporary relief from its obligation to file Form EIA-782B.

Refund Application

Wales Transportation, Inc., 5/7/97, RR272-291

Wales Transportation, Inc. filed a Motion for Reconsideration of the denial of its Application for Refund in the Subpart V crude oil overcharge refund proceeding. The Office of Hearings and Appeals denied that application because the firm had filed a claim and waiver in the Surface Transporter refund

proceeding, thereby giving up its right to a Subpart V refund. In reaching that conclusion, the OHA rejected Wales' contention that the filing of the ST claim and waiver were unauthorized. In the Motion for Reconsideration, Wales asked the OHA to reconsider its determination with respect to the authorization issue. In reviewing the Motion, the OHA noted that it is the burden of the applicant to substantiate that it is entitled to a refund. The OHA found that Wales had failed to submit any new information to corroborate its

contention that the filing of the claim and waiver were unauthorized. Accordingly, the Motion 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.

C.A. MEYER PAVING & CONST	RG272-00904	5/5/97
ARLINGTON SALVAGE & WECKER CO	RR272-00289	
ATLAS ASPHALT, INC	RG272-00911	
C.W. POSS, INC	RG272-00921	
CENTRAL NEBRASKA COOPERATIVE	RF272-93809	5/7/97
CORNWALL INDUSTRIES, INC. ET AL	RF272-98604	5/6/97
DANIEL GUNTER AND LOIS GUNTER	RK272-3145	5/7/97
EUGENE REZABEK	RJ272-43	5/9/97
FIRST DISTRICT ASSOCIATION	RG272-699	5/9/97
GULF OIL CORPORATION/GOODHUE LUMBER CO., INC	RF300-21838	5/7/97
GULF OIL CORPORATION/JEANE'S GULF SERVICE	RF300-21837	5/5/97
JAUNTY TEXT DIV OF ADVANCED TEXTILE CO	RK272-03583	5/5/97
KING GEORGE CNTY PUB SCHLS ET AL	RF272-96303	5/5/97

Dismissals

The following submissions were dismissed:

Name	Case No.
ARMCO, INC	RG272-528
O'CONNOR & YOUNG DRILLING COMPANY	RG272-16
PERSONNEL SECURITY HEARING	VSO-0149
TABLE ROCK ASPHALT CONSTRUCTION CO	RG272-751

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5480-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 12, 1997 Through May 16, 1997 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 04, 1997 (62 FR 16154).

Draft EISs

ERP No. D-COE-K36118-CA Rating EC2, Upper Guadalupe River Flood

Control Project, Construction, Santa Clara Valley Water District, Santa Clara County, CA.

Summary: EPA expressed environmental concerns about the lack of a full analysis of indirect and cumulative impacts; the need for more discussion of wetland and riparian-related mitigation; the lack of discussion of impacts associated with herbicide use; and the need to quantify construction-related air emissions. EPA suggested that the project can be improved by adopting pollution prevention measures in design, construction and operation of the flood control facility.

ERP No. D-COE-K67041-CA Rating EO2, Morrison Creek Mining Reach Downstream (South) of Jackson Highway, Mining and Reclamation Project, COE Section 404 Permit Issuance, Sacramento County, CA.

Summary: EPA expressed environmental objections with the proposed project base on adverse impacts to wetlands and other waters of the United States that would occur. EPA expressed concern that the draft EIS did not clearly demonstrate that all

appropriate measures were taken to avoid and minimize placing fill material in waters of the United States. EPA strongly recommended that the project be redesigned to avoid and minimize such adverse impacts.

ERP No. D-FHW-H40156-00 Rating LO, U.S. 61, U.S. 218 and IA-394 Highway Improvements, Construction, Funding, U.S. Army COE Section 404 Permit, Lewis and Clark Counties, MO and Lee and Henry Counties, IA.

Summary: EPA had no objections to the proposed action, and expressed preference for the "west alignment" as the preferred alternative.

ERP No. D-FHW-H40160-IA Rating EC2, US 34 Roadway and Bridge Improvements, I-29 in Mills County, IA to US 75 in Cass or Sarpy Counties, NB, COE Section 404 and US Coast Guard Permits, Mills County, Iowa and Cass or Sarpy Counties, Nebraska.

Summary: EPA expressed environmental concerns base on proposed impacts to wetlands, wildlife habitat and stormwater runoff, and questioned whether the proposed action supports the expressed purpose and

need for the project. EPA expressed support for adoption of Alternative 2.

ERP No. D-FHW-H40162-MO Rating LO, O-19, MO-107 and US 54 Improvements and Extension, US 61 near Bowling Green and New London on the East to Mark Twain Lake and the Mexico Bypass on the West, Funding and COE Section 404 Permits Issuance, Pike, Monroe, Ralls and Audrain Counties, MO.

Summary: EPA had no objections to the proposed action.

ERP No. D-FRC-E03006-00 Rating EO2, North Alabama Natural Gas Pipeline Facilities, Construction and Operation, COE Section 10 and 404 Permits, Right-of-Way and NPDES Permits, AL.

Summary: EPA believed that modification of the existing pipeline system would result in considerably less impact than the proposed action for a new pipeline which would directly disturb streams, wetlands, public lands, and residential properties.

ERP No. D-NPS-H61021-00 Rating EC2, Missouri/Niobrara/Verdigre Creek National Recreational Rivers General Management Plan, Implementation, Gregory, Charles Mix and Bon Homme Counties, SD and Knox and Boyd Counties, NB.

Summary: EPA expressed environmental concerns with the proposed action and suggested that potential actions which could be taken to preserve biological resources, including wetlands, had been disclosed or incorporated into the preferred alternative. EPA questioned the scientific basis for establishing the project boundary and requested that the final EIS be expanded to provide a full explanation of wetland and floodplain impacts resulting from the preferred alternative.

Dated: May 27, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5480-8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153.

Weekly receipt of Environmental Impact Statements
Filed May 19, 1997 Through May 23, 1997

Pursuant to 40 CFR 1506.9.

EIS No. 970185, DRAFT EIS, BOP, KY, United States Penitentiary Martin County, Construction and Operation, Possible Sites, Bizwell and Honey Branch Sites, located in Martin and Johnson Counties, KY, Due: July 14, 1997, Contact: David J. Dorworth (202) 514-6470.

EIS No. 970186, FINAL EIS, COE, MS, LA, Pearl River in the Vicinity of Walkiah Bluff, Wetland Restoration, Implementation, Picayune, Pearl River County, MS and St. Tammany Parish, LA, Due: June 30, 1997, Contact: Gary Young (601) 631-5960.

EIS No. 970187, DRAFT EIS, GSA, OH, Voice of America Bethany Relay Station, Disposal and Reuse (VOA) Property for Public and/or Private Development, Union Township, Butler County, OH, Due: July 14, 1997, Contact: William A. Costa (617) 565-5696.

EIS No. 970188, DRAFT EIS, FHW, MD, US 113 Planning Study, Transportation Improvement from south of Snow Hill, Maryland to Delaware State Line, Funding and COE Section 404 Permit, Worcester County, MD, Due: July 18, 1997, Contact: Ms. Renee Sigel (410) 962-4342 Ext. 116.

EIS No. 970189, FINAL EIS, NPS, VA, Wolf Trap Farm Park for the Performing Arts, Implementation, General Management Plan and Development Concept Plan, Fairfax County, VA, Due: June 30, 1997, Contact: Linda Dahl (303) 969-2322.

EIS No. 970190, FINAL EIS, COE, NJ, Townsends Inlet to Cape May Inlet Feasibility Study, New Jersey Shore Protection Study, Storm Damage Reduction and Ecosystem Restoration, within the Communities of Avalon, Stone Harbor and North Wildwood, Cape May County, NJ, Due: June 30, 1997, Contact: Beth Brandeth (215) 656-6555.

EIS No. 970191, DRAFT EIS, MMS, AL, LA, MS, TX, Central Planning Area, Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 169, 172, 175, 178 and 182, Lease Offering, Offshore Marine Environment and Coastal Counties/Parishes of AL, MS, LA and TX, Due: July 22, 1997, Contact: Archie P. Melancon (703) 787-5471.

EIS No. 970192, FINAL EIS, UAF, TX, Programmatic EIS—Kelly Air Force Base (AFB), Disposal and Reuse, Implementation, San Antonio County, TX, Due: June 30, 1997, Contact: Ted Shieck (210) 536-3807.

EIS No. 970193, FINAL EIS, FRC, AL, North Alabama Natural Gas Pipeline

Facilities, Construction and Operation, COE Section 10 and 404 Permits, Right-of-Way and NPDES Permits, AL, Due: June 30, 1997, Contact: Kenneth Frye (202) 208-2298.

EIS No. 970194, FINAL EIS, AFS, MT, Tansy Ragwort Control Project, Implementation, Little Wolf Fire Area, Flathead National Forest, Tally Lake Ranger District, Flathead County, MT, Due: June 05, 1997, Contact: Ken Meckel (406) 862-2508. Under Section 1506.10(d) of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act the US Environmental Protection Agency has Granted a Reduction of the 90-Day Requirement to 70 Days between the FR notice of the filing of the DEIS and the associated issuance of the ROD.

EIS No. 970195, FINAL EIS, BLM, UT, Natural Bridges National Monument, General Management Plan and Development Concept Plan, Implementation, Interpretive Propectus, Wilderness Suitability Study and Wild and Scenic River Eligibility and Classification Study, San Juan County, UT, Due: June 30, 1997, Contact: Steve Chaney (801) 692-1234.

EIS No. 970196, FINAL EIS, BLM, UT, Price Coalbed Methane Gas Resources Project, Construction, Federal and Non-Federal Lands, Permit-to-Drill Application, Right-of-Way Grants and COE Section 404 Permits, Carbon and Emery Counties, UT, Due: June 30, 1997, Contact: Daryle Trotter (801) 259-2183.

Amended Notices

EIS No. 970169, FINAL EIS, AFS, ID, WY, Targhee National Forest, Forest Plan Revision, Bonneville, Butte, Clark, Fremont, Jefferson, Lemhi, Madison and Teton Counties, ID and Lincoln and Teton Counties, WY, Due: June 16, 1997, Contact: Jerry Reese (208) 624-3151. Published FR 05-16-97 Correction to Title.

EIS No. 970184, FINAL EIS, FAA, NY, NJ, John F. Kennedy International Airports, Light Rail System, Implementation of Automated Guideway Transit System by the Port Authority Program, Funding, Airport Layout Plan Approval, COE Section 10 and 404 Permits, NY and NJ, Due: June 23, 1997, Contact: Laurence Schafer (718) 553-3340.

Published FR-05-23-97—Correction to Title.