

Richland Operations Office (ROO) denied the request pursuant to Exemption 3 of the FOIA and the National Defense Authorization Act of 1997 (NDAA), which generally prohibits the release of proposals. The DOE found that the NDAA applied to a proposal that was issued prior to the effective date of the statute. The DOE also found that the requested proposal did not meet the requirements of the NDAA's exception to non-disclosure for proposals set forth or incorporated by reference into the final contract. However, because it appeared that the DOE had released information from the proposal in news conferences and press releases, the agency had waived Exemption 3 protection as to that information. Accordingly, the Appeal was granted and the case was remanded to the ROO for further action.

**Refund Application**

*Pillsbury Company, RC272-97810; Seneca Foods Corporation, 9/5/97, RK272-4055*

The DOE rescinded a refund to one company and denied a Supplemental Refund to a another company in the crude oil refund proceeding. Pillsbury Company (Pillsbury) had received a crude oil refund based on the purchases by its affiliate, the Green Giant Co. (Green Giant). Later, the DOE found that another affiliate of Pillsbury, Burger King Corporation (BK), had received a refund from the Surface Transporters Escrow in the Stripper Well refund proceedings. By filing the Stripper Well proceeding, BK waived Pillsbury's right to receive any refund in the crude oil refund proceeding. Accordingly, Pillsbury's crude oil refund was rescinded. The DOE rejected Pillsbury's argument that because Seneca Foods Corporation had assumed the liabilities of Green Giant when it purchased its assets, Seneca should be required to repay the refund.

**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.

Name	Case No.	Date
Rollings Farms et al.	RK272-02995	9/5/97

**Dismissals**

The following submissions were dismissed.

Name	Case No.
Buesing Corporation .....	RK272-03411
Towle Manufacturing Company.	RK272-4144

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5932-8]

**Use of Monitored Natural Attenuation at Superfund, RCRA Corrective Action, and Underground Storage Tank Sites; OSWER Directive 9200.4-17; Interim Final**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** This Directive clarifies the U.S. Environmental Protection Agency's (EPA) policy regarding the use of Monitored Natural Attenuation for the remediation of contaminated soil and groundwater at sites regulated under Office of Solid Waste and Emergency Response (OSWER) programs. These include programs administered under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"), the Resource Conservation and Recovery Act (RCRA), the Office of Underground Storage Tanks (OUST), and the Federal Facilities Restoration and Reuse Office (FFRRO). The Directive is intended to promote consistency in how monitored natural attenuation remedies are proposed, evaluated, and approved. As a policy document, it does not provide technical guidance on evaluating Monitored Natural Attenuation remedies. This Directive is being issued as Interim Final and may be used immediately. It provides guidance to EPA staff, to the public, and to the regulated community on how EPA intends to exercise its discretion in implementing national policy on the use of Monitored Natural Attenuation. The document does not, however, substitute for EPA's statutes or regulations, nor is it a regulation itself and, thus, it does not impose legally-binding requirements on EPA, States, or the regulated community, and may not apply to a particular situation based upon the circumstances. EPA may change this guidance in the future, as appropriate.

**ADDRESSES:**

*Electronic Access.* This document can be accessed in electronic form through the Internet (at <http://www.epa.gov/swerust1/directiv/d9200417.htm>).

*Order Copies.* To order paper copies of this report, please call the U.S. Environmental Protection Agency's (EPA) RCRA, Superfund, OUST & EPCRA Hotline at (800) 424-9346 or DC Area Local (703) 412-9810 or TDD (800) 553-7672 or TDD DC Area Local (703) 412-3323 Monday through Friday between 9 a.m. and 6 p.m. EST.

*Docket.* This document is available at three OSWER dockets:

(1) The UST Docket is open to the general public by appointment only between the hours of 9 a.m. and 4 p.m. EST Monday through Friday. No security clearance is necessary. Visitors may make photocopies of documents. The street address is: Office of Underground Storage Tanks Docket, 1235 Jefferson Davis Highway, 13th Floor, Arlington, VA 22202. Telephone numbers are (703) 603-9231 (voice mail) and (703) 603-9163 (fax).

(2) The RCRA Docket is located in the RCRA Information Center (RIC). The RIC is open to the public from 9 a.m. to 4 p.m., Monday through Friday, however, it is recommended that visitors call ahead to make an appointment so that the material they wish to view is ready when they arrive. Patrons may call for assistance at (703) 603-9230, send a fax to (703) 603-9234, or send an E-mail to [rcra-docket@epamail.epa.gov](mailto:rcra-docket@epamail.epa.gov). Patrons may write to: RCRA Information Center (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The RIC is located at 1235 Jefferson Davis Highway, Ground Level, Arlington, VA 22202.

(3) The Superfund Docket is open to the general public by appointment only between the hours of 9 a.m. to 4 p.m. Monday through Friday. No clearance is necessary and requestors of documents must make their own photocopies. There is no photocopying charge for documents less than 266 pages in length. The street address of the Superfund Docket/Document Information Center is 1235 Jefferson Davis Highway, Ground Level, Arlington, VA 22202. The telephone numbers are (703) 603-9232 and (703) 603-9240 (fax). The E-mail address is: [superfund.docket@epamail.epa.gov](mailto:superfund.docket@epamail.epa.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information on the OSWER Monitored Natural Attenuation Directive Workgroup and the Interim Final Directive, contact Hal White, via E-mail at [white.hal@epamail.epa.gov](mailto:white.hal@epamail.epa.gov), telephone at (703) 603-7177, fax at (703) 603-9163, or via U.S. Mail to US EPA (5403G), 401 M Street, SW, Washington DC 20460.

**SUPPLEMENTARY INFORMATION:** EPA will review and evaluate additional comments received on this Interim Final Directive prior to its release as "Final" guidance.

Dated: November 17, 1997.

**Anna Hopkins Virbick,**

*Director, Office of Underground Storage Tanks.*

[FR Doc. 97-32044 Filed 12-5-97; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 22, 1997.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. *John Ryburn Stipe*, Forrest City, Arkansas; to acquire additional voting shares of Forrest City Financial Corporation, Forrest City, Arkansas, and thereby indirectly acquire Forrest City Bank, N.A., Forrest City, Arkansas.

Board of Governors of the Federal Reserve System, December 2, 1997.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 97-31949 Filed 12-5-97; 8:45 am]

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## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes

and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 31, 1997.

**A. Federal Reserve Bank of Cleveland** (Jeffery Hirsch, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *Mellon Bank Corporation*, Pittsburgh, Pennsylvania; to merge with United Bankshares, Inc., Miami, Florida, and thereby indirectly acquire United National Bank, Miami, Florida.

Board of Governors of the Federal Reserve System, December 2, 1997.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 97-31947 Filed 12-5-97; 8:45 am]

BILLING CODE 6210-01-F

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 2, 1998.

**A. Federal Reserve Bank of New York** (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. *First Empire State Corporation, and Olympia Financial Corp.*, both of Buffalo, New York; to acquire up to 19.9 percent of the voting shares of OnBancorp, Inc., Syracuse, New York, and thereby indirectly acquire OnBank & Trust Co., Syracuse, New York. Olympia Financial Corp., also has applied to become a bank holding company and to acquire Manufactures and Traders Trust Company, Buffalo, New York.

In connection with these applications, Applicants also have applied to acquire Franklyn First Savings Bank, Wilkes-Barre, Pennsylvania, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of the Board's Regulation Y.

**B. Federal Reserve Bank of Atlanta** (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. *Firstrust Corporation*, New Orleans, Louisiana; to acquire 86.39 percent of the voting shares of Peoples Bank of Louisiana, Amite, Louisiana.

**C. Federal Reserve Bank of Chicago** (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. *Gifford Bancorp, Inc. Employee Stock Ownership Plan*, Gifford, Illinois; to acquire 48.8 percent of the voting shares of Gifford Bancorp, Inc., Gifford, Illinois, and thereby indirectly acquire Gifford State Bank, Gifford, Illinois.

**D. Federal Reserve Bank of San Francisco** (Pat Marshall, Manager of Analytical Support, Consumer