

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of October 19 Through October 23, 1998

During the week of October 19 through October 23, 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. 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>.

George B. Breznay,
Director, Office of Hearings and Appeals.

Decision List No. 108

Week of October 19 through October 23, 1998

AMERICAN ELECTRIC POWER COMPANY, INC., 10/20/98, VEA-0009

DOE denied an Appeal filed by American Electric Power Company, Inc. (AEP) under provisions of 10 C.F.R. Part 490 (Alternative Fuel Transportation Program). In its Appeal, AEP challenged a determination by the Office of Energy Efficiency and Renewable Energy (EE) which substantially denied a request for an exemption from the firm's 1998 Model Year (MY) alternative fuel

vehicle (AFV) purchase requirement. In considering AEP's Appeal, DOE determined that EE was correct that AEP was required to attempt acquisition of non-electric AFVs after the firm determined that electric vehicles were unavailable, although the firm had elected the electric vehicle option under section 490.307. DOE further determined that AEP's constructive knowledge of this requirement coupled with the firm's failure to show "good faith efforts" to acquire non-electric AFVs disqualified the firm from receiving equitable exemption relief.

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.

Atlantic Richfield Co./Lou's Arco Service	RF304-15517	10/22/98
Enron Corp./W. Jayson Tusing	RR340-00003	10/22/98
Macmillard Oil Co./Parker Oil Co. et al	RF355-00004	10/19/98
Shell Oil Co./Plaquemine Oil Sales Corp	RF315-09975	10/21/98

Dismissals

The following submissions were dismissed.

Name	Case No.
City of Federal Way	VFA-0445
Cliff Sieling	VFA-0446
Coney Island Hospital	RG272-00165
Elview Construction, Inc	RF355-00027
Jacobson Warehouse Co., Inc	RF355-00034
Kuzzens, Inc	RF272-95307
Personnel Security Hearing	VSO-0224
322 Central Park West	RF272-95322

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6318-1]

Notice of Proposed Administrative Settlement Pursuant to the Resource Conservation and Recovery Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for public comment.

SUMMARY: In accordance with Section 7003(d) of the Resource Conservation and Recovery Act, 42 U.S.C. 9673(d), notice is hereby given of a proposed administrative settlement ("Consent Agreement") concerning the Gila Tire Pile on the Gila River Indian Community Land located within the

State of Arizona with the following parties: Maricopa County, Pinal County, and Blackwater Industrial Development Corporation. The settlement requires the respondents to remove the unburned tires from the site to an approved landfill facility no later than ten (10) days from the effective date of the Consent Agreement and to form a Working Committee with the Gila River Indian Community to establish a plan to remove and dispose of the burned tires no later than 160 days from the effective date of the Consent Agreement. In addition, the Consent Agreement requires Respondents to sample and characterize the burned tires within six (6) months from the date the Working Committee is formed, and provide to EPA, within twelve (12) months from the date that the Working Committee

characterizes the burned tires, a work plan that identifies the preferred corrective measure and a schedule for implementation of the corrective measure. The corrective measure proposed for the burned tires shall be subject to EPA approval. Prior to approval, EPA will make the proposal available to the public for review and comment for thirty (30) days. After the close of the public comment period, EPA shall approve or modify the corrective measure. EPA shall then provide the respondents a sixty (60) day period to negotiate a modification of the agreement to include the implementation of the corrective measure. If agreement is not reached during this period, EPA reserves all rights it has to implement the corrective measure, including the issuance of a