First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3809 Filed 2–13–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–1643–000]

Portland General Electric Company; Notice of Filing

February 10, 1998.

Take notice that on January 30, 1998, Colt Portland General Electric Company (PGE), tendered for filing an Application for Order Accepting Initial Rate Schedule and Granting Waivers and Blanket Authority, to become effective March 31, 1998.

The proposed tariff (FERC Electric Service Tariff No. 10) Provides the terms and conditions pursuant to which PGE will sell electric capacity and energy transactions on the California Power Exchange (PX). In these transactions, PGE intends to charge market-based rates as determined by the auction settlement procedures prescribed by the PX Operating Agreement and Tariff of the California Power Exchange Corporation filed in FERC Docket No. ER96–1663.

Copies of this filing were served upon the Oregon Public Utility Commission and the California PX.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before February 23, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–3816 Filed 2–13–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of December 29, 1997 Through January 2, 1998

During the week of December 29, 1997 through January 2, 1998, the decision and order summarized below was issued with respect to an appeal 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 the decision and order are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. It is 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 6, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 66: Week of December 29, 1997 Through January 2, 1998

Appeal

Dykema Gossett, PLLC, 12/29/97, VFA–0358

The DOE granted in part a Freedom of Information Act (FOIA) Appeal filed by Dykema Gossett, PLLC. In its decision, DOE found that Oak Ridge failed to adequately explain why it withheld a document under FOIA Exemption 4, and had not appropriately justified the adequacy of its search. Accordingly, the matter was remanded to Oak Ridge.

Dismissals

The following submissions were dismissed:

Name	Case No.
Advance Publications, Inc.	RD272–15364
Advance Publications, Inc.	RF272–15364
GOLD BOND GOOD HUMOR CORPORATION	RF272–95212

[FR Doc. 98–3846 Filed 2–13–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of January 5 Through January 9, 1998

During the week of January 5 through January 9, 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, Room 1E–234, Forrestal Building, 1000 Independence Avenue, S.W., 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 6, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 67: Week of January 5 Through January 9, 1998

Appeals

James R. Hutton, 1/5/98, VFA–0359,

The DOE's Office of Hearing and Appeals (OHA) issued a decision denying the Appellant's request that we reconsider our ruling that the names and position numbers of federal employees listed on a ''retention register'' are exempt from disclosure under Exemption 6 of the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(6); 10 CFR § 1004.10(b)(6). After considering Appellant's arguments, we reaffirmed our previous ruling that an employee has a privacy interest in his or her name and position number in the context of a retention register because the disclosure of this information might suggest the employee's vulnerability to a reduction in force. We also reaffirmed that the public interest in the disclosure of the names and position numbers of the employees listed in the retention register was insubstantial or nonexistent.

K&M Plastics, Inc., 1/8/98, VFA–0356

K&M Plastics, Inc., (K&M) filed an Appeal of a Determination issued to it by the Department of Energy (DOE) in response to a request under the Freedom of Information Act (FOIA). In the request, the Appellant asked for a bid abstract relating to a subcontract at the Rocky Flats Environmental Technology Site (RFETS). In its Determination, the Rocky Flats Field Office (RFFO) found that all responsive documents were owned by RFETS's management and operating contractor, Kaiser-Hill Company (Kaiser Hill). On appeal, the K&M requested the bid abstract, arguing that all records not related to national security or public safety were subject to release under the FOIA, and that RFFO had released a bid abstract to K&M in the past. The Office of Hearings and Appeals (OHA) found that the documents in the current request were not agency records and not subject to release under DOE regulations. Accordingly, the Appeal was denied.

Patricia C. McCracken, VFA–0348

The Department of Energy (DOE) issued a Decision and Order denying a Freedom of Information Act (FOIA) Appeal that was filed by Patricia C. McCracken. In her Appeal, Ms. McCracken requested that we review a determination issued by the Richland Operations Office withholding the winning proposal submitted in a competitive bidding procedure under Exemption 3 of the FOIA. Ms. McCracken also attempted to expand the scope of her original FOIA request to include additional documents. In the Decision, the OHA found that the National Defense Authorization Act of 1997 is a statute of exemption for purposes of Exemption 3, and that the proposal was properly withheld. The OHA also concluded that a FOIA Appeal is not the appropriate venue for the consideration of an initial request for documents. The OHA therefore denied Ms. McCracken's Appeal.

Personnel Security Hearing

Personnel Security Hearing, 1/9/98, VSO–0174

An OHA Hearing Officer issued an Opinion concerning an individual whose access authorization was suspended under the regulations set forth at 10 C.F.R. Part 710 because the DOE obtained derogatory information that the individual was alcohol dependent. At a hearing convened at the individual's request, the individual maintained there are mitigating factors that alleviate the agency's security concerns and justify the restoration of his security clearance. In support of his position, the individual stated that he is participating in alcohol rehabilitation by attending AA, that he has totally abstained from alcohol, that he has no intention to resume drinking and that he has never consumed alcohol while working for the DOE. The Hearing Officer found that the individual had not demonstrated sufficient rehabilitation or reformation to mitigate the DOE's security concerns. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Personnel Security Hearing, 1/9/98, VSO–0177

An Office of Hearings and Appeals Hearing Officer issued an Opinion under 10 C.F.R. Part 710 concerning the continued eligibility of an individual to hold an access authorization. After considering the testimony at the hearing convened at the request of the individual and all other information in the records, the Hearing Officer found that, as duly determined by a DOE Psychiatrist, the individual was a user of alcohol habitually to excess. The Hearing Officer further found that the individual had failed to present sufficient evidence of rehabilitation and reformation to mitigate the legitimate security concerns of DOE relating to the individual's alcohol use. Accordingly, the Hearing Officer recommended that the individual's access authorization, which had been suspended, should not be restored.

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./CHUCK LORRAH'S ARCO #1	RF304–15512	1/5/98
CHUCK LORRAH'S ARCO #2	RF304–15513	
CRUDE OIL SUPPLEMENTAL REFUND DIST.	RB272–00128	1/8/98
CRUDE OIL SUPPLEMENTAL REFUND DIST.	RB272–00130	1/8/98
CRUDE OIL SUPPLEMENTAL REFUND DIST.	RB272–00131	1/8/98
LORRAINE FLORHAUG ET AL	RK272–01759	1/8/98
MCCONNELL CONSTRUCTION, INC. ET AL	RF272–94732	1/5/98
RGIS INVENTORY SPECIALISTS ET AL	RK272–04706	1/8/98

Dismissals

The following submissions were dismissed.

Name	Case No.
BERWIND RAILROAD SERVICE CO.	RF272–95292
DAVID R. KOUNS	VWA–0019

Name	Case No.
MID-AMERICAN PETROLEUM SUPPLY	RF315–06429

[FR Doc. 98–3848 Filed 2–13–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of November 10 Through November 14, 1997

During the week of November 10 through November 14, 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 6, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 59: Week of November 10 Through November 14, 1997

Appeals

F.A.C.T.S., 11/10/97, VFA–0339, VFA–0343

For A Clean Tonawanda Site (F.A.C.T.S.), the Appellant, filed Appeals from determinations issued to him by the Oak Ridge Operations Office (OR) and the Office of the Executive Secretariat (ES) of the Department of Energy (DOE). In its Appeal, the Appellant asserted that OR and ES had improperly withheld documents pertaining to a DOE FUSRAP site in Tonawanda, New York, pursuant to Exemption 5 of the FOIA and that OR and ES had conducted an inadequate search for documents responsive to three categories of requested documents. Additionally, the Appellant appealed OR's denial of a fee waiver in connection with its request. Upon review, the DOE determined that OR and ES had conducted an adequate search for responsive documents. With regard to the OR's fee waiver determination, the DOE determined that the Appellant had not supplied sufficient information upon which OR could grant a fee waiver. However, because OR and ES had failed to adequately describe each of the withheld documents, the DOE remanded the matter to OR for the issuance of another determination. Since each of the documents withheld by ES was included in the documents withheld by OR, ES was not required to issue another determination. Consequently, the Appeal pertaining to the ES determination (Case No. VFA–0339) was denied but the Appeal pertaining to the OR determination (Case No. VFA–0343) was granted in part.

James R. Hutton, 11/13/97, VFA–0341

The DOE's Office of Hearings and Appeals (OHA) issued a decision granting in part a Freedom of Information Act (FOIA) Appeal filed by James R. Hutton. Hutton sought the release of information withheld by the Oak Ridge Operations Office (Oak Ridge). In its decision, OHA found that Oak Ridge improperly withheld a retention register in its entirety, when instead it should have released this document with only that information which would reveal specific employees' identities removed. OHA also found that Oak Ridge had improperly used a Glomar declaration in response to the Appellant's request for another document. (A ''Glomar'' declaration neither confirms nor denies the existence of a document). Accordingly, the Appeal was remanded to Oak Ridge and denied in all other aspects.

Refund Applications

Belle Pass Towing Corp., 11/13/97, RF272–57009

The DOE issued a Decision and Order granting sixteen Applications for Refund in the crude oil refund proceeding. Eight of the cases involved a corporation that dissolved after it submitted its timely and accurate refund application. Because the DOE did not act on the application prior to the corporation's dissolution, the DOE allowed shareholders at the time of dissolution to file refund claims after the June 30, 1995 crude oil proceeding deadline.

Goodyear Tire & Rubber Company, 11/14/97, RR272–304

The Office of Hearings and Appeals granted a supplemental crude oil refund in the amount of $425,580 to the Goodyear Tire & Rubber Company in accordance with the Opinion issued by the United States Court of Appeals for the Federal Circuit on June 30, 1997. The supplemental refund pertained to Goodyear's butadiene and propylene purchases from two of its suppliers.

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.

CAVE CREEK UNIF. DIST. #93 ET AL.	RF272–95415	11/13/97
COLONY TRANSPORT ET AL.	RF272–76468	11/13/97
CRUDE OIL SUPPLE REF DIST	RB272–00125	11/13/97
GEORGE L. GEAR	RK272–04053	11/12/97
LYDA STOWE ET AL.	RK272–04598	11/12/97
THE ROBERT JURY TRUST ET AL.	RK272–01611	11/12/97