

**25. The United Illuminating Company**

[Docket No. OA97-597-000]

Take notice that on May 13, 1997, The United Illuminating Company (UI) tendered for filing revisions to its Policy Implementing the FERC Standards of Conduct (Policy). In these revisions, UI changes its Policy largely to reflect the revisions to the Commission's standards of conduct contained in Order No. 889-A, 62 FR 12484 (March 14, 1997), FERC Stats. & Regs. ¶ 31,049 (1997). UI also submits minor revisions to its Policy (1) to reflect the dissolution of the New England Power Exchange and the assumption of its functions by the New England Power Pool (NEPOOL) System Operator, and (2) to indicate that UI will post its Policy on UI's page on the Open Access Same-time Information System (OASIS) operated by NEPOOL.

UI requests an effective date for the revisions of May 13, 1997, consistent with the effective date of Order No. 889-A. Copies of the filing were served upon all persons listed on the official service list compiled by the Secretary in Docket No. OA97-521-000, the docket in which UI filed its original Policy.

*Comment date:* July 9, 1997, in accordance with Standard Paragraph E at the end of this notice.

**26. Valley Electric Association, Inc.**

[Docket No. OA97-603-000]

Take notice that on June 6, 1997, Valley Electric Association, Inc. (Valley) tendered for filing a request for waiver of the Commission's Order No. 888 requirement that it file an open access transmission tariff and the Commission's Order No. 889 Open Access Same-Time Information System (OASIS) requirements and Standards of Conduct. Valley requests these waivers because it is a small public utility that

owns only limited and discrete transmission facilities and is not a control area operator. Valley also seeks waiver of the Commission's prior notice filing requirement.

*Comment date:* July 11, 1997, in accordance with Standard Paragraph E at the end of this notice.

**27. PECO Energy Company**

[Docket No. TX97-8-000]

On June 17, 1997, PECO Energy Company—Power Team (PECO), filed an application requesting that the Commission order Oglethorpe Power Corporation (OPC) to provide PECO with transmission services pursuant to Section 211 of the Federal Power Act. Because OPC's transmission business has recently been assumed by the Georgia Transmission Corporation (GTC) (which is owned in part by OPC) as part of a restructuring of OPC, the Application is also directed, to the extent necessary, to GTC.

PECO requests the Commission to order OPC (or GTC, to the extent necessary) to provide PECO with 250 MW of firm, point-to-point transmission service from the Tennessee Valley Authority/Southern Company interface across the Georgia Integrated Transmission system to the Florida interface for a rolling three-year term, or such other amount of transmission service to which the Commission determines PECO is entitled.

*Comment date:* July 24, 1997, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraph**

E. 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.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 the comment date. 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.

**Lois D. Cashell,***Secretary.*

[FR Doc. 97-17474 Filed 7-2-97; 8:45 am]

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**DEPARTMENT OF ENERGY****Office of Hearings and Appeals****Notice of Cases Filed; Week of April 21 Through April 25, 1997**

During the Week of April 21 through April 25, 1997, the appeals, applications, petitions or other requests listed in this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who will be aggrieved by the DOE action sought in any of these cases may file written comments on the application within ten days of publication of this Notice or the date of receipt of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585-0107.

Dated: June 26, 1997.

**George B. Breznay,***Director, Office of Hearings and Appeals.***SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS, DEPARTMENT OF ENERGY**

[Week of April 21 Through April 25, 1997]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 23, 1997 .....	Personnel Security Hearing .....	VSO-0154	Request for hearing under 10 CFR part 710. If granted: An individual employed by the Department of Energy would receive a hearing under 10 CFR Part 710.
Do .....	Personnel Security Hearing .....	VSO-0155	Request for Hearing under 10 CFR part 710. If granted An individual employed by the Department of Energy would receive a hearing under 10 CFR part 710.
Apr. 25, 1997 .....	Bonita L. Haynes, Albuquerque, New Mexico.	VFA-0290	Appeal of an Information Request Denial. If granted: The March 25, 1997 Freedom of Information Request Denial issued by the Office of Inspector General would be rescinded, and Bonita L. Haynes would receive access to certain DOE information.

[FR Doc. 97-17485 Filed 7-2-97; 8:45 am]

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## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Notice of Issuance of Decisions and Orders; Week of May 26 Through May 30, 1997

During the week of May 26 through May 30, 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: June 26, 1997.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

#### Decision List No. 35; Week of May 26 Through May 30, 1997

##### Appeals

*Martha J. McNeely*, 5/27/97, VFA-0291

Martha J. McNeely filed an Appeal from a determination issued by the Freedom of Information and Privacy Act Division (FOI/PAD). In that determination, FOI/PAD indicated that it could not locate Ms. McNeely's medical records. In her Appeal, Ms. McNeely asserted that a letter she had received from Dr. Tara O'Toole, DOE Assistant Secretary, contained information that could only have come from her medical records. The DOE rejected that contention, indicating that Dr. O'Toole's letter was based solely on information Ms. McNeely had submitted. Therefore, the Appeal was denied.

*Mary Feild Jarvis*, 5/29/97, VFA-0292

Mary Feild Jarvis filed an Appeal from a determination issued to her by the Richland Operations Office

(Richland Operations) of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). Ms. Jarvis' request sought the names listed in, and the substance of, a report of a possible breach of the standards of ethical conduct by a DOE employee. Richland Operations had withheld this information under Exemption 6 of the FOIA, protecting personal privacy. In considering the Appeal, the DOE found, in a case of first impression, that a person reporting a potential ethical concern by a DOE employee has a protectable privacy interest for the purposes of Exemption 6 for the same reason that others who report alleged governmental misconduct have a privacy interest. In this case, the DOE found no public interest that outweighed the privacy interest and thus found that Richland Operations properly withheld the name, identifying information, and associated phrases of the person who reported the ethics concern. However, in this case, the DOE found no protectable privacy interest in the names and affiliations of persons with actual knowledge of the alleged ethics infraction nor in the report of the ethics concern. In the case of the former, the DOE determined that there was nothing private revealed about the named people, and in the case of the latter, the DOE found the concern written in such a manner that it was highly unlikely that one could determine who reported the ethics concern. Accordingly, the Appeal was granted in part, denied in part, and remanded to the Richland Operations Office with instructions to issue a new determination either releasing the specified material or asserting and explaining further privacy interests and balancing them with any public interest.

##### Personnel Security Hearing

*Personnel Security Hearing*, 5/29/97, VSO-0136

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 for access authorization. After considering the testimony at the hearing convened at the request of the individual and all other information in the record, the Hearing Officer found that the individual had violated a DOE Drug Certification, and that this raised security concerns under 10 C.F.R. § 710.8(1). However, the Hearing Officer further found that the individual presented sufficient evidence to mitigate the security concern. Specifically, the Hearing Officer found that the

individual (i) used an illegal drug only one time in the 16 years since he signed the Drug Certification, (ii) convincingly expressed his commitment not to violate his Drug Certification in the future, and (iii) provided ample evidence that he would not use illegal drugs in the future. Accordingly, the Hearing Officer recommended that the individual's access authorization, which had been suspended, should be restored.

##### Refund Application

*Burkland Oil Company, Cal's Supply, Inc., T.A. Weisman, Milkiken & Servas, Inc., Johnson Oil Company, Fraser Oil Company, Brookline Avenue Service, Schlottman Oil Company, Mike Junker*, 5/29/97, RR72-00024, RR272-00025, RR272-00026, RR272-00027, RR272-00028, RR272-00029, RR272-00030, RR272-00031, RR272-00032

The Department of Energy (DOE) issued a Decision and Order concerning Motions for Reconsideration filed in the Crude Oil Subpart V Special Refund Proceeding. Each of the nine applicants had been denied a refund in that proceeding on the grounds that they were either a retailer or repeller and had not rebutted the presumption that these classes of persons were not harmed by overcharges in the pricing of crude oil during the period of controls. In their Motions for Reconsideration, each of the applicants attempted to rebut the non-injury presumption by relying on the statements of Dr. Peter D. Linneman given while the DOE was considering evidence during its preparation of the Report on Stripper Well Overcharges for the United States District Court of Kansas. In accord with precedent, the DOE found Dr. Linneman's general econometric statements are not sufficient to demonstrate that any particular claimant was injured by crude oil overcharges. In addition, the applicants did not submit any further evidence to show injury. Accordingly, the Motions for Reconsideration were 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.