

1997 with Constellation Power Source, Inc., under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Constellation Power Source, Inc. as a customer under the Tariff. DLC requests an effective date of August 22, 1997 for the Service Agreement.

Comment date: September 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Southern Company Services, Inc.

[Docket No. ER97-4370-000]

Take notice that on August 27, 1997, Southern Company Services, Inc. (SCSI), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Savannah Electric and Power Company (collectively referred to as Southern Companies) filed one (1) service agreement under Southern Companies' Market-Based Rate Power Sales Tariff (FERC Electric Tariff, Original Volume No. 4) with the following entity: Municipal Electric Authority of Georgia. SCSI states that the service agreement will enable Southern Companies to engage in short-term market-based rate transactions with this entity.

Comment date: September 30, 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. 97-25063 Filed 9-19-97; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3131-032]

S.R. Hydropower of Brockway Mills; Notice of Availability of Draft Environmental Assessment

September 16, 1997.

An environmental assessment (EA) is available for public review. The EA is for an application for surrender of license. The EA reviews alternative for surrender and decommissioning the project. The EA finds approval of the application, with staff recommendations, would not constitute a major federal action significantly affecting the quality of the human environment. The Project is located on the Williams River, Windham County, Vermont.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be viewed in the Reference and Information Center, Room 2A, of the Commission's Offices at 888 First Street, N.E., Washington, D.C. 20426.

Please submit any comment within 45 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Please affix Project No. 3131-032 to all comments. For further information, please contact the project manager, Mr. Robert Grieve, at (202) 219-2655.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97-25034 Filed 9-19-97; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of August 11 through August 15, 1997

During the week of August 11 through August 15, 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: September 12, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 46; Week of August 11 through August 15, 1997

Appeals

David R. Berg, 8/14/97 VFA-0306

David R. Berg filed an Appeal from a determination issued to him on May 28, 1997, by the Human Resources Office (HR) of the Department of Energy (DOE), in response to a request for information filed under both the Privacy Act and the FOIA. In his Appeal, Mr. Berg contended that HR did not adequately explain the basis upon which the responsive documents were withheld under the Privacy Act and that HR improperly relied upon FOIA Exemptions 5, 6 and 7. The DOE found HR's determination insufficiently informative and short of what is legally required. The DOE remanded Mr. Berg's Appeal to HR to either release to Mr. Berg all of the documents responsive to his request or issue a new determination adequately supporting the withholding of the documents. Consequently, the Appeal filed by Mr. Berg was granted in part and denied in part.

W.L. McCullough 8/12/97 VFA-0314

W.L. McCullough (Appellant) filed an Appeal of a Determination issued to him 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 documents concerning a grant awarded by DOE. In its Determination, the Oak Ridge Operations Office (DOE/ORO) released one document but stated that no other documents could be located in the possession of DOE. The Appellant challenged the adequacy of DOE/ORO's search. The Office of Hearings and Appeals (OHA) found that DOE/ORO had conducted an adequate search of

DOE offices. OHA also found that DOE grantees are subject to the provisions of 10 C.F.R. § 1004.3. However, in this case, there was no provision in the grant giving ownership of grantee-generated and owned documents to DOE. Accordingly, the Appeal was denied.

Personnel Security Hearing

Personnel Security Hearing, 8/14/97 VSO-0139

An OHA Hearing Officer issued an opinion concerning an individual whose access authorization was suspended because the DOE obtained derogatory information that the individual had a positive drug test for marijuana and codeine. At a hearing convened at the individual's request, the individual maintained that the marijuana use was a one time event and that he used his wife's prescription codeine medicine for relief from a cough. The Hearing Officer found that the individual did mitigate the security concerns regarding the codeine use, but did not bring forth any corroboration to support the assertion that the marijuana use was a one time event. The hearing officer also found that the individual failed to present sufficient evidence of rehabilitation from the marijuana use. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored. *Personnel Security Hearing, 8/14/97, VSO-0142*

An Office of Hearings and Appeals Hearing Officer issued an Opinion under 10 CFR 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 record, the Hearing Officer found that the individual was properly diagnosed as having a mental condition of a nature which caused or may cause a significant defect in judgment or reliability. The Hearing Officer found

that the individual sufficiently mitigated DOE's concern that the individual had engaged in certain conduct which tended to show that he was not reliable. However, the Hearing Officer further found that the individual had failed to mitigate the legitimate security concerns of DOE relating to his mental condition. Accordingly, the Hearing Officer recommended that the individual's access authorization, which had been suspended, should not be restored.

Supplemental Order

Vessels Gas Processing, Co., 8/13/97, VFX-0012

The DOE issued a Decision and Order modifying the per-gallon volumetric factor for use in the Vessels Gas Processing Company Special Refund Proceeding. Based upon a review of the Vessels enforcement proceeding documentation, the new volumetric factor was established as \$0.0261 per gallon.

Refund Applications

Enron Corp./Gulf Coast Petroleum, Inc., 8/14/97, RF340-109

The DOE denied an application for refund submitted in the Enron Corporation (Enron) special refund proceeding concerning purchases from Enron made by Gulf Coast Petroleum, Inc. (Gulf Coast). The DOE found that Gulf Coast was a repeller whose purchases from Enron were made on the spot market, were sporadic and discretionary in nature, and apparently were unrelated to any business obligations to its regular customers. Accordingly, the DOE found that Gulf Coast fit the spot market presumption of non-injury for resellers, and that the firm had not made a showing of injury to overcome this presumption.

Permian Corporation/Kona Corporation, 8/13/97, RF350-1

Kona Corporation filed an Application for Refund in the Permian

Corporation's special refund proceeding. Kona sought an above-volumetric refund based upon a claim that it suffered a disproportionate injury with respect to its purchases of crude oil in December 1980 and January 1981. The DOE found that Kona had not demonstrated that increases in its crude oil costs, and a declining share of price controlled crude oil, between September–October 1980 and December 1980–January 1981 were the result of regulatory violations by Permian. The DOE noted that prices generally were increasing during this period and that a number of factors could legally have accounted for the price increases. Therefore, Kona failed to demonstrate that it was entitled to an above volumetric refund. DOE noted that generally refiners are ineligible for refunds based upon purchases of crude oil because either they waived their right to a refund by filing a claim in the stripper well proceeding or the entitlements program insulated them from the affects of crude oil overcharges. Kona, however, had not filed a stripper well claim and there were no January or final entitlements lists that would have allowed the firm to pass overcharges on to the entitlements program for January 1981 purchases or for December 1980 purchases for which the firm received recertifications in 1981. Accordingly, DOE found that Kona should be granted a volumetric refund for its December 1980 and January 1981 crude oil purchases.

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.

Crude Oil Supplemental Refund Dist	RB272-00115	8/14/97
Crude Oil Supplemental Refund Dist	RB272-0116	8/14/97
Pahl-Ruff Partnership	RC272-370	8/13/97
Ruff Times Farms	RK272-881
Pahl Farms	RK272-882
Stauffer Chemical Company	RF272-97240	8/15/97
Vermilion Service Company	RG272-190	8/13/97
Danco Prairie ES Cooperative	RG272-196
West Central Turkeys, Inc	RG272-892	8/12/97

Dismissals

The following submissions were dismissed.

Name	Case No.
Al-Chroma Inc	RK272-4500
Almar Corp	RK272-4469
Anna Ruth Prassel	RK272-4351

Name	Case No.
"C" Ventures, Inc	RK272-4498
Carol Lina Bedford	RK272-4354
Charles E. Gay	RK272-4355
Daniel Products Company, Inc	RF272-98793
Dean Foods Products Co	RK272-4435
Edmund Aldrete	RK272-4352
Erie Lackawanna Railway Co	RK272-4474
Harley Clark Super 100	RF342-208
James Baehr Truck Service	RK272-4492
Loyd Salisbury/MYRL Salisbury	RK272-4502
Mount Pleasant Dairy, Inc	RK272-4454
Omc Johnson	RK272-4464
Paul W. Geisler	RK272-4356
Pepsi Cola Company	RK272-4499
Resource Net International	RK272-4491
Suprenant Wire & Cable	RK272-4494
T & W Forge, Inc	RK272-4473
Taos Gravel Products	RK272-4501
Texfie Industries	RK272-4497
Towry Enterprises, Inc	RK272-4493
University Gulf	RF300-21708
William D. Medlyn	RK272-4357

[FR Doc. 97-25073 Filed 9-19-97; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of August 4 Through August 8, 1997

During the week of August 4 through August 8, 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.o.ha.doe.gov>.

Dated: September 12, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 45; Week of August 4 Through August 8, 1997

Appeals

Arter & Hadden, 8/4/97, VFA-0309

The Department of Energy (DOE) issued a Decision and Order (D&O) denying a Freedom of Information Act (FOIA) Appeal that was filed by Arter & Hadden (A&H). In its Appeal, A&H challenged the adequacy of the search for responsive documents that was conducted by the DOE's Albuquerque Operations Office. In the Decision, the OHA found that the search was adequate.

Charles L. Wilkinson, III, 8/8/97, VFA-0312

Charles L. Wilkinson, III, (Wilkinson) filed an Appeal from a determination issued to him by the Savannah River Operations Office (SR) of the Department of Energy (DOE). In its Appeal, Wilkinson asserted that SR failed to conduct an adequate search for documents pertaining to the utilization of non-union labor at the landfill and D-Area Powerhouse located at the DOE's Savannah River Site. Additionally, Wilkinson asserted that SR had improperly withheld 17 documents in their entirety pursuant to Exemption 5. After reviewing the search that was conducted for responsive documents, the DOE determined that SR conducted an adequate search for documents. However, while DOE determined that SR properly invoked Exemption 5 for 15 of the documents in question these documents were found to contain a small amount of material which could be released to Wilkinson. One document was properly withheld in its entirety pursuant to Exemption 5. With regard to the remaining document, SR requested that it be given an opportunity to make

another determination regarding that document. Consequently, Wilkinson's Appeal was granted in part.

Egan & Associates, 8/6/97, VFA-0318

The DOE's Office of Hearings and Appeals (OHA) issued a decision dismissing the Freedom of Information Act (FOIA) Appeal filed by Egan & Associates. The Appeal was dismissed because OHA does not have jurisdiction when the requester has not received an initial determination from an Authorizing Official, or when an appeal is based on the agency's failure to process a FOIA within the time specified by law.

Personnel Security Hearing

Personnel Security Hearing, 8/7/97, VSO-0150

An OHA Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain access authorization under the provisions of 10 CFR Part 710. After considering the testimony presented at the hearing and the record, the Hearing Officer found that the individual had been appropriately diagnosed with a mental illness affecting his judgment and reliability. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Request for Exception

Patriot Petroleum, Inc., 8/4/97, VEE-0045

Patriot Petroleum, Inc. (Patriot) filed an Application for Exception from the Energy Information Administration