

NMPC requests an effective date of July 2, 1998. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and Tractabel Energy Marketing, Inc.

*Comment date:* July 29, 1998, in accordance with Standard Paragraph E at the end of this notice.

### 19. Texas Utilities Electric Company

[Docket No. ER98-3688-000]

Take notice that on July 9, 1998, Texas Utilities Electric Company (TU Electric), tendered for filing an executed transmission service agreement (TSA), with Amoco Energy Trading Corporation for certain Unplanned Service transactions under TU Electric's Tariff for Transmission Service To, From and Over Certain HVDC Interconnections.

TU Electric requests an effective date for the TSA that will permit it to become effective on or before the service commencement date under the TSA.

TU Electric seeks waiver of the Commission's notice requirements to allow the service commencement date of June 10, 1998.

Copies of the filing were served on Amoco Energy Trading Corporation as well as the Public Utility Commission of Texas.

*Comment date:* July 29, 1998, in accordance with Standard Paragraph E at the end of this notice.

### Standard Paragraphs

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 these filings are on file with the Commission and are available for public inspection.

**David P. Boergers,**  
Acting Secretary.

[FR Doc. 98-19756 Filed 7-23-98; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Tendered for Filing With the Commission

July 20, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Major License.
- b. *Project No.:* P-2588-004.
- c. *Dated Filed:* July 10, 1998.
- d. *Applicant:* City of Kaukauna.
- e. *Name of Project:* Little Chute Hydroelectric Project.
- f. *Location:* On the Fox River in the Village of Combined Locks, Outagamie County, Wisconsin.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. §§ 791(a)-825(r).
- h. *Applicant Contact:* Peter D. Prast, P.E., General Manager, Kaukauna Electric & Water Department, 777 Island Street, P.O. Box 1777, Kaukauna, Wisconsin 54130-7077.
- i. *FERC Contact:* Steve Kartalia (202) 219-2942.
- j. *Comment Date:* 60 days from the filing date shown in paragraph (c).
- k. *Description of Project:* The existing, operating project consists of: (1) An integral intake powerhouse, located at the right abutment of the United States Army Corps of Engineers' Little Chute Dam, containing three units with a total installed capacity of 3,300 kW; (2) connections to three 2.4/12-kV single phase transformers and a 122-kV transmission line 1.25 miles long; and (3) appurtenant facilities.

l. With this notice, we are initiating consultation with the WISCONSIN STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

**David P. Boergers,**  
Acting Secretary.

[FR Doc. 98-19758 Filed 7-23-98; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Tendered for Filing With the Commission

July 20, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* New License.
- b. *Project No.:* 2737-002.
- c. *Date Filed:* June 25, 1998.
- d. *Applicant:* Central Vermont Public Service Corporation.
- e. *Name of Project:* Middlebury Lower Hydroelectric Project.
- f. *Location:* On Otter Creek, which discharges into Lake Champlain, in the towns of Middlebury and Weybridge, Addison County, Vermont.
- g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).
- h. *Applicant Contact:* Timothy J. Oakes, Kleinschmidt Associates, 33 West Main Street, Strasburg, PA 17579, (717) 687-2711.
- i. *FERC Contact:* Jack Duckworth (202) 219-2818.
- j. *Comment Date:* 60 days from the issuance date of this notice.
- k. *Description of Project:* The existing project consists of: (1) A 30-foot-high, 478-foot-long concrete gravity dam consisting of: (a) two ogee spillway sections, a 123-foot-long western spillway section with two stoplog sections, each 6 feet wide and 8 feet high, and a 260-foot-long eastern spillway section with a sluice gate adjacent to the canal intake structure, used to sluice debris away from the canal; (2) a canal intake structure, which is 49.5 feet long, 34.5 feet high, and about 9 feet wide, and extends from the northeast end of the eastern spillway to the eastern bank of Otter Creek (3) a 1-mile-long, 16-acre impoundment with a normal water surface elevation of 314.5 feet; (3) a powerhouse containing three turbine generator sets with a total installed capacity of 1.8 MW; (4) transmission facilities; and (5) appurtenant facilities.

The applicant states that the average annual generation is approximately 8,300 megawatt-hours. The applicant is not proposing any changes to the existing project works.

l. With this notice, we are initiating consultation with the VERMONT STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by 106, National Historic Preservation Act, as the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

*m.* Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the issuance date of this notice and

serve a copy of the request on the applicant.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-19759 Filed 7-23-98; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Notice of Cases Filed During the Week of May 18 Through May 22, 1998

During the Week of May 18 through May 22, 1998, 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, D.C. 20585-0107.

Dated: July 16, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

## LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 18 through May 22, 1998]

Date	Name and location of applicant	Case No.	Type of submission
5/18/98 .....	Florida, Tallahassee, Florida .....	VEG-0004	Petition for Special Redress. If granted: The Office of Hearings and Appeals would review the State of Florida's Revised Amendment #2 to its Thirteenth Stripper Well Plan to determine whether it is consistent with the Stripper Well Settlement Agreement.
5/22/98 .....	Goodell, Stratton, Edmonds, Palme, Topeka, Kansas.	VFA-0420	Appeal of an Information Request Denial. If granted: The April 21, 1998 Freedom of Information Request Denial issued by the Southwestern Power Administration would be rescinded, and Goodell, Stratton, Edmonds & Palmer, L.L.P. would receive access to certain DOE information.

[FR Doc. 98-19814 Filed 7-23-98; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Notice of Issuance of Decisions and Orders During the Week of June 15 Through June 19, 1998

During the week of June 15 through June 19, 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 decision and order are available in the Public Reference Room of the Office of Hearings and Appeals, 950 L'Enfant Plaza, SW, Washington, D.C., 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>.

Dated: July 16, 1998.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

#### Decision List No. 90

##### Appeals

*Godell, Stratton, Edmonds & Palmer, L.L.P., 6/17/98, VFA-0420*

DOE denied an appeal of a determination issued by the Southwestern Power Administration. OHA found that the search conducted was reasonably calculated to uncover material responsive to the request.

*Lee M. Graham, 6/17/98, VFA-0236*

Lee M. Graham appealed a denial by the Albuquerque Operations Office of a request for information that he filed under the Freedom of Information Act. Albuquerque responded by stating that it could neither confirm nor deny the existence of records responsive to Mr. Graham's request. Based on its review of the nature of the request, the DOE determined that Albuquerque's *Glomar* response was appropriate. Accordingly, the Appeal was denied.

##### Personnel Security Hearing

*Personnel Security Hearing, 6/18/98, VSO-0197*

A hearing officer determined that an individual had not mitigated security concerns concerning a diagnosis of narcissistic personality disorder, and a conviction for illegally intercepting oral communication. Accordingly, the hearing officer recommended that the individual's access authorization should not be restored.

##### Refund Applications

*Enron Corp./Moon Scott Joint Venture, 6/19/98, RF340-00007*

The DOE granted a refund to the Moon Scott Joint Venture (the Joint Venture) for product purchased by NGL Supply, Inc. (NGL Supply) in the Enron Corporation (Enron) special refund proceeding. The DOE found that the Joint Venture possessed the right to refund of NGL Supply. The DOE found that NGL Supply's butane purchases from Enron were spot purchases and not eligible for a refund. DOE also excluded its 1973 natural gasoline purchases because they were made pursuant to a fixed price contract that was established prior to price controls. The DOE then found that NGL Supply had shown that it was injured by its purchases of natural gasoline from Enron from 1975 through 1979 and was entitled to a full volumetric refund. However, it limited the firm's refund for its Enron propane