Standard Offer Service Agreements between Montaup and its two retail affiliates doing business in Rhode Island, Blackstone Valley Electric Company and Newport Electric Corporation, and between Montaup and its retail affiliate doing business in the Commonwealth of Massachusetts, Eastern Edison Company. Montaup requests that the addenda for Blackstone and Newport be accepted and allowed to be made effective as of January 1, 1998, and that the addendum for Eastern be accepted and allowed to be made effective as of March 1, 1998, *i.e.*, the respective Retail Access Date for each of these companies under Montaup's restructuring settlement filed in Docket Nos. ER97–2800 *et al.*

Copies of the filing were served upon Montaup's jurisdictional customers and upon affected state agencies.

Comment date: June 23, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Duke Power

[Docket No. ER98–3208–000]

Take notice that on June 3, 1998, Duke Power, a division of Duke Energy Corporation (Duke), tendered for filing a Market Rate Service Agreement (the MRSA) between Duke and Avista Energy, Inc., dated as of March 31, 1998.

Comment date: June 23, 1998, 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 these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–15652 Filed 6–11–98; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of March 30 Through April 3, 1998

During the week of March 30 through April 3, 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 7117, Comsat Building, 950 L'Enfant Plaza SW., Washington, DC 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 2, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 79; Week of March 30 through April 3, 1998

Appeals

David R. Berg, 4/2/98, VFA–0376

The Department of Energy denied a Privacy and Freedom of Information Acts (FOIA) Appeal filed by David R. Berg from a determination issued by the Deputy Assistant Secretary for Human Resources that certain documents relating to Mr. Berg and several co-workers were exempt from mandatory disclosure. The DOE found that the withheld material was exempt from mandatory disclosure under subsection (d)(5) of the Privacy Act and Exemption 6 of the FOIA, but that Exemptions 7(C) and 7(F) of the FOIA were inapplicable because the documents were not compiled for law enforcement purposes.

Dr. Nicolas Dominquez, 4/2/98, VFA–0368, VFA–0387, VFA–0388, VFA–0389

Dr. Nicolas Dominguez appealed four Determinations issued to him in response to a request under the Freedom of Information Act (FOIA). The Appellant sought information concerning his termination by Lockheed Martin Energy Research Corporation (LMERC), including two memos, his job description and identifying information concerning a ''group of peers'' which heard testimony regarding the termination. In its Determination, the Oak Ridge Operations Office (ORO) found that all responsive documents were owned by LMERC. On appeal, the DOE rejected the argument that all records funded by the taxpayers were subject to release under the FOIA. The DOE, however, found that ORO did possess responsive agency records regarding the ''group of peers,'' and that some of the requested documents were subject to release because they were owned by DOE. Accordingly, two of the Appeals were granted and two were denied.

Eugene Maples, 3/30/98, VFA–0382

Eugene Maples (Maples) appealed determinations issued to him by the Offices of the Inspector General (OIG) and the General Counsel (OGC). In his Appeal, Maples asserted that OIG improperly withheld, pursuant to FOIA Exemptions 6 and 7(C), names from documents relating to recoupment of Petroleum Violation Escrow (PVE) funds from the State of South Carolina. Maples also argued that OIG and OGC conducted inadequate searches for responsive documents. The DOE determined that OIG and OGC conducted adequate searches for responsive documents, but that OIG may have improperly applied Exemptions 6 and 7(C) to the withheld names. Consequently, Maples's Appeal was granted in part.

Personnel Security Hearing

Personnel Security Hearing, 4/3/98, VSO–0172

A Hearing Officer recommended that the access authorization of an individual employed by a DOE contractor not be reinstated. The individual was charged with deliberately omitting information relevant to his eligibility for access authorization from two written security questionnaire forms, making false statements during a DOE personnel security interview, and with ''unusual conduct'' that tended to show he was not honest, reliable or trustworthy, including violation of a DOE Drug Certification and a pattern of repeated arrests. The Hearing Officer found that the individual had mitigated some of the charges, including a number of minor inconsistencies in his statements to the local DOE security office, and his violation of the Drug Certification five years before the hearing, but had failed to mitigate the charges that he had deliberately omitted or falsified

information relevant to his eligibility for access authorization. He thus recommended against reinstating the individual's access authorization.

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.

American Aggregates Corp. et al	RF272–76986	4/1/98
John R. Olivares, Inc. et al	RK272–04778	4/1/98

Dismissals

The following submissions were dismissed.

Name	Case No.
Cass County, North Dakota	RF272–86469
Ikard & Newsom	RF340–00134
Patricia McCracken	VFA–0392
Personnel Security Hearing	VSO–0196

[FR Doc. 98–15722 Filed 6–11–98; 8:45 am]

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of April 27 Through May 1, 1998

During the week of April 27 through May 1, 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, DC, 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: June 2, 1998.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 83; Week of April 27 through May 1, 1998

Appeals

Diane C. Larson, 4/30/98, VFA–0405

The DOE denied a Freedom of Information Act (FOIA) Appeal filed by Diane C. Larson. Larson sought the release of names withheld from investigative files released to her by the DOE's Office of the Inspector General. In its decision, the DOE found that the withholding of the names was appropriate under FOIA Exemptions 6 and 7(C).

Eva Glow Brownlow, 4/30/98, VFA–0397

Eva Glow Brownlow appealed a determination issued to her by the Albuquerque Operations Office (AL) that denied a request for information she filed under the Freedom of Information Act (FOIA). In her Appeal, Ms. Brownlow contended that AL improperly withheld the requested information from disclosure under Exemption 5, of the FOIA. The DOE found that AL properly applied Exemption 5, and concluded that the release of the document would not be in the public interest. Consequently, the Appeal filed by Ms. Brownlow was denied.

McGraw-Hill Companies, 4/28/98, VFA–0398

The DOE denied a Freedom of Information Act (FOIA) Appeal that was filed by McGraw-Hill Companies (McGraw-Hill). In its Appeal, McGraw-Hill contested the adequacy of the search for responsive documents carried out by the DOE's Office of Civilian Radioactive Waste Management. The DOE found that the search was adequate.

Tamara L. Mix, 4/27/98, VFA–0394

Tamara L. Mix (Mix) appealed a determination issued to her by the Oak Ridge Operations Office (OR). In her Appeal, Mix asserted that OR failed to conduct an adequate search for various Oak Ridge community relations documents she sought pursuant to a Freedom of Information Act Request. The DOE determined that OR had conducted an adequate search for documents responsive to Mix's Request. Consequently, Mix's Appeal was denied.

Whistleblower Proceeding

Daniel Holsinger, VWC–0001; K-Ray Security, Inc., 4/27/98, VWC–0002

Upon remand by the Deputy Secretary, the Director of the OHA considered whether K-Ray Security, Inc., a subsequent contractor, should be required to reinstate Daniel Holsinger, who was terminated by a prior DOE contractor after making a disclosure protected under 10 CFR, Part 708 (Contractor Employee Protection Program). After considering all the equities involved, and in particular the important goals of Part 708, the Director found that K-Ray had not shown that it would experience any undue burden if it were required to reinstate Holsinger for one eight-hour shift per week.

Refund Application

Gulf Oil Corp./Amerigas Propane, Inc., RR300–00292; Gulf Oil Corp./Utility Propane Co., 4/28/98, RF300–21843

The DOE granted a Motion for Reconsideration filed by Amerigas Propane, Inc. (Amerigas) in the Gulf refund proceeding. The DOE had previously determined that Utility Propane Co., rather than Amerigas was entitled to a refund based on the purchases of Utility Propane. Upon reconsideration, the DOE determined that the sale and purchase agreement between Utility Propane and Amerigas contained sufficiently broad language to transfer the right to the refund to Amerigas. Accordingly, the refund granted to Utility Propane was