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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Cases Filed During Week of September 29 Through October 3, 1997

During the Week of September 29 through October 3, 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: December 23, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of September 29 through October 3, 1997]

Date	Name and Location of Applicant	Case No.	Type of Submission
Sept. 29, 1997	Rural Alliance for Military Accountability, Questa, New Mexico.	VFA-0335	Appeal of an Information Request Denial. If Granted: The September 3, 1997 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Rural Alliance for Military Accountability would receive access to certain DOE information.
Sept. 29, 1997	The Oregonian, Portland, Oregon	VFA-0336	Appeal of an Information Request Denial. If Granted: The September 10, 1997 Freedom of Information Request Denial issued by Bonneville Power Administration would be rescinded, and The Oregonian would receive access to certain DOE information.
Oct. 1, 1997	Patricia C. McCracken, Augusta, Georgia	VFA-0337	Appeal of an Information Request Denial. If Granted: The September 17, 1997 Freedom of Information Request Denial issued by Savannah River Operations would be rescinded, and Patricia C. McCracken would receive access to certain DOE information.
Oct. 2, 1997	F.A.C.T.S., Buffalo, New York	VFA-0339	Appeal of an Information Request Denial. If Granted: The September 2, 1997 Freedom of Information Request Denial issued by the Office of the Executive Secretariat would be rescinded, and F.A.C.T.S. would receive access to certain DOE information.
Do	Natural Resources Defense Council, Washington, D.C.	VFA-0338	Appeal of an Information Request Denial. If Granted: The September 4, 1997 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Natural Resources Defense Council would receive access to certain DOE information.
Oct. 3, 1997	Personnel Security Hearing	VSO-0179 ...	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-0180 ...	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.

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DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Cases Filed During the Week of September 22 Through September 26, 1997

During the Week of September 22 through September 26, 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: December 23, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS
[Week of September 22 Through September 26, 1997]

Date	Name and Location of Applicant	Case No.	Type of submission
Sept. 24, 1997	Crysen Corporation	VFX-0013	Supplemental order. If Granted: The crude oil overcharge funds remaining in the Crysen Corporation consent order account will be distributed under the terms of the Stripper Well Settlement Agreement.
Do	Personnel Security Hearing	VSO-0178 ...	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.

[FR Doc. 98-230 Filed 1-5-98; 8:45 am]

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DEPARTMENT OF ENERGY

Southwestern Power Administration

Open Access Transmission Service Tariff

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of final tariff.

SUMMARY: The Southwestern Power Administration (Southwestern) is adopting this final Open Access Transmission Service Tariff (Final Tariff) in accordance with the Federal Energy Regulatory Commission (FERC) Orders 888 and 888-A, to the extent consistent with laws and regulations applicable to Southwestern's activities.

DATES: The Final Tariff will become effective February 5, 1998. The Final Tariff will remain in effect until superseded.

SUPPLEMENTARY INFORMATION:

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- I. Procedures
- II. Background
- III. Comments Raised During the Development of this Final Tariff
- IV. Summary of Significant Changes from the Southwestern's Proposed Tariff
- V. Coordination with Adoption of Open Access Transmission Rates

I. Procedures

Southwestern will submit the Final Tariff to the FERC under a non-jurisdictional docket and will request a declaratory order that this Final Tariff meets FERC comparability standards as forth in FERC Order Nos. 888 and 888-A. Southwestern will make necessary changes, if any, in response to the FERC declaratory order and will publish the revised Final Tariff in the **Federal Register**.

II. Background

Southwestern Power Administration (Southwestern) was created by Secretarial Order No. 1865, dated August 31, 1943, as an agency of the Department of the Interior, to carry out the power marketing responsibilities assigned to the Secretary of the Interior by Executive Order 9366, dated July 30, 1943, and Executive Order 9373, dated August 30, 1943. Section 5 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 890; 16 U.S.C. 825s) broadened the power marketing responsibilities of the Secretary of the Interior by placing in him the responsibility for marketing the electric power and energy generated at reservoir projects built by and under the control of the Department of the Army. The U.S. Department of Energy was created by an Act of the U.S. Congress under the Department of Energy Organization Act, Public Law 95-91, dated August 4, 1977. Pursuant to Sections 302(a) and 301(b) of such Act, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944 which relate to Southwestern were transferred to and vested in the Secretary of Energy effective October 1, 1977.

Under the said Section 5, Southwestern is enjoined to market power and energy generated at U.S. Army Corps of Engineers dams with preference to public bodies and cooperatives, in such manner as to encourage the most widespread use of the resource, at the lowest possible rates to consumers consistent with sound business principles. The hydroelectric projects from which Southwestern currently markets power and energy are located in the States of Arkansas, Missouri, Oklahoma, and Texas. Southwestern is a partial requirements supplier by the nature of its hydroelectric power resource to 93 municipal, cooperative, and military electric systems in the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. Southwestern is

not a public utility under Sections 205 and 206 of the Federal Power Act. Southwestern is a transmitting utility subject to Section 211 of the Federal Power Act as amended by the Energy Policy Act of 1992.

The Federal Energy Regulatory Commission (FERC) issued a Notice of Proposed Rulemaking (NOPR) for Open Access Transmission Service, published at 60 FR 17662, on April 7, 1995. On October 4, 1995, the Secretary, Department of Energy (DOE), adopted a "Power Marketing Administration Open Transmission Access Policy" (DOE Policy) in which the Secretary states that DOE supports the spirit and intent of the NOPR and directs the Power Marketing Administrations to prepare tariffs which conform to the principles set forth in the FERC's final rule. FERC issued its final rule, Order No. 888, published at 61 FR 21540, on May 10, 1996, and followed with supplementary Order No. 888-A, published at 62 FR 12273, on March 14, 1997.

Southwestern began its formal process of developing this Final Tariff when it issued a Notice of Proposed Tariff published at 62 FR 50307 on September 25, 1997 (proposed Tariff).

Southwestern's Final Tariff is based on the suggested open access transmission tariff published as Appendix B to FERC Order No. 888-A (*pro forma* tariff). On October 9, 1997, Southwestern held a public information meeting at its Tulsa, Oklahoma offices. The formal comment period for the proposed Tariff lasted 45 days. Comments received during this formal period were considered in the development of the Final Tariff. Southwestern will submit the Final Tariff to FERC under a non-jurisdictional docket and request a declaratory order from FERC that the Final Tariff meets or exceeds the FERC comparability standards set forth in FERC Orders No. 888 and 888-A.

The transmission facilities which Southwestern owns and operates are committed to the delivery of Federal hydroelectric capacity and energy under