

Developing Hispanic-Serving Institutions Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Burden:

Responses: 100

Burden Hours: 850

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BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation Policy; Proposed Subsequent Arrangement

AGENCY: Department of Energy.

ACTION: Subsequent Arrangement.

SUMMARY: The Department is providing a notice of a proposed "subsequent arrangement" under the Agreement for Cooperation in the Peaceful Uses of Nuclear Energy Between the United States of America and the European Atomic Energy Community (EURATOM) and the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning the Civil Uses of Atomic Energy. This notice is being issued under the authority of section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160).

The subsequent arrangement concerns approval of RTD/CA(EU)-1 involving the return of 25,000 grams of fuel fabrication scrap, containing 23,280 grams of the isotope U-235 (93.15 percent enrichment) from UKAEA in Dounreay, United Kingdom, to, AECL in Chalk River, Canada. The material was originally transferred to the United Kingdom for the recovery of HEU under RTD/EU(CA)-15, which was implemented on October 28, 1997. The recovery process has now been completed and is ready for retransfer to Canada for use as target material for the production of Molybdenum 99.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: April 2, 1999.

For the Department of Energy.

Ed Fei,

Deputy Director, International Policy and Analysis Division, Office of Arms Control and Nonproliferation.

[FR Doc. 99-8757 Filed 4-7-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99-473-001, ER99-418-001 and EL99-47-000]

California Independent System Operator Corporation and Pacific Gas and Electric Company; Notice of Initiation of Proceeding and Refund Effective Date

April 5, 1999.

Take notice that on April 2, 1999, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL99-47-000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL99-47-000 will be 60 days after publication of this notice in the **Federal Register**.

David P. Boergers,

Secretary.

[FR Doc 99-8747 Filed 4-7-99; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN99-2-000]

Communications of Market Information Between Affiliates; Declaratory Order

Issued April 1, 1999.

Before Commissioners: James J. Hoecker, Chairman; William L. Massey, Linda Breathitt, and Curt Hébert, Jr.

The Enforcement section, Office of the General Counsel (Enforcement), received a complaint on the Enforcement Hotline that a public utility informed its affiliate by phone to look the next day on the public utility's Internet website for an offer to sell energy. The following day, the public utility advertised discounted energy on its website for only a half-hour. The affiliate and another non-affiliated entity arranged to purchase the discounted energy from the public utility based on the posting. Three weeks later, another non-affiliate requested the same discount terms. The public utility refused to sell energy to

that non-affiliate on the same terms at that time.

This scenario raises an issue of whether the public utility gave its affiliate an undue preference by telling the affiliate in advance to look on the public utility's website for information about an offer to sell energy. To provide guidance and eliminate any future uncertainty, the Commission clarifies that a public utility must not alert its affiliate to check for an electronic posting. Such a tip is market information that a utility cannot selectively disclose to an affiliate.

Background

The Hotline learned that a public utility was called by its power marketing affiliate which sought inexpensive energy for a specified term. Several days later, the public utility told its affiliate that the public utility would post on its web page an offer for energy sales with price information the following day.

The next day, the public utility posted on its website an offer to sell a certain quantity of megawatts of installed capacity and energy for a specified term at a particular price. The public utility posted the offer for 30 minutes.

On the day the offer was posted, the affiliate requested all of the megawatts posted. Later the same day, a non-affiliated entity requested a quantity of energy under the same terms given to the affiliate. The public utility agreed to that request as well.

Three weeks later, a second non-affiliated entity requested energy on the same terms that the public utility had given the affiliate and the first non-affiliated entity. The public utility responded that it could only offer capacity and energy on a month-to-month basis and at a different price than it had given the affiliate. When the second non-affiliated entity asked about the sales that the public utility had made to its affiliate and the first non-affiliated entity, the public utility replied that that offering was posted on its website on one day, and that the price had to go up after that day because the public utility faced new environmental requirements and other restrictions.

Discussion

This sale raises the issue of whether the public utility provided an undue preference to its affiliate by telling the affiliate to look for an offer prior to posting the offer on its website.¹ The

¹ There are several problems with this communication: the public utility gave advance notice of the posting to the affiliate—shortly after