

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 201

[Docket No. 95-004-1]

Federal Seed Act Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the Federal Seed Act regulations to remove the staining requirements for seed of alfalfa and red clover imported into the United States. The removal of the requirements is necessary to make the regulations conform to the amendment of the Federal Seed Act by the Uruguay Round Agreements Act. This action relieves a restriction on the importation of alfalfa and red clover seed into the United States.

EFFECTIVE DATE: April 4, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Polly Lehtonen, Botanist, Biological Assessment and Taxonomic Support, Operational Support, Plant Protection and Quarantine, APHIS, USDA, 4700 River Rd., Unit 133, Riverdale, MD 20737-1228, (301) 734-8896.

SUPPLEMENTARY INFORMATION:

Background

We are amending the Federal Seed Act Regulations in 7 CFR part 201 (referred to below as the regulations) by removing the provisions concerning staining of seed of alfalfa and red clover imported into the United States.

Legislation implementing the Uruguay Round of the General Agreements on Tariffs and Trade (referred to below as the Uruguay Round Agreements Act), Pub. L. 103-465, amended the Federal Seed Act by removing staining requirements in 7

U.S.C. 1581, 1582, 1585, and 1586 for seed imported into the United States. As a result, the Animal and Plant Health Inspection Service no longer has authority to require such staining under the regulations.

We are, therefore, amending the regulations by removing §§ 201.104 through 201.106, which contain provisions for staining. As a result of this action, no seeds of red clover and alfalfa imported into the United States for propagation will need to be stained prior to entry.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that good cause exists to publish this final rule without prior notice and opportunity for public comment.

The staining requirements for seed of alfalfa and red clover imported into the United States must be removed as a result of the statutory amendments discussed above.

This action relieves a restriction on the importation of alfalfa and red clover seed into the United States. Since prior notice and other public procedures with respect to this final rule are impracticable, unnecessary, and contrary to the public interest, and since this regulatory change is mandated by Congress, there is good cause under 5 U.S.C. 553 for making this final rule effective upon publication.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This final rule removes the staining requirement for alfalfa and red clover seed that is imported into the United States. This action will save importers of alfalfa seed and red clover seed from certain countries the relatively small cost of staining the seed.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Federal Register

Vol. 60, No. 64

Tuesday, April 4, 1995

Executive Order 12278

This rule has been reviewed under Executive Order 12278, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 201

Advertising, Agricultural commodities, Imports, Labeling, Reporting and recordkeeping requirements, Seeds, Vegetables.

Accordingly, 7 CFR part 201 is amended as follows:

PART 201—FEDERAL SEED ACT REGULATIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 7 U.S.C. 1582.

PART 201—[AMENDED]

2. Part 201 is amended by removing §§ 201.104, 201.105, and 201.106, and redesignating §§ 201.107, 201.108, and 201.109 as §§ 201.104, 201.105, and 201.106, respectively.

Done in Washington, DC, this 28th day of March 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-8096 Filed 4-3-95; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM95-5-000; Order No. 577]

Release of Firm Capacity on Interstate Natural Gas Pipelines

Issued March 29, 1995.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is amending its capacity release regulations to make the capacity release mechanism operate more efficiently and reduce burden. The existing regulations establish the provisions under which shippers can release capacity without having to comply with the Commission's advance posting and bidding requirements. The Commission is extending the exception from posting and bidding to one full calendar month as well as exempting transactions at the maximum rate from the posting and bidding requirements. The revisions also change the provision regarding roll-overs of exempted releases by changing the period in which shippers cannot re-release capacity to the same shipper from 30 days to 28 days.

EFFECTIVE DATE: The final rule becomes effective May 4, 1995.

ADDRESSES: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael Goldenberg, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 208-2294.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3104, 941 North Capitol Street NE., Washington D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200, or 300 bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street NE., Washington D.C. 20426.

Under Federal Energy Regulatory Commission (Commission) regulations,

firm holders of pipeline capacity can release that capacity to others. The Commission is modifying § 284.243(h) of its capacity release regulations.

The general rule under the regulations is that shippers must post their available capacity on the pipeline's Electronic Bulletin Board (EBB) for bidding by potential purchasers (replacement shippers). In § 284.243(h), the Commission permits an exception to the general rule by allowing shippers to release capacity for a period of less than one month without having to comply with the Commission's advance posting and bidding requirements. Shippers, however, cannot roll-over such releases and cannot re-release capacity to the same replacement shipper under the short-term release exception until 30 days after the first release period ends.

The Commission is revising § 284.243(h) to promote a more effective and efficient capacity release mechanism as well as reduce administrative burdens. The Commission is revising § 284.243(h)(1) to coordinate with the industry's monthly purchasing practices by extending to one full calendar month the exception from the advance posting and bidding requirements. The Commission also is exempting transactions at the maximum rate from the posting and bidding requirements.

The Commission is revising § 284.243(h)(2) to provide for a 28 (rather than a 30) day hiatus during which shippers that released capacity at less than the maximum rate under the exception cannot re-release that capacity to the same replacement shipper at less than the maximum tariff rate. This change accounts for the fact that February has only 28 days and will ensure that shippers entering into a full month's release in January will be able to begin another full month's release beginning March 1.

I. Reporting Requirements

The final rule affects the information required to be maintained on pipeline EBBs. The public reporting burden for EBBs is contained in the information requirement FERC-549(B), "Gas Pipeline Rates: Capacity Release Information." The rule will eliminate the need for the industry to continue the current practice of using two capacity release postings (a less-than-one month release coupled with a one-day release) to complete a full month release transaction. Under the rule, full month releases can be accomplished with only one such posting.

In the Notice of Proposed Rulemaking (NOPR), the Commission estimated that 1,500 paired release transactions occur

per year and that the proposed rule would reduce burden by 1,500 hours. A survey conducted by INGAA and filed with their comments indicates there were 1,924 paired release transactions during the first three quarters of 1994. Both the staff estimate and the industry survey are based on historical data. However, the number of capacity release transactions has increased each quarter, as the industry has gained more experience with capacity release. Therefore, historical data are not an accurate indicator of the current level of capacity release activity.

The current rate of paired release transactions, when annualized, is about 3,500 per year. At one hour per transaction, the annual reduction in burden as a result of this rule is approximately 3,500 hours.

A copy of this final rule is being provided to the Office of Management and Budget (OMB). Interested persons may send comments regarding the burden estimates or any other aspect of this collection of information, including suggestions for further reductions of this burden, to the Federal Energy Regulatory Commission, 941 North Capitol Street NE., Washington, D.C. 20426 [Attention: Michael Miller, Information Services Division, (202) 208-1415, FAX (202) 208-2425]. Comments on the requirements of this proposed rule may also be sent to the Office of Information and Regulatory Affairs of OMB, Washington, D.C. 20503 [Attention: Desk Officer for Federal Energy Regulatory Commission (202) 395-6880, FAX (202) 395-5167].

II. Background

Under the current capacity release regulations, promulgated in Order No. 636,¹ holders of firm capacity on pipelines can reassign that capacity in two ways.² The releasing shipper can choose to have the pipeline post the notice of release on the pipeline's EBB so other shippers can submit bids for that capacity, with the capacity awarded to the highest bidder. Or, the releasing shipper can enter into a pre-arranged

¹ Pipeline Service Obligations and Revisions to Regulations Governing Self-Implementing Transportation; and Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol, Order No. 636, 57 FR 13,267 (Apr. 16, 1992), III FERC Stats. & Regs. Preambles ¶ 30,939 (Apr. 8, 1992), *order on reh'g*, Order No. 636-A, 57 FR 36,128 (Aug. 12, 1992), III FERC Stats. & Regs. Preambles ¶ 30,950 (Aug. 3, 1992), *order on reh'g*, Order No. 636-B, 57 FR 57,911 (Dec. 8, 1992), 61 FERC ¶ 61,272 (1992), *appeal re-docketed sub nom.*, United Distribution Companies, *et al.* v. FERC, No. 92-1485 (D.C. Cir. Feb. 8, 1995).

² 18 CFR 284.243(a)-(h).

deal with a replacement shipper for the release of capacity.

The regulations establish different requirements for pre-arranged releases depending on the length of the release. For pre-arranged releases of one calendar month or more, the release must be posted on the pipeline's EBB to permit other shippers to bid for that capacity.³

For pre-arranged releases of less than one calendar month, § 284.243(h) permits shippers to consummate the transaction without complying with the posting and bidding requirements.⁴ Releases under this provision must be posted no later than 48 hours after the release transaction begins. Section 284.243(h)(2) provides that shippers cannot roll-over or extend releases covered by this exception unless they comply with the requirements for prior notice and bidding and cannot re-release to the same replacement shipper until thirty days after the first release period has ended.⁵

The Commission adopted the less-than-one calendar month exception to the posting and bidding requirements to balance two objectives of the capacity release mechanism.⁶ The exception was designed to ensure that parties could quickly and efficiently consummate short-term deals in emergency situations, such as a power plant outage resulting in excess capacity, without the administrative complications resulting from the advance posting and bidding requirements. On the other hand, the restriction to less-than-one calendar month was intended to ensure that normal monthly transactions would have to comply with the advance

³If a shipper bids more than the pre-arranged release rate, the pre-arranged replacement shipper is given the opportunity to match that bid to retain the capacity.

⁴Releasing shippers, however, are free to post pre-arranged deals for less than one calendar month for bidding if they choose to do so. Section 284.243(h)(1), as originally promulgated, read: "A release of capacity by a firm shipper to a replacement shipper for any period of less than one calendar month need not comply with the notification and bidding requirements of paragraphs (c) through (e) of this section. A release under this paragraph may not exceed the maximum rate. Notice of a firm release under this paragraph must be provided on the pipeline's electronic bulletin board as soon as possible, but not later than forty-eight hours, after the release transaction commences."

⁵Section 284.243(h)(2), as originally promulgated, read: "A firm shipper may not roll-over, extend, or in any way continue a release under this paragraph without complying with the requirements of paragraphs (c) through (e) of this section, and may not re-release to the same replacement shipper under this paragraph until thirty days after the first release period has ended."

⁶See Order No. 636-A, III FERC Stats. & Regs. Preambles ¶ 30,950 at 30,553-54; Order No. 636-B, 61 FERC ¶ 61,272 at 61,994-95.'

posting and bidding requirements to ensure open and non-discriminatory access to the capacity release market. The Commission thought that the pipelines could design capacity release procedures to efficiently handle full calendar month transactions.

The capacity release mechanism has now been in effect for over a year and the Commission has begun the process of evaluating the mechanism's operation. In the course of this review, the staff of the Commission has conducted informal discussions about the operation of the capacity release mechanism and possible changes or modifications to improve the mechanism with all major segments of the gas industry, including pipelines, local distribution companies, marketers, producers, end-users, and others interested in the capacity release market, such as companies developing third-party bulletin boards.

Based on comments made in these meetings, on January 12, 1995, the Commission issued the NOPR in this docket which proposed to extend to one full calendar month the period in which firm shippers can release firm capacity without having to comply with the posting and bidding requirements.⁷ Due to the broad support for the revision amongst all the industry groups involved in the staff meetings, the Commission proposed to make this one revision so that it could be implemented quickly. The Commission stated, however, that further adjustments to the capacity release mechanisms were still under consideration.

Forty-five comments on the NOPR were received, all supporting the proposed revision.⁸

III. Discussion

The extension of the short-term exception to a full calendar month will promote a more effective capacity release market and eliminate administrative inefficiencies created by the less than one calendar month regulation. As the commenters point out, the change to a full calendar month better comports with the industry's purchasing practices. The industry generally conducts its gas purchases on a monthly basis, so that customers requiring capacity need to acquire a full month's capacity. Moreover, most monthly transactions occur during a very compressed time period known as bid week and this time pressure requires that shippers be able to obtain released

⁷Release of Firm Capacity on Interstate Natural Gas Pipelines, 60 FR 3783 (Jan. 19, 1995), IV FERC Stats. & Regs. [Proposed Regulations] ¶ 32,513 (Jan. 12, 1995).

⁸The appendix lists all those filing comments.

capacity quickly with the certainty that the deal will go through as negotiated.

In addition, as the comments recognized, administrative burdens will be reduced significantly because the amendment will make unnecessary the previous industry practice of designing so-called "29/1 day" deals to arrive at full month releases. Under this practice, shippers release capacity under the § 284.243(h) exception for 29 days (or less than one calendar month) and then post a release offer for bidding for the remaining day of the month. This practice ensures that the designated replacement shipper can obtain a full month's capacity, since rarely do other shippers want to purchase capacity for one day or the one-day prearranged deal is posted at the maximum rate. While this procedure does permit full month releases, the practice is administratively cumbersome, doubling the administrative burden by requiring two EBB postings, two awards, two contracts, and two bills. According to INGAA, during the first three quarters of 1994, 14% of all capacity releases involved paired releases.⁹

The Commission's original reason for restricting the short-term exception to less-than-one calendar month deals was to limit the exception to emergency situations, so as to maximize the open bidding for capacity. However, the widespread use of 29/1 day deals demonstrates that bidding for one month deals is not taking place, and any attempt to limit or restrict the 29/1 practice in order to further promote bidding would seem only to create further inefficiencies. The commenters agree that, on balance, the increased speed and efficiency made possible by the extension of the short-term exception to a full calendar month outweighs any potential benefits from requiring bidding for monthly transactions. The commenters also point out that the Commission and the industry can still monitor one month deals for adherence to the Commission's policies against undue discrimination because all deals will be posted on the pipelines' EBBs within 48 hours.

Many commenters suggest that the Commission make changes in aspects of the capacity release regulations beyond this rule's limited focus on the short-term exception, such as elimination of bidding, removal of the maximum rate cap, and posting of pipeline interruptible deals, while others contend that such major structural

⁹Northwest estimates that 80% of its transactions were paired releases.

changes should not be made.¹⁰ The Commission is committed to its review of the capacity release mechanism and will be considering these issues, along with others, as part of that process. The Commission will address here only those comments directly bearing upon the short-term exception.

IOGA-PA contends that to ensure open and non-discriminatory access to released capacity, the Commission should require the posting of certain details of one month transactions on the pipelines' EBBs. IOGA-PA specifically lists price, delivery points, receipt points, recall status, and order of curtailment as items that should be disclosed.¹¹

The Commission finds no need to impose additional reporting requirements, because the information listed by IOGA-PA already must be posted on pipeline EBBs. The Commission's EBB rulemaking in Docket No. RM93-4-000¹² requires pipelines to post price, location of releases (receipt and delivery points or pipeline segments), and the recall status of the release.¹³ Pipelines must also include in their tariffs provisions setting forth their curtailment priority.¹⁴

MichCon requests clarification that the rule will apply to 31 day months and suggests that the regulation refer to releases of 31 days, rather than to a calendar month. MichCon suggests that this change also will permit releases of 31 days spanning two calendar months (i.e., January 15 to February 15). The

¹⁰ Most commenters support and encourage the Commission's review of other aspects of the capacity release mechanism.

¹¹ Although IOGA-PA states it supports the rule as long as sufficient information about the deal is disclosed, it later states that it is of the opinion that all pre-arranged deals should be subject to bidding. Requiring bidding for all pre-arranged deals, however, would defeat the goal of the regulation by introducing the very delay and uncertainty into monthly transactions that the regulation is designed to eliminate.

¹² Standards For Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations, Order No. 563, 59 FR 516 (Jan. 5, 1994), III FERC Stats. & Regs. Preambles ¶ 30,988 (Dec. 23, 1993), *order on reh'g*, Order No. 563-A, 59 FR 23624 (May 6, 1994), III FERC Stats. & Regs. Preambles ¶ 30,994 (May 2, 1994), *reh'g denied*, Order No. 563-B, 68 FERC ¶ 61,002 (1994).

¹³ This information is to be posted on the pipelines' EBB sections dealing with capacity awards. See Standardized Data Sets and Communication Protocols, Version 1.2, Section III Firm Transportation and Storage Capacity Release Award Data Set, III.1, line 25 (recall indicator), Section III.1.1, lines 7-13 (price information), Section III.1.2, line 4 (location type indicator). These are all mandatory fields, meaning that all pipelines must provide the required information. This document is available at the Commission's Public Reference and Files Maintenance Branch.

¹⁴ See 18 CFR 284.14(b) (requiring pipelines to include curtailment provisions in their filings to comply with Order No. 636).

term "calendar month," by definition, encompasses all months, including those of 31 days, and there is no need to substitute the phrase 31 days to add clarity. The term "calendar month" also better reflects the regulation's purpose, because it synchronizes the short-term exception with the industry's practice of purchasing gas and capacity during bid week when shippers need speed and certainty in their transactions. The substitution of the phrase 31 days is not needed to effectuate mid-month releases, as MichCon suggests. If shippers have an emergency requiring the release of capacity in the middle of a month, they can do so under the short-term exception for the remaining days in that month (i.e., January 15 to January 31), which will leave sufficient time to post the transaction for bidding for the next month.

Some commenters raise questions about the anti-rollover provision in § 284.243(h)(2). Louisville contends that the Commission should either improve the speed of the posting and bidding process, or, in the alternative, should permit roll-overs of one month deals. Natural similarly suggests that roll-overs of one month deals should be permitted.

The Commission is not removing the anti-rollover provision in this rule, because its removal could vitiate the bidding process for longer term releases; parties could effectuate long term releases simply by agreeing to a series of roll-overs of one month releases. The issue of whether bidding should be required for releases of more than one month is beyond the scope of this rule, but will be considered by the Commission in its continuing review of the capacity release mechanism.

If the anti-rollover provision is to be retained, PGT requests that the Commission clarify the criteria a pipeline should use to determine if a capacity release parcel falls within the roll-over provision. The provision now reads that a shipper "may not re-release to the same replacement shipper under this paragraph at less than the maximum tariff rate during the calendar month after the month in which the first release ends." Thus, any subsequent re-release to the same replacement shipper during the next calendar month is prohibited.

ANR/CIG suggest that the Commission amend the anti-rollover provision to permit re-release of capacity to the same shipper after one calendar month has passed, rather than the 30 days specified in the current regulation. ANR/CIG argue this change is consistent with the expansion of the short-term exception, in § 284.243(h)(1), to one calendar month and is more

compatible with the month to month basis on which gas and capacity transactions take place.

The Commission will not modify the anti-rollover provision to one calendar month, because that could be more restrictive than the current regulation in certain circumstances. For example, under the current regulations, shippers entering into a one-week release under the short-term exception from January 1 to January 7 could enter into a second release under the exception beginning February 7. If, however, shippers had to allow a full calendar month to pass between releases, the second release could not begin until March 1.

The Commission, however, recognizes that the 30 day hiatus in the current regulations does not accord with monthly releases in one situation: because February has only 28 days, shippers entering into a full month's release ending January 31 cannot enter into a new release until March 2. To ensure that shippers can enter into full month releases in March, the Commission is amending § 284.243(h)(2) to permit re-releases to the same replacement shipper after 28 days.

FMA suggests that roll-overs should be permitted at the maximum rates without complying with the posting and bidding periods. In Order No. 636-B, the Commission clarified its policies regarding prearranged deals at the maximum rate.¹⁵ The Commission required that pipelines adopt procedures so that bids at the maximum rate, meeting all the terms and conditions of the bid, would not be subject to the bidding procedures and would be implemented promptly. As the Commission found, when a prearranged deal is at the maximum rate, no other shipper can make a better bid for that capacity and, therefore, subjecting that release to the bidding requirements in the pipeline's tariff could unnecessarily delay implementation of the release. To ensure that the regulations reflect Commission policy, the Commission is modifying § 284.243(h)(1) to include all releases at the maximum rate, regardless of term, as releases that need not comply with the advance posting and bidding requirements.¹⁶

¹⁵ Order No. 636-B, 61 FERC at 61,994.

¹⁶ In Order No. 636-B, the Commission stated that releases at the maximum rate must be posted immediately, rather than 48 hours after the transaction commences. Order No. 636-B, 61 FERC at 61,994. But there seems to be no need to continue that restriction. Posting within 48 hours is sufficient to provide the industry and the Commission with the ability to review and monitor transactions at the maximum rate.

Columbia requests that the Commission set an effective date for this rule that will provide sufficient time for pipelines to file revised tariff sheets and make computer programming changes to implement the change on their EBBs. The Commission wants to make this rule effective as soon as possible so that the industry can achieve the efficiencies from full month releases. The Commission concludes that making the rule effective 30 days from publication in the **Federal Register** should provide most pipelines with sufficient implementation time. If some pipelines need more time to make tariff filings to reflect the change, the Commission can waive the 30-day notice requirement to allow for consistent effective dates.¹⁷ Columbia does not explain exactly what computer programming is needed to reflect this change. The Commission considers 30 days to be sufficient time in general to make whatever programming changes are needed to accommodate the minor change effected by this rule.

IV. Environmental Analysis

The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.¹⁸ The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.¹⁹ The action taken here falls within categorical exclusions provided in the Commission's regulations.²⁰ Therefore, an environmental assessment is unnecessary and has not been prepared in this rulemaking.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act of 1980 (RFA)²¹ generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Since the proposed regulations do not increase the burdens on any companies or entities, they will not have a significant impact on small entities. Pursuant to section 605(b) of the RFA, the Commission hereby certifies that the

regulations proposed herein will not have a significant impact on a substantial number of small entities.

VI. Information Collection Requirement

OMB regulations require approval of certain information collection requirements imposed by agency rules.²² The information requirements affected by this proposed rule are in FERC-549B, "Gas Pipeline Rates: Capacity Release Information" (1902-0169). The Commission is issuing the final rule, including the information requirements, to carry out its regulatory responsibilities under the Natural Gas Act (NGA) and Natural Gas Policy Act (NGPA) to promote a more effective capacity release market as instituted by the Commission's Order No. 636. The Commission's Office of Pipeline Regulation uses the data to review/monitor capacity release transactions as well as firm and interruptible capacity made available by pipelines and to take appropriate action, where and when necessary. The collection of information is intended to be the minimum needed for posting on EBBs to provide information about the availability of service on interstate pipelines.

The Commission is submitting to the Office of Management and the Budget a notification of the revision to the FERC-549B collection of information. Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 941 North Capitol street, NE; Washington, DC 20426 [Attention: Michael Miller, Information Services Division, (202) 208-1415], FAX (202) 208-2425. Comments on the requirements of this rule can be sent to OMB's Office of Information and Regulatory Affairs; Washington, DC 20503 [Attention: Desk Officer for Federal Energy Regulatory Commission (202) 395-6880, FAX (202) 395-5167].

VII. Effective Date

The final rule will take effect May 4, 1995.

List of Subjects in 18 CFR Part 284

Continental shelf, Natural gas, Reporting and recordkeeping requirements.

By the Commission.

Lois D. Cashell,
Secretary.

In consideration of the foregoing, the Commission amends Part 284, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

1. The authority citation for Part 284 continues to read as follows:

Authority: 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 7101-7532; 43 U.S.C. 1331-1356.

2. In § 284.243, paragraph (h) is revised to read as follows:

§ 284.243 Release of firm capacity on interstate pipelines.

* * * * *

(h) (1) A release of capacity by a firm shipper to a replacement shipper for any period of one calendar month or less, or for any term at the maximum tariff rate applicable to the release, need not comply with the notification and bidding requirements of paragraphs (c) through (e) of this section. A release under this paragraph may not exceed the maximum rate. Notice of a firm release under this paragraph must be provided on the pipeline's electronic bulletin board as soon as possible, but not later than forty-eight hours, after the release transaction commences.

(2) When a release under paragraph (h)(1) of this section is at less than the maximum tariff rate, a firm shipper may not roll-over, extend, or in any way continue the release at less than the maximum tariff rate without complying with the requirements of paragraphs (c) through (e) of this section, and may not re-release to the same replacement shipper under this paragraph at less than the maximum tariff rate until twenty-eight days after the first release period has ended.

Note—The following appendix will not appear in the *Code of Federal Regulations*.

¹⁷ 15 U.S.C. § 717c(d); 18 CFR 154.22.

¹⁸ Order No. 486, *Regulations Implementing the National Environmental Policy Act*, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles

¹⁹ 18 CFR 380.4.

²⁰ See 18 CFR 380.4(a)(2)(ii), 380.4(a)(5).

²¹ 5 U.S.C. 601-612.

²² 5 CFR 1320.13.

APPENDIX—PARTIES FILING COMMENTS ON THE NOTICE OF PROPOSED RULEMAKING
 [Docket No. RM95-5-000]

Commenter	Abbreviation
American Gas Association	AGA.
American Public Gas Association	APGA.
ANR Pipeline Company and Colorado Interstate Gas Company	ANR/CIG.
Associated Gas Distributors	AGD.
Atlanta Gas Light Company and Chattanooga Gas Company	Atlanta/Chattanooga.
Baltimore Gas and Electric Company	Baltimore.
Brooklyn Union Gas Company	Brooklyn Union.
City of Hamilton, Ohio	Hamilton.
Columbia Gas Distribution Companies	Columbia Distribution.
Columbia Gas Transmission Corporation and Columbia Gulf Gas Transmission Company	Columbia.
Consolidated Edison Company of New York	Con Edison.
Consolidated Natural Gas Company	Consolidated.
Consumers Power Company	CPCo.
EnerSoft Corporation and New York Mercantile Exchange	EnerSoft/NYMEX.
Enron Interstate Pipelines (Northern Natural Gas Company, Transwestern Pipeline Company, Florida Gas Transmission Company, and Black Marlin Pipeline Company) and Enron Capital & Trade Resources Corporation.	Enron.
Fuel Managers Association	FMA.
Hudson Gas Systems, Inc	Hudson.
Illinois Power Company	Illinois Power.
Independent Oil and Gas Association of Pennsylvania	IOGA-PA.
Independent Petroleum Association of America	IPAA.
Interstate Natural Gas Association of America	INGAA.
JMC Power Projects (Altersco-Pittsfield, L.P., MASSPOWER, Ocean State Power, Ocean State Power II, and Selkirk Cogen Partners, L.P.	JMC Power Projects.
K N Interstate Gas Transmission Company	KNI.
Louisville Gas and Electric Company	Louisville.
Michigan Consolidated Gas Company	MichCon.
MidCon Gas Services Corporation	MidCon Gas Services.
Mississippi River Transmission Corporation	MRT.
Natural Gas Pipeline Company of America	Natural.
Natural Gas Supply Association	NGSA.
Northern Illinois Gas Company	NI-Gas.
Northern Indiana Public Service Company	Northern Indiana.
Northwest Pipeline Corporation	Northwest.
Orange and Rockland Utilities, Inc	Orange/Rockland.
Pacific Gas and Electric Company	PG&E.
Pacific Gas Transmission Company	PGT.
Peoples Gas Light and Coke Company and North Shore Gas Company	Peoples Gas/North Shore.
Process Gas Consumers Group, American Iron and Steel Institute, and Georgia Industrial Group	Industrials.
Sacramento Municipal Utility District	SMUD.
Sonat Marketing Company	Sonat Marketing.
Southern California Edison Company	Edison.
Southern California Gas Company	SoCalGas.
Texas Eastern Transmission Corporation, Panhandle Eastern Pipe Line Company, Algonquin Gas Transmission Company, and Trunkline Gas Company.	PEC Pipeline Group.
Texas Gas Transmission Corporation	Texas Gas.
United Distribution Companies	UDC.
Wisconsin Distributor Group	WDG.

[FR Doc. 95-8224 Filed 4-3-95; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3500

[Docket No. R-95-1688; FR-3255-N-07]

Real Estate Settlement Procedures Act (Regulation X); Escrow Accounting Procedures: Announcement of Availability of Software To Calculate Aggregate Accounting Adjustment

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of availability of software.

SUMMARY: On October 26, 1994, HUD published a final rule establishing escrow accounting procedures under the Real Estate Settlement Procedures Act. In the October 26 final rule the Department indicated that it would make available computer software that could be used in calculating the numerical value of the aggregate accounting adjustment for a last line in the 1000 series of the HUD-1 and HUD-1A. This notice describes the availability of this software on Internet or by requesting a diskette by mail or telephone.

FOR FURTHER INFORMATION CONTACT: William Reid, Research Economist, Office of Policy Development and Research, Room 8212, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-0421 or (202) 708-0770 (TDD).

SUPPLEMENTARY INFORMATION: On October 26, 1994 (59 FR 53890), the Department published a final rule establishing escrow accounting procedures under Sections 6(g) and 10 of the Real Estate Settlement Procedures Act, 12 U.S.C. 2605(g) and 2609 (RESPA). This final rule was corrected on December 19, 1994 (59 FR 65442), and augmented on February 15, 1995 (60 FR 8811; correction published March 1, 1995, 60 FR 11194) by a further final rule that included commentaries, corrections, and illustrations. The February 15, 1995, rule also established an effective date of May 24, 1995, for both the October 26 and February 15 rules.

In the October final rule, at page 53895, the Department said it would

make available software that could be used in calculating the numerical value of the aggregate accounting adjustment for a last line in the 1000 series of the HUD-1 and HUD-1A. The software is available at no charge over Internet by accessing the "HUD Gopher" (see instructions below). Alternatively, a diskette containing the two files included on the Internet may be obtained by sending a request, with a check payable to HUD USER for \$15 for each diskette ordered, to: HUD USER, P.O. Box 6091, Rockville, MD 20850. HUD USER also may be reached by telephone at 1-800-245-2691 to answer inquiries about this software or to order diskettes when the cost of the diskettes is being charged to a VISA or MasterCard account. All inquiries, whether by mail or telephone, should reference "Notice FR-3255, Escrow Accounting Software."

Access via Internet

To access the software using the HUD Gopher, follow these procedures:

- Access the Internet;
- Select the Gopher option from the Internet utilities menu;
- Type the address: "huduser.aspensys.com 73" (depending on the user's Gopher convention, the selection of port 73 may be signaled by typing a different character (such as an underline, colon, or backslash) instead of the space);
- At the main menu of options, select "Policy Development and Research Publications";
- Then select "Homeownership"; and
- Select the two Lotus 1-2-3 format files: "biweekly mortgage aggregate adjustment" and "monthly mortgage aggregate adjustment".

Dated: March 27, 1995.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 95-8148 Filed 4-3-95; 8:45 am]

BILLING CODE 4210-27-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[IN-111-FOR; Amendment 94-1]

Indiana Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving, with exceptions, a proposed amendment to the Indiana permanent regulatory program (hereinafter referred to as the Indiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of revisions to Indiana's Surface Coal Mining and Reclamation Statutes concerning bond forfeiture procedures, underground mine subsidence control, permit revocation procedures, administrative orders and procedures, and conflict of interest. The amendment is intended to revise the Indiana Code (IC) to implement statutory changes.

EFFECTIVE DATE: April 4, 1995.

FOR FURTHER INFORMATION CONTACT:

Mr. Roger W. Calhoun, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, IN 46204, Telephone (317) 226-6166.

SUPPLEMENTARY INFORMATION:

- I. Background on the Indiana Program.
- II. Submission of the Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

I. Background on the Indiana Program

On July 29, 1982, the Indiana program was made effective by the conditional approval of the Secretary of the Interior. Information pertinent to the general background on the Indiana program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32107). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 914.10, 914.15, and 914.16.

II. Submission of the Amendment

By letter dated March 21, 1994 (Administrative Record Number IND-1341), the Indiana Department of Natural Resources (IDNR) submitted a proposed amendment consisting of three sets of changes to the Indiana program. The first set of changes involve statutes enacted by Indiana under SEA 408 from the 1994 Indiana Legislative Session. The amendments concern bond forfeiture procedures, underground mine subsidence control, and permit revocation procedures. The second set of amendments are contained in SEA 319 (Pub. L. 7-1987). These amendments primarily concern the substitution of the citation of the then-