Counsel, 825 North Capitol Street NE., Washington, D.C. 20426, Telephone: (202) 208–2128

James K. Guest (Accounting Information), Office of Chief Accountant, 825 North Capitol Street NE., Washington, D.C. 20426, Telephone: (202) 219–2602.

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[Docket No. RM94–14–001]

Nuclear Plant Decommissioning Trust Fund Guidelines; Order Granting Rehearing for Purpose of Further Consideration and Granting Limited Stay of Certain Portions of Final Rule

Issued July 27, 1995.

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr.

On June 16, 1995, the Commission issued a Final Rule in *Nuclear Plant Decommissioning Trust Fund Guidelines*,[1] setting forth requirements for the formation, organization and purpose of nuclear plant decommissioning trust funds (Fund) and for Fund investments. The Commission has received motions for stay and/or requests for rehearing and for clarification from: a group of investment management firms and trust companies; a group of public utility companies; Strong Capital Management, Inc.; Commonwealth Edison Company; Indiana Michigan Power Company; Maine Yankee Atomic Power Company; New England Public Power Nuclear Customers; and Edison Electric Institute.

In the absence of Commission action within 30 days, the requests for rehearing would be deemed to have been denied. 18 CFR 385.713. In order to allow sufficient time for due consideration of the matters raised, we will grant rehearing for the limited purpose of further consideration.

A number of the parties request that the Commission stay the following provisions of the Final Rule while the requests for rehearing are pending:

1. The requirement that public utilities must establish a separate nuclear decommissioning trust fund for Commission-jurisdictional Fund collections; and

2. The requirement that a Fund investment manager must have a net worth of at least $100 million.[2]

In acting on stay requests, the Commission applies the standard set forth in the Administrative Procedure Act,[3] *i.e.*, the stay will be granted if the Commission finds that ''justice so requires.''[4] In this instance, we will grant a stay of the two challenged provisions of the Final Rule so that we may further consider them while the requests for rehearing are pending.

The remaining provisions of the Final Rule will go into effect on July 31, 1995.

The Commission orders:

(A) Rehearing is hereby granted for the limited purpose of further consideration.

(B) The following note is added to the end of § 35.32 (18 CFR 35.32):

Note: The following provisions of this section are stayed as of July 31, 1995:

1. The requirements in 18 CFR 35.32(a)(1) and (f) that public utilities must establish a separate nuclear decommissioning trust fund for Commission-jurisdictional Fund collections.

2. The requirement in 18 CFR 35.32(a)(4) (the words ''and any other Fiduciary'') that a Fund investment manager must have a net worth of at least $100 million.

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 95–19034 Filed 7–28–95; 3:37 pm]

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[1] Nuclear Plant Decommissioning Trust Fund Guidelines, Order No. 580, 60 FR 34109 (June 30, 1995), 71 FERC ¶ 61,350 (1995).

[2] *See* 60 FR 34117, 34123; *slip op.* at 37, 71–72.

[3] 5 U.S.C. 705.

[4] *See* Power Authority of the State of New York, 71 FERC ¶ 61,321 (1995).

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18 CFR Part 284

[Docket No. RM93–4–008; Order No. 563–E]

Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations

Issued July 27, 1995.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; order modifying capacity release data sets.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing an order making changes to its capacity release data sets and Electronic Data Interchange implementation guide in response to a filing by the Electronic Bulletin Board Working Group. The Commission's order revises its ''Standardized Data Sets and Communication Protocols,'' available at the Commission's Public Reference and Files Maintenance Branch.

EFFECTIVE DATE: Pipelines must implement the new requirements by October 25, 1995.

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

FOR FURTHER INFORMATION CONTACT:

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 208–2294

Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 208–1283

Brooks Carter, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 501–8145.

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Order Modifying Capacity Release Data Sets

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr.

On June 29, 1995, the Electronic Bulletin Board (EBB) Working Group submitted a consensus proposal to modify the capacity release data sets adopted by the Commission in Order No. 563.[1] The filing also contained proposed revisions to the Electronic Data Interchange (EDI) implementation guide relating to these changes. The approved data sets and implementation guide are included in a document entitled ''Standardized Data Sets and Communication Protocols,'' available at the Commission's Public Reference and Files Maintenance Branch.

The Working Group requests that the changes become effective 90 days after a Commission order to provide sufficient implementation time. The Working Group, through a filing made on May 11, 1995, also provided notification that, by consensus agreement, it intends to transfer future responsibility for maintenance of the capacity release data sets and for the PI GRID™ Common Code Database to the Gas Industry Standards Board.

Pursuant to the process adopted by the Commission to make modifications to the data sets,[2] public notice of the June 29, 1995 filing was issued on July 3, 1995, with comments due by July 12, 1995.

Natural Gas Clearinghouse (NGC), a member of the Working Group, filed a comment stating that the field entitled discount indicator needs to be clarified. The discount indicator is a mandatory ''yes/no'' field where:

> ''Y'' signifies that the rates associated with the capacity being released include rates discounted by transporter which could result in additional charges to the bidder if other than the Gas transaction points used to describe the capacity are utilized, and ''N'' or blank, signifies that no discounts apply.

NGC states that this field was accepted at its behest to reflect the Commission's decision in *ANR*,[3] under which a replacement shipper may be assessed charges in excess of its bid if it uses alternate receipt or delivery points.

NGC contends that, after the Working Group filed the data sets, an ambiguity became apparent. It is concerned that parties that were not a part of the Working Group process may interpret this provision to mean that the field would be coded as ''yes'' whenever a shipper is releasing capacity on which it pays discounted rates. NGC maintains that it and the Working Group's intent was that the field be coded ''yes'' only when the replacement shipper would be exposed to a higher rate for the use of alternate points. NGC requests clarification of this point and also recommends revision to the description of the field to better reflect this intent.[4]

The Commission accepts the data sets and EDI implementation guide, and will grant the clarification and accept the proposed language revision requested by NGC. This clarification will help ensure that the discount indicator field is coded in a consistent manner so that replacement shippers can rely on the information provided.

In *El Paso*[5] and *ANR*,[6] the Commission explained that when a replacement shipper obtains capacity that the pipeline sold to the releasing shipper at a discount rate, the replacement shipper may be subject to additional charges for using alternate receipt or delivery points.[7] The replacement shipper is subject to additional charges only when the releasing shipper includes a specific condition in the release obligating the replacement shipper to pay the additional charges resulting from its use of alternate points. Absent an express condition, the replacement shipper pays the rate established by its bid and the releasing shipper is required to pay the differential between the discount rate and the maximum rate.

In line with this policy, the Commission clarifies that the discount indicator is to be coded ''yes'' only when the replacement shipper could be subject to additional charges for changing points. This clarification will ensure that replacement shippers receive consistent and correct information about their potential exposure to additional charges. The language revision suggested by NGC provides a better reflection of this intent than the version proposed by the Working Group and, therefore, will be adopted.

Pipelines will be required to implement the new fields within 90 days of the date of this order. The ''Standardized Data Sets and Communication Protocols'' will be modified to include the new fields and will be made available at the Commission's Public Reference and Files Maintenance Branch.

The Commission Orders

(A) The data sets and implementation guide are accepted with the revision discussed in the body of this order.

(B) Pipelines must implement the requirements of this order within 90 days of the date of the order.

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18957 Filed 8–1–95; 8:45 am]

BILLING CODE 6717–01–P

[1] 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).

[2] Order No. 563–A, III FERC Stats. & Regs. Preambles at 31,036–37.

[3] ANR Pipeline Company, 66 FERC ¶ 61,340, at 62,130–32 (1994).

[4] Specifically, NGC recommends the field be reworded to state:

''Y'' signifies that the rates associated with the capacity being released include rates discounted by transporter which *that* could result in additional charges to the bidder if other than the Gas transaction points used to describe the capacity are utilized, and ''N'' or blank, signifies that no discounts *such additional charges could* apply.

NGC states the revised definition should be included in both the ''description of field'' and the ''data type and explanation'' columns.

[5] El Paso Natural Gas Company, 62 FERC ¶ 61,311, at 62,991 (1993).

[6] ANR Pipeline Company, 66 FERC ¶ 61,340, at 62,130–32 (1994).

[7] In general, when the pipeline has sold capacity at a discount, the pipeline is entitled to collect the maximum rate when shippers change to alternate points (unless the pipeline has agreed by contract that the discounted rate applies to all points).