

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 281

[Docket Nos. RM79-15-001, RM89-67-000, RM91-1-000, RM91-13-000]

#### Termination of Rulemaking Proceedings

Issued October 18, 1999.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Proposed rulemaking; termination.

**SUMMARY:** The Commission has determined that it will take no further action in Docket Nos. RM79-15-001, RM89-67-000, RM91-1-000 and RM91-13-000, and therefore, the dockets may be closed.

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

#### Proposed Regulations for the Implementation of Section 401 of the Natural Gas Policy Act of 1978

Docket No. RM79-15-001

#### Hearing and Public Comment on the Proposed Rule of the Department of Energy Relating to Establishing Natural Gas Curtailment Priorities Interstate Pipelines

Docket No. RM89-67-000

#### Chemical Manufacturers Association

Docket No. RM91-1-000

#### Illinois Commerce Commission

Docket No. RM91-13-000

#### Order Terminating Dockets

After reviewing the records in the captioned dockets, the Commission has determined that it will take no further action in these proceedings and therefore that the dockets may be closed.

#### Docket Nos. RM79-15-001, RM80-67-000 and RM91-1-000

On July 29, 1981, the U.S. Court of Appeals for the DC Circuit issued an order<sup>1</sup> remanding in part a final rule issued by the Commission in Docket No. RM79-15-000<sup>2</sup> pursuant to section 401 of the Natural Gas Policy Act (NGPA). Specifically, the court remanded the Commission's finding that it was bound, for purposes of establishing interstate pipelines' natural gas curtailment priorities,<sup>3</sup> by the Secretary of Agriculture's decision to certify 100 percent of agricultural users' current requirements as necessary for the maintenance of food and fiber production.

On July 17, 1980, in Docket No. RM80-67-000, the Commission issued a notice of proposed rulemaking to review natural gas curtailment priorities for interstate pipelines.

On June 19, 1990, in Docket No. RM91-1-000, Chemical Manufacturers Association (Chemical Manufacturers) filed a petition for review of natural gas pipeline curtailment procedures for the purpose of distinguishing between supply and capacity related curtailments.

Since there is no foreseeable need for curtailment of interstate pipelines' natural gas supply deliveries, the Commission is not reviewing curtailment priorities at this time.<sup>4</sup> Further, in the unlikely event of the need for pipeline supply curtailment arising in the foreseeable future, the records in these dockets would be stale

<sup>1</sup> Process Gas Consumers Group v. U.S. Department of Agriculture, 694 F.2d 728 (1981), modified, 694 F.2d 778 (1982).

<sup>2</sup> 44 FR 3,725 (1979).

<sup>3</sup> The Commission's regulations at 18 CFR Part 281 relating to natural gas curtailment priorities were promulgated in 1979. 44 FR 26,862 (May 8, 1979).

<sup>4</sup> Data collected by the Energy Information Administration (EIA) and summarized in its June 1999 publication on "Natural Gas 1998, Issues and Trends" (EIA report), shows that as the result of the Commission's open access program, almost all natural gas is now purchased directly from producers with pipelines principally providing transportation services for their customers. EIA report at p. 109. Further, the Form 2 data that the Commission requires pipelines to file shows that pipelines' gas sales have steadily decreased to relatively minimal volumes since the Commission initiated its open access program in 1985. (EIA's report is available on the Web at [http://www.eia.doe.gov/oil\\_gas/natural\\_gas/analysis\\_publications/natural\\_gas\\_1998\\_issues\\_and\\_trends/it98.html](http://www.eia.doe.gov/oil_gas/natural_gas/analysis_publications/natural_gas_1998_issues_and_trends/it98.html).)

for such purposes. Accordingly, the Commission is terminating these dockets.

#### Docket No. RM91-13-000

On April 30, 1991, in Docket No. RM91-13-000, the Illinois Commerce Commission filed a petition for a rulemaking to address the extent to which local distribution companies (LDCs) should be shielded from the passthrough of interstate pipelines' take-or-pay obligations as a means of providing the LDCs with relief from bypass by interstate pipelines. The Commission's bypass policy has been developed in individual cases, and the issues raised in the petition have been largely resolved. Accordingly, the Commission is terminating rulemaking Docket No. RM-13-000.

#### The Commission Orders

The proceedings in Docket Nos. RM79-15-001, RM80-67-000, RM91-1-000, and RM91-13-000 are terminated.

By the Commission.

**David P. Boergers,**  
Secretary.

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 916

[SPATS No. KS-021-FOR]

#### Kansas Regulatory Program

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

**ACTION:** Proposed rule; withdrawal of proposed amendment.

**SUMMARY:** OSM is announcing the withdrawal of an amendment to the Kansas regulatory program (Kansas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Kansas proposed to condense and revise its previously approved revegetation success guidelines. Kansas intended to revise its program to be consistent with the corresponding Federal regulations and to improve operational efficiency. Kansas is

withdrawing the amendment at its own initiative.

**FOR FURTHER INFORMATION CONTACT:** John W. Coleman, Mid-Continent Regional Coordinating Center, Office of Surface Mining, Alton Federal Building, 501 Belle Street, Alton, Illinois 62002. Telephone: (618) 463-6460. Internet: jcoleman@mcrgw.osmre.gov.

**SUPPLEMENTARY INFORMATION:** By letter dated July 12, 1999 (Administrative Record No. KS-616), Kansas sent us an amendment to its program under SMCRA. Kansas proposed to amend the Kansas Revegetation Guidelines.

We announced receipt of the amendment in the July 26, 1999, **Federal Register** (64 FR 40323) and invited public comment on its adequacy. The public comment period ended August 25, 1999.

On September 8, 1999 (Administrative Record No. KS-616.4), we notified Kansas of deficiencies in its amendment. On October 5, 1999 (Administrative Record No. KS-616.5), Kansas requested that the amendment be withdrawn. Kansas intends to revise the amendment and submit it at a later date. Therefore, the proposed amendment announced in the July 26, 1999, **Federal Register** is withdrawn.

#### List of Subjects in 30 CFR Part 916

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 14, 1999.

**Richard J. Seibel,**

*Acting Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 99-27670 Filed 10-21-99; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 936

[SPATS No. OK-026-FOR]

#### Oklahoma Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of additional information and documentation to support provisions in a previously proposed amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and

Reclamation Act of 1977 (SMCRA). Oklahoma provided a policy statement for its bond release guidelines relating to revegetation success standards for diversity on lands reclaimed for use as pastureland and grazingland. Oklahoma also submitted evidence of consultation with the U. S. Soil Conservation Service (SCS) regarding the use of test plots as a statistically valid sampling technique for demonstrating success of productivity on prime farmland. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

This document gives the times and locations that the Oklahoma program and the additional information and supporting documentation for its previous amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments until 4:00 p.m., c.s.t., November 22, 1999. If requested, we will hold a public hearing on the amendment on November 16, 1999. We will accept requests to speak at the hearing until 4:00 p.m., c.s.t. on November 8, 1999.

**ADDRESSES:** You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Oklahoma program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521-3859.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet: mwolfrom@tokgw.osmre.gov.

**SUPPLEMENTARY INFORMATION:**

## I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 19, 1981, **Federal Register** (46 FR 4902). You can find later actions concerning the Oklahoma program at 30 CFR 936.15 and 936.16.

## II. Description of the Proposed Amendment

On February 17, 1994, Oklahoma proposed to amend its program by revising its Bond Release Guidelines (Administrative Record No. OK-959.01). We approved this amendment, with additional requirements, on January 10, 1995 (60 FR 2512). By letter dated September 30, 1999 (Administrative Record No. OK-984), Oklahoma sent us additional information and documentation to support the provisions in its previously proposed amendment that we had approved with additional requirements. In the January 10, 1995, **Federal Register**, we approved sections II., III., and V.B.2.d and e of Oklahoma's bond release guidelines with the following required amendments codified at 30 CFR 936.16(c) and (g):

(c) By March 13, 1995, Oklahoma shall revise sections II.B and III.B in the Bond Release Guidelines to identify the method it will use in developing a phase III revegetation success standard for diversity on lands reclaimed for use as pastureland and grazingland.

(g) By March 13, 1995, Oklahoma must submit, before Oklahoma allows the use of test plots as proposed at subsections V.B.2.d and V.B.2.e in the Bond Release Guidelines, evidence of consultation with the U.S. Soil Conservation Service regarding the use of test plots as a statistically valid sampling technique for demonstrating success of productivity on prime farmlands.

In response to 30 CFR 936.16(c), Oklahoma provided a policy statement relating to its bond release guidelines for pastureland and grazingland. In response to 30 CFR 936.16(g), Oklahoma submitted evidence of consultation with the SCS regarding the use of test plots as a statistically valid sampling technique for demonstrating success of productivity on prime farmland. Following is a summary of the additional information and documentation.