

the term "ED PUBS" in the subject line of the electronic message.

During and after the comment period, you may inspect all comments about this notice in room 2E103, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8 a.m. and 4:30 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

#### Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Judy Craig. Telephone: (202) 401-0480. If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

The Privacy Act (5 U.S.C. 552a) requires the Department to publish in the **Federal Register** this notice of an altered system of records maintained by the Department. The Department's regulations implementing the Privacy Act are contained in the Code of Federal Regulations (CFR) in 34 CFR part 5b.

The Privacy Act applies to information about an individual that contains individually identifiable information that is retrieved by a unique identifier associated with the individual, such as a name or social security number. The information about the individual is called a "record," and the system, whether manual or computer-based, is called a "system of records."

The Privacy Act requires each agency to publish a notice of new or altered systems of records in the **Federal Register**. Each agency also must submit reports to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) and the Chair of the Senate Committee on Homeland

Security and Governmental Affairs, and the Chair of the House Committee on Government Reform, whenever the agency publishes a new system of records or makes a significant change to an established system of records. Minor changes to an established system of records, such as the amendments to the ED PUBS system of records, do not require an agency to prepare a report.

#### Electronic Access to This Document

You may view this document, as well as all other Department documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: <http://www.ed.gov/news/fedregister>.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498, or in the Washington, DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.gpoaccess.gov/nara/index.html>.

Dated: September 20, 2005.

**Michell Clark,**

*Acting Assistant Secretary for Management and Chief Information Officer.*

For the reasons discussed in the preamble, the Acting Assistant Secretary for Management of the Department publishes a notice of an altered system of records. The following amendments are made to the Notice of New and Altered Systems of Records and Corrections published in the **Federal Register** on December 27, 1999 (64 FR 72384-72408):

1. On page 72404, first column, the numbering, "18-13-05," is revised to read as follows: 18-05-18.

2. On page 72404, first column, under the heading "SYSTEM LOCATION," the paragraph is revised to read as follows: Aspen Systems Corporation, 2277 Research Boulevard, Rockville, MD 20850.

3. On page 72405, first column, under the heading, "(6) Labor Organization Disclosure," the paragraph is revised to read as follows:

The Department may disclose records from this system of records to an arbitrator to resolve disputes under a negotiated grievance procedure or to officials of labor organizations recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation.

4. On page 72405, second column, "STORAGE;" "RETRIEVABILITY;" and "SAFEGUARDS;" are revised to read as follows:

#### Storage

The records are retained in a computer database.

#### Retrievability

The records are retrieved by customer type (this is a categorical description of the customer such as school administrator, parent, teacher K-12, etc.), order date, the title of the requested product, and the region of the country from which the order was placed.

#### Safeguards

Records in the system will be maintained in a secure password-protected electronic system that will utilize security hardware and software to include: firewalls to block external access to the system, the required use of a unique user ID with personal identifiers, and the recording of all interactions with the system. A maximum of one trusted individual with a Department of Justice Civil Clearance has system logon access. This clearance is based on a National Agency Checks with Written Inquiries and Credit (NACIC) review, equivalent to the Department's moderate risk 5C clearance process. All physical access to the site of the Department's contractor, where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge. The ED PUBS system has been granted Certification and Full Accreditation in accordance with the Department's Certification and Accreditation Program, and applicable Federal laws and policies.

5. On page 72405, second column, under the heading, "SYSTEM MANAGER(S) AND ADDRESS;" the paragraph is revised to read as follows:

ED PUBS Contract Officer's Representative & Program Manager/Analyst, Office of Management, U.S. Department of Education, 400 Maryland Avenue, SW., room 2E103, Washington, DC 20202.

[FR Doc. 05-19071 Filed 9-22-05; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Agency Information Collection Extension

**AGENCY:** Department of Energy.

**ACTION:** Submission for Office of Management and Budget (OMB) review; comment request.

**SUMMARY:** The Department of Energy (DOE) has submitted an information collection package to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The package requests a three-year extension of its Security, OMB Control Number 1910-1800. This information collection package covers information necessary for DOE management to exercise management oversight and control over their contractors. The collections consist of information (1) for the nuclear materials control and accountability for DOE-owned and—leased facilities and DOE-owned nuclear materials at other facilities that are exempt from licensing by the NRC; (2) for the protection of classified information, special nuclear materials and other national security assets (DOE site self-assessments and site security plans); and (3) on DOE Federal and contractors traveling to foreign countries; for tracking and recording background information on foreign nationals having access to DOE facilities and information; and collection of Foreign Ownership, Control or Influence data from bidders on DOE contracts requiring personnel security clearances.

**DATES:** Comments regarding this collection must be received on or before October 24, 2005. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202-395-4650.

**ADDRESSES:** Written comments should be sent to: DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street, NW., Washington, DC 20503.

Comments should also be addressed to: Sharon A. Evelin, Director, IM-11/ Germantown Bldg., U.S. Department of Energy, 1000 Independence Ave SW., Washington, DC 20585-1290, and to: Kathy Murphy, SP-1.22 Germantown Building, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874-1290.

**FOR FURTHER INFORMATION CONTACT:** Sharon A. Evelin and Kathy Murphy, at the addresses listed above in **ADDRESSES**.

**SUPPLEMENTARY INFORMATION:** This package contains: (1) OMB No.: 1910-1800; (2) Package Title: Security (3)

Purpose: for DOE management to exercise management oversight and control over their contractors; (4) Estimated Number of Respondents: 39,136; (5) Estimated Total Burden Hours: 249,955; (6) Number of Collections: The package contains fourteen (14) information and/or recordkeeping requirements.

**Statutory Authority:** Department of Energy Organization Act, Public Law 95-91, of August 4, 1977.

**Sharon A. Evelin,**

*Director, Records Management Division,  
Office of the Chief Information Officer.*

[FR Doc. 05-19038 Filed 9-22-05; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. PL05-10-000]

#### Criteria for Reassertion of Jurisdiction Over the Gathering Services of Natural Gas Company Affiliates; Notice of Inquiry

September 15, 2005.

1. This order institutes a notice of inquiry to evaluate possible changes in the criteria set forth in *Arkla Gathering Service Co.*<sup>1</sup> employed by the Commission in evaluating whether and under what circumstances the Commission may invoke its “in connection with” jurisdiction to guard against abusive practices by natural gas companies and their gathering affiliates.

2. The *Arkla* test involves a determination that, as a result of the concerted action of a pipeline and its gathering affiliate, the Commission’s effective regulation of the pipeline is circumvented. In a recent decision,<sup>2</sup> the United States Court of Appeals for the District of Columbia found that the Commission had misapplied the criteria set forth in *Arkla*. Under *Arkla*, the Commission’s ability to reassert jurisdiction is limited to abuses directly related to the affiliate’s unique relationship with an interstate pipeline, such as tying gathering service to the pipeline’s jurisdictional transmission service or cross-subsidization between the affiliate’s gathering rates and the pipeline’s transmission rates. The court stated that *Arkla* permits a reassertion of

jurisdiction in circumstances “limited to” abuses “directly related to the affiliate’s unique relationship with an interstate pipeline,” such as “tying gathering service to the pipeline’s jurisdictional transmission service,” or “cross-subsidization between the affiliate’s gathering rates and the pipeline’s transmission rates.”<sup>3</sup> The court found that, in the case before it, the gathering affiliate’s affiliation with the pipeline was “utterly irrelevant to its ability to charge high rates, or to impose onerous conditions for gathering service.”<sup>4</sup> Instead, the affiliate “could do these things for one reason only “ because it was a recently deregulated monopolist in the North Padre gathering market.”<sup>5</sup> Accordingly, the court held that the Commission had not met its own test under *Arkla* for reassertion of jurisdiction and vacated and remanded the Commission’s orders.

3. The Commission is interested in reevaluating both its legal authority to reassert jurisdiction and the policy considerations in deciding whether to do so. To assist this reevaluation of the *Arkla* test, the Commission is seeking comment on the following questions:

1. Is there an inherent anti-competitive issue when pipelines spin-down gathering facilities to affiliates or are concerns about the behavior of affiliated gatherers unique to certain specific pipeline/affiliate relationships, such as those articulated by Shell in its request for rehearing in the *Shell v. Transco* proceeding in Docket No. RP02-99-010?

2. Once a pipeline has spun-down its gathering services into an affiliated company, is it common for the affiliated gatherer to seek higher rates for its gathering services than the rates charged by the pipeline for those services prior to the spin-down?

a. How do the rates of non-affiliated gatherers compare to the rates of affiliated gatherers?

b. Have the rates charged by affiliated gatherers had an impact on well shut-ins?

3. What factors are relevant in determining whether a gathering affiliate is separate from its pipeline affiliate and independent from its pipeline affiliate in performing its gathering functions?

4. Must a gathering affiliate be physically separate and separately staffed in order to be independent of its pipeline affiliate?

5. Because the basis of initially disclaiming NGA section 4 and 5 “in

<sup>1</sup> *Arkla Gathering Service Co.*, 67 FERC ¶61,257 at 61,871 (1994), *order on reh’g*, 69 FERC ¶61,280 (1994), *reh’g denied*, 70 FERC ¶61,079 (1995), reconsideration denied, 71 FERC ¶61,297 (1995) (collectively, *Arkla*), *aff’d Conoco Inc. v. FERC*, 90 F.3d 536 (D.C. Cir. 1996) (*Conoco*).

<sup>2</sup> *Williams Gas Processing Co., L.P. v. FERC*, 373 F.3d 1335 (2004) (*Williams Gas Processing*).

<sup>3</sup> *Williams Gas Processing*, at 1342.

<sup>4</sup> *Id.* at 1342.

<sup>5</sup> *Id.*