

airspace at Villa Rica, GA (63 FR 33591). A Global Positioning System (GPS) Runway (RWY) 10 Standard Instrument Approach Procedure (SIAP) has been developed for Stockmar Airport. As a result, controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at Stockmar Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

Conclusion

The NPRM published on June 19, 1998, (63 FR 33591), contained errors in the regulatory text. A new NPRM is published elsewhere in this same **Federal Register**.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Withdrawal of Proposed Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 98-ASO-9, as published in the **Federal Register** on June 19, 1998 (63 FR 33591), is hereby withdrawn.

Authority: 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in College Park, Georgia, on July 23, 1998.

Richard E. Biscomb,

*Acting Manager, Air Traffic Division,
Southern Region.*

[FR Doc. 98-21079 Filed 8-6-98; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM98-3-000]

Open Access Same-Time Information System

July 29, 1998.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to: amend its regulations to extend the retention period and availability of information on curtailments and interruptions and require this information to include other uses of the congested path at the time

of such incidents; amend its regulations to clarify that OASIS nodes must have the capability to allow OASIS users to make file transfers and automated computer-to-computer file transfers and queries; amend its regulations to clarify that Responsible Parties are required to provide access to their OASIS sites for OASIS users making automated queries or extensive requests for data; and add a provision to its regulations that would allow Responsible Parties, under certain circumstances, to limit a user's access to the node if that user's grossly inefficient method of accessing an OASIS node or obtaining information from the node degrades the performance of the node.

DATES: Comments on the notice of proposed rulemaking are due on or before September 21, 1998.

ADDRESSES: File comments on the notice of proposed rulemaking with the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. Comments should reference Docket No. RM98-3-000.

FOR FURTHER INFORMATION CONTACT:

Marvin Rosenberg (Technical Information), Office of Economic Policy, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-1283

William C. Booth (Technical Information), Office of Electric Power Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-0849

Gary D. Cohen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-0321

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 the Public Reference Room at 888 First Street, N.E., Room 2A, Washington, D.C. 20426.

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using a personal computer with a modem by dialing 202-208-1397, if dialing locally, or 1-800-856-3920, if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. User assistance is available at 202-208-2474 or by E-mail to CipsMaster@FERC.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202-208-2222, or by E-mail to RimsMaster@FERC.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, La Dorn Systems Corporation. La Dorn Systems Corporation is located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

Notice of Proposed Rulemaking

I. Introduction

The Federal Energy Regulatory Commission (Commission or FERC) is proposing to issue a notice of proposed rulemaking (NOPR) that proposes to: (1) amend 18 CFR 37.6(e)(3)(ii) to extend the retention period and availability of information on curtailments and interruptions and require this information to include other uses of the congested path at the time of such incidents; (2) amend 18 CFR 37.6 to clarify that OASIS nodes must have the capability to allow OASIS users to make file transfers and automated computer-to-computer file transfers and queries; (3) amend 18 CFR 37.5 to clarify that Responsible Parties are required to provide access to their OASIS sites for OASIS users making automated queries or extensive requests for data; and (4) add 18 CFR 37.5(d) to allow Responsible Parties, under certain circumstances, to limit a user's access to the node if that user's grossly inefficient method of accessing an OASIS node or obtaining information from the node degrades the performance of the node.

Item 1 is designed to help the Commission better monitor whether curtailments and interruptions involve

instances of undue discrimination. Items 2 through 4 go together. In the discussion below, we clarify that OASIS nodes must have the capability to allow OASIS users to make file transfers and automated computer-to-computer file transfers and queries, and that legitimate users may not have their access to the node restricted or cut off based on their making automated queries or extensive requests for data. We also clarify that extensive requests for data by legitimate users does not constitute an "excessive use of resources" eligible for unilateral disconnection by a Responsible Party under section 5.1(j) of the S&CP Document. We nevertheless are also proposing to revise 18 CFR 37.5(d) to allow Responsible Parties, under certain circumstances, to limit a user's access to the node if that user's grossly inefficient method of accessing an OASIS node or obtaining information from the node degrades the performance of the node. Commission approval is needed for disconnection under these circumstances.

II. Discussion

A. Access To, and Retention Of, Supporting Information on Curtailments and Interruptions

The Commission's regulations at 18 CFR 37.6(e)(3)(ii) require that Transmission Providers make available supporting information about curtailments and interruptions, for up to 60 days after the curtailment or interruption, upon request by the affected customers. Since Order No. 889¹ became effective, issues concerning curtailments and interruptions have been the subject of a number of informal complaints to the FERC Enforcement Hotline. The Commission is concerned that the current regulations do not allow the Commission's staff and the public access to the supporting information required under 18 CFR 37.6(e)(3)(ii) and that the information is not retained long enough. Lack of access to the supporting information limits significantly the Commission's ability to audit the circumstances under which a curtailment or interruption occurs, as well as the Commission's ability to identify compliance problems and resolve complaints. Therefore, we propose to make changes to our regulations to require that Transmission Providers retain supporting information

about curtailments and interruptions for three years and make this information available on request, not only to affected customers, but also to the Commission's staff and the public.

Additionally, our review of this regulation persuades us to propose one additional change. In order to assess properly whether a curtailment or interruption has been imposed on an unduly discriminatory basis, it would be helpful to know whether the curtailment or interruption was imposed on other users of the congested path. We, therefore, are proposing that the information to be made available upon request under 18 CFR 37.6(e)(3)(ii) should include information on any other uses of the congested path at the time of the curtailment or interruption. This information would be very informative, and should not be burdensome to assemble, because the person(s) posting the notice of curtailment or interruption under 18 CFR 37.6(e)(3)(i) should already have this information at hand.

The Commission will provide interested persons with an opportunity to file comments on these proposed changes within 45 days of the date of publication of this NOPR in the **Federal Register**. Parties filing comments should address, among other issues: (1) whether the information will increase market participants' knowledge of system operations and thereby improve the functioning of the electricity markets; (2) whether the additional information will help market participants detect discrimination or other abusive transmission practices and, when necessary, enable them to file well-specified, well-documented complaints with the Commission (which will help the Commission process complaints more efficiently); and (3) whether the need for this information outweighs its commercial sensitivity.

B. File Transfers, Automated Queries, and Extensive Requests for Data

1. Overview

The FERC Enforcement Hotline also received calls showing that some misunderstandings have arisen about the use of file transfers and automated queries. To correct these misunderstandings, we propose to revise 18 CFR 37.5 and 37.6 to clarify that OASIS nodes must have the capability to allow OASIS users to make file transfers and automated computer-to-computer file transfers and queries, and that Responsible Parties are required to provide OASIS users with access for automated querying of the

system.² This is true even when a large volume of requests are made. We also propose to add a provision, at 18 CFR 37.5(d), that would permit Responsible Parties, under certain circumstances, to restrict access to users whose grossly inefficient use of the system is degrading the performance of the node and who are unwilling to use less burdensome methods that would give them the same information just as quickly.

2. Background

In Order No. 888, the Commission stated that:

in order to remedy undue discrimination in the provision of transmission services it is necessary to have non-discriminatory access to transmission information * * * [3]

Likewise, in Order No. 889, we stated that,

under 18 CFR 37.5, the OASIS must give access to relevant standardized information pertaining to the status of the transmission system as well as to the types and prices of services.⁴

Consistent with these findings, the Commission's regulations at 18 CFR 37.5(b) require each Responsible Party to:

provide access to an OASIS providing standardized information . . . pertaining to the transmission system for which it is responsible.⁵

In the period since Order Nos. 888 and 889 have become effective, some OASIS providers have been limiting the access of certain parties using automated queries.

3. Discussion

Access to OASIS data by automated query is an integral part of the transmission data sharing we envisioned and required in Order Nos. 888 and 889. As we observed in Order

² For the purposes of this discussion, by "Responsible Party", we also intend to include a "Transmission Provider" that operates its own OASIS node. We note that in Order No. 889 we stated that a Transmission Provider ultimately is responsible for the acts or omissions conducting on its behalf by a Responsible Party. See FERC Stats. & Regs. ¶ 31,035 at 31,603-04.

³ Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,722 (1996); *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (1997); *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997); and *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998).

⁴ Order No. 889, FERC Stats. & Regs. ¶ 31,035 at 31,603.

⁵ Section 37.5(b)(2) of the OASIS regulations, 18 CFR 37.5(b)(2) (1998), also requires each Responsible Party to operate its OASIS node in compliance with the standardized procedures specified in the OASIS Standards and Communications Protocols document (referred to herein as the "S&CP Document").

¹ Open Access Same-Time Information System and Standards of Conduct, Order No. 889, FERC Stats. & Regs. ¶ 31,035 (1996); *order on reh'g*, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049 (1997); and *order on reh'g*, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

No. 889-A, uploading and downloading are computer-to-computer transactions.⁶ In addition, computer-to-computer queries are an integral part of OASIS as specified in the S&CP Document.⁷ However, to avoid any possible contrary interpretations, we propose to add language to 18 CFR 37.5 and 18 CFR 37.6 making this point explicitly.⁸ These proposals are consistent with the current language in section 4.3.1 of the S&CP Document (which specifies the information requirements and templates for uploading the information to, and downloading it from, OASIS nodes) and in section 37.5(b) of the Commission's regulations (which contemplates OASIS access by computer-to-computer queries). The proposals are intended to make absolutely clear that each Responsible Party must provide OASIS users with non-discriminatory access without curfews, restrictions, or limitations of any kind, whether access is sought by automated or graphical user interface means.

This also is consistent with the current language in section 5.1(j) of the S&CP Document, which allows a Responsible Party to disconnect or restrict users in only very limited circumstances. Section 5.1(j) of the S&CP Document reads as follows:

Disconnection: [Transmission System Information Providers] shall be allowed to disconnect any User who is degrading the performance of the OASIS Node through the excessive use of resources, beyond what is permitted in the Service Level Agreement.

This provision authorizes the disconnection of a user only when the user is degrading the performance of the OASIS node, through excessive use beyond what is allowed in the Service Level Agreement (SLA). Thus, under section 5.1(j), disconnection is only authorized when: (1) the use exceeds what is allowed in the SLA; and (2) the excessive use is degrading the performance of the OASIS node.⁹ Thus,

⁶Order No. 889-A, FERC Stats. & Regs. ¶ 31,049, at 30,574.

⁷See, e.g., §§ 4.2.4, 4.2.4.1, and 4.4 of the S&CP Document.

⁸The Commission also provided for computer-to-computer communications related to natural gas transportation information. In Order No. 587-B, Standards for Business Practices of Interstate Natural Gas Pipelines, FERC Stats. & Regs. ¶ 31,046 at 30,169 (1997), we explained that computer-to-computer communications appear to be needed to conduct natural gas transportation transactions.

⁹The excessive use of resources includes any unauthorized use of an OASIS node. This clarification is not intended to prevent a Responsible Party from disconnecting any unauthorized user, any user who circumvents system security, any user who causes, or attempts to cause, the node to cease functioning, or who otherwise disrupts, or attempts to disrupt, the normal functioning of the node.

a particular user's heavy use of an OASIS node, even if it would require the node to be upgraded, would not, by itself, be a basis for disconnection.

The basic (default) SLA applicable to all OASIS users allows large volume, computer-to-computer usage of the OASIS. Thus, Responsible Parties may not use section 5.1(j) or, as explained below, section 3.2 of the S&CP Document to deny access to large volume users of the OASIS.

Section 3.2 of the S&CP Document authorizes Responsible Parties to enter into SLAs.¹⁰ Section 3.2 reads as follows:

Service Level Agreements: It is recognized that Users will have different requirements for frequency of access, performance, etc., based on their unique business needs. To accommodate these differing requirements, [Transmission System Information Providers] shall be required to establish [an SLA] with each User which specifies the terms and conditions for access to the information posted by the Providers. The default [SLA] shall be Internet access with the OASIS Node meeting all minimum performance requirements.

Section 3.2 of the S&CP Document directs Responsible Parties to establish an SLA with each user, specifying the terms and conditions for access to the information posted on the OASIS. The service to be provided under these SLAs is to meet all minimum performance requirements (*i.e.*, the requirements of Order No. 889, the Commission's regulations, and the S&CP Document).

Although not explicitly stated in section 3.2 of the S&CP Document, our proposal clarifies that when a user registers on an OASIS node to receive basic OASIS service, this registration, by default, constitutes a basic SLA (including computer-to-computer access as discussed above). A negotiated SLA, approved by the Commission, may be necessary to define value added services beyond those provided by the Commission's regulations and the S&CP document.¹¹ However, a negotiated SLA is neither necessary nor appropriate as a condition for a user to receive basic service.

Thus, under both sections 5.1(j) and 3.2 of the S&CP Document, if a legitimate user's usage creates a problem regarding the system's capabilities, the problem may not be "corrected" by disconnecting the user or by limiting that user's use of the system. To avoid

¹⁰SLAs are also referenced in section 5.1(j) of the S&CP Document, quoted in the text above.

¹¹Commission approval would not be necessary where the Transmission Provider is nonjurisdictional and operates its OASIS node (or assigns this to a Responsible Party) under Order No. 888's reciprocity requirement.

any contrary interpretation, we are proposing revisions to 18 CFR 37.5 and 37.6 to make this explicit.

Consistent with this proposal, it follows that large volume usage and automated computer-to-computer file transfers and queries do not constitute the kind of "excessive use of resources" eligible for unilateral disconnection by the Responsible Party under section 5.1(j) of the S&CP Document. We are concerned, nevertheless, that a user's grossly inefficient access and use of the system may degrade the performance of the OASIS node. We, therefore, are proposing to revise 18 CFR § 37.5(d) to allow Responsible Parties that are public utilities to seek Commission approval to limit a user's access to the node if that user's grossly inefficient method of accessing an OASIS node or obtaining information from the node degrades the performance of the node.¹² For example, a user may seek data in a resource-intensive wasteful way even though the same data could be obtained as quickly in a far less resource-consuming manner. It also would be grossly inefficient for a customer to seek updates more frequently than information is updated. In such a circumstance, an OASIS provider should instruct the user on how to obtain the information in a less resource-intensive way, and may seek Commission approval to limit access to that user if the OASIS provider can show that: (1) the means of access is grossly inefficient; (2) the node is sufficiently sized to accommodate usage that is not grossly inefficient; and (3) the user was unresponsive to the OASIS provider's attempts to resolve the matter informally.

We earlier stated that large volume usage and automated computer-to-computer file transfers and queries do not constitute the kind of "excessive use of resources" eligible for unilateral disconnection by the Responsible Party under section 5.1(j) of the S&CP Document. This being the case, we believe we need to establish a mechanism to govern those situations.

¹²By "grossly inefficient", we intend to address situations where a user fails to adopt more efficient methods of accessing a node or obtaining information in favor of very inefficient methods that may needlessly degrade or damage the node. This is consistent with § 3.6.a of the S&CP Document, which states that a Responsible Party may restrict its responses to overly broad queries that, if answered expansively, would degrade the performance of the node.

It would be impracticable to attempt to delineate all instances of "gross inefficiency" in advance. Accordingly, questions as to whether a particular user's access or use of the node is "grossly inefficient" will be resolved on a case-by-case basis when a Responsible Party seeks Commission approval to restrict a user's access to the node.

We, therefore, are proposing (as discussed above) to revise 18 CFR 37.5(d) to allow Responsible Parties to limit a user's access to the node, with the approval of the Commission, if that user's grossly inefficient method of accessing an OASIS node or obtaining information from the node degrades the performance of the node.

We are proposing that the Commission's approval be needed for disconnection under these circumstances because we: (1) want to avoid unwarranted disconnections or limitations on access; (2) seek to encourage Responsible Parties and OASIS users to resolve these disputes informally, if possible; (3) wish to assure OASIS users that they will not be disconnected without good cause; and (4) hope that, merely by making these clarifications, we will avert or minimize instances of grossly inefficient usage degrading the performance of a node.

Comments by interested persons should address the advantages and disadvantages of the Commission's proposal on the foregoing issue, including the requirement for prior Commission approval of disconnections. Commenters may suggest alternative procedures, with or without prior Commission approval of disconnections, and should explain the relative advantages and disadvantages of their proposals. For example, if an OASIS node is not meeting legitimate customer needs, should Responsible Parties be required to increase the capacity of the node, including adopting the best available technology, and, having done so, then be allowed to disconnect grossly inefficient users without prior Commission approval?

III. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA)¹³ requires any proposed or final rule issued by the Commission to contain a description and analysis of the impact that the proposed or final rule would have on small entities or to contain a certification that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Order No. 889 contained a certification under § 605(b) of the RFA that the OASIS Final Rule would not have a significant economic impact on small entities within the meaning of the RFA.¹⁴

As discussed above, this proposal would make three minor revisions to 18 CFR 37.6(e)(3)(ii). Given that we do not expect these minor revisions to have

any economic impact and given that we have granted waivers from the requirements of the OASIS Final Rule to small entities where appropriate, and will continue to do so, we hereby certify that the proposed changes in 18 CFR Part 37 would not have a significant economic impact on a substantial number of small entities and that no regulatory flexibility analysis is required pursuant to 5 U.S.C. § 603. In addition, we have proposed revisions to 18 CFR 37.5 and 37.6 that would clarify that a Responsible Party may not deny or restrict access to an OASIS user merely because that user is a large volume, computer-to-computer user of the system. For the reasons cited above, and in Order No. 889, these clarifications will not have a significant economic impact on a substantial number of small entities.

IV. Environmental Statement

As explained in Order Nos. 888-A and 889-A, Order Nos. 888 and 889 were the joint subjects of the Final Environmental Impact Statement issued in Docket Nos. RM95-8-000 and RM94-7-001 on April 12, 1996. Given that this proposal makes only minor changes in the regulations, none of which would have any environmental impact, no separate environmental assessment or environmental impact statement is being prepared for this proposed rule.

V. Public Reporting Burden

As discussed previously, this NOPR proposes three minor revisions to 18 CFR 37.6(e)(3)(ii). First, given that information on other uses of congested paths already would be known and available to the person(s) reporting a curtailment/interruption incident, we believe that the proposed requirement to make this information available would have only a minimal, inconsequential impact on the reporting burden under 18 CFR 37.6(e)(3)(ii) and that the changes do not substantially or materially modify the collection of information previously approved by OMB. Second, we do not believe that extending the retention period or extending the category of persons who may request the information will measurably increase the public reporting burden. Third, the NOPR does not add any additional reporting requirements under 18 CFR 37.6(e)(3)(i) or require information to be made available under 18 CFR 37.6(e)(3)(ii) about any events or incidents not already covered under the existing regulation.

Nor do we believe our proposal to amend 18 CFR 37.5 and 37.6 to clarify the required minimum access that

Responsible Parties must provide to OASIS users, or to allow (under certain circumstances) limitations on access by grossly inefficient users, will increase the public reporting burden.

Consequently, the public reporting burden associated with issuance of this NOPR is unchanged from our estimation in Order Nos. 889, 889-A, and 889-B.¹⁵ The Commission has conducted an internal review of this conclusion and thereby has assured itself that there is specific, objective support for this information burden estimate. Moreover, the Commission has reviewed the collection of information required by Order Nos. 889, 889-A, and 889-B, and has determined that the collection of information is necessary and conforms to the Commission's plan, as described in those prior orders, for the collection, efficient management, and use of the required information.

VI. Information Collection Statement

As explained in Order Nos. 889-A and 889-B, Order No. 889 contained an information collection statement for which the Commission obtained approval from the Office of Management and Budget (OMB).¹⁶ Given that the proposed changes on curtailments and interruptions make only minor revisions to the regulation, only one of which would have any possible impact on the previously approved information collection statement (the addition of other uses of the congested path to the information already required to be collected), and given that we expect that this information would already be known to the person assembling information about the curtailment or interruption, we do not believe that these proposed changes would require any revision to the information collection statement approved by OMB for Order No. 889. Nor do we believe that our proposed revisions to 18 CFR 37.5 and 37.6, to clarify the required minimum access Responsible Parties must provide to OASIS users, or to allow (under certain circumstances) limitations on access by grossly inefficient users, would require any revision to the information collection statement approved by OMB for Order No. 889. Accordingly, we conclude that OMB approval for this NOPR will not be necessary. However, the Commission will send a copy of this NOPR to OMB, for informational purposes only.

Interested persons may obtain information on the reporting

¹⁵ Order No. 889, FERC Stats. & Regs. ¶ 31,035 at 31,587-88. Order No. 889-A, FERC Stats. & Regs. ¶ 31,049 at 30,549-50. Order No. 889-B, 81 FERC ¶ 61,253 at 62,171.

¹⁶ OMB Control No. 1902-0173.

¹³ 5 U.S.C. §§ 601-612.

¹⁴ See Order No. 889, FERC Stats. & Regs. at 31,628.

requirements and associated burden estimates by contacting the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426 [Attention: Michael Miller, Office of the Chief Information Officer, (202) 208-1415], and the Office of Management and Budget [Attention: Desk Officer for the Federal Energy Regulatory Commission (202) 395-3087 (telephone), 202-395-7285 (facsimile)]. In addition, interested persons may file written comments on the collections of information required by this NOPR and associated burden estimates by sending written comments to the Desk Officer for FERC at: Office of Management and Budget, Room 10202 NEOB, Washington, D.C. 20503, within 30 days of publication of this document in the Federal Register. Three copies of any comments filed with the Office of Management and Budget also should be sent to the following address: Secretary, Federal Energy Regulatory Commission, Room 1A, 888 First Street, N.E., Washington, D.C. 20426.

VII. Public Comment Procedure

Prior to taking final action on this proposed rulemaking, we are inviting written comments from interested persons. All comments in response to this notice should be submitted to the Office of Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, and should refer to Docket No. RM98-3-000. An original and fourteen (14) copies of such comments should be filed with the Commission on or before September 21, 1998. Additionally, a copy of the comments also should be submitted to the Commission on computer diskette in WordPerfect 6.1 or ASCII format.

All written submissions to this NOPR will be placed in the public file and will be available for public inspection in the Commission's Public Reference Room, 888 First Street, N.E., Washington, D.C. 20426, during regular business hours.

List of Subjects in 18 CFR Part 37

Electric utilities.

By direction of the Commission.

David P. Boergers, Acting Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 37 in Chapter I, Title 18, Code of Federal Regulations, as set forth below.

PART 37—OPEN ACCESS SAME-TIME INFORMATION SYSTEMS AND STANDARDS OF CONDUCT FOR PUBLIC UTILITIES

1. The authority citation for Part 37 continues to read as follows:

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

2. Section 37.5 is amended by redesignating paragraph (c) as paragraph (e), and by adding paragraphs (c) and (d), to read as follows:

§ 37.5 Obligations of Transmission Providers and Responsible Parties.

* * * * *

(c) A Responsible Party may not deny or restrict access to an OASIS user merely because that user makes automated computer-to-computer file transfers or queries, or extensive requests for data.

(d) In the event that an OASIS user's grossly inefficient method of accessing an OASIS node or obtaining information from the node degrades the performance of the node, the Responsible Party should instruct the user on how to obtain the information in a less resource-intensive manner, and may seek Commission approval to limit that user's OASIS access if the matter cannot be resolved informally.

* * * * *

3. Section 37.6 is amended by revising paragraphs (a) introductory text, (a)(4), (a)(5), and (e)(3)(ii), and by adding paragraph (a)(6) to read as follows:

§ 37.6 Information to be posted on an OASIS.

(a) The information posted on the OASIS must be in such detail and the OASIS must have such capabilities as to allow Transmission Customers to:

* * * * *

(4) Clearly identify the degree to which their transmission service requests or schedules were denied or interrupted;

(5) Obtain access, in electronic format, to information to support available transmission capability calculations and historical transmission service requests and schedules for various audit purposes; and

(6) Make file transfers and automated computer-to-computer file transfers and queries.

* * * * *

(e) * * *

(3) * * *

(ii) Information to support any such curtailment or interruption, including the operating status of the facilities involved in the constraint or interruption and any other uses of the

congested path at the time of the curtailment or interruption, must be maintained for three years and provided, upon request, to the curtailed or interrupted customer, the Commission's Staff, and any other person who requests it.

* * * * *

[FR Doc. 98-21016 Filed 8-6-98; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 806

[Docket No. 98N-0439]

Medical Devices; Reports of Corrections and Removals; Companion to Direct Final Rule

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations governing reports of corrections and removals of medical devices to eliminate the requirement for distributors to make such reports. This proposed rule is a companion document to the direct final rule published elsewhere in this issue of the Federal Register. The amendments are being made to implement provisions of the Federal Food, Drug, and Cosmetic Act (the act), as amended by the Food and Drug Administration Modernization Act of 1997 (FDAMA). This companion proposed rule is issued under FDAMA and the act as amended.

DATES: Comments must be received on or before October 21, 1998. Comments on the information collection requirements must be received on or before October 6, 1998.

ADDRESSES: Submit written comments on the companion proposed rule to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Rosa M. Gilmore, Center for Devices and Radiological Health (HFZ-215), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20857, 301-827-2970.

SUPPLEMENTARY INFORMATION:

I. Background

A. Rulemaking Action

This proposed rule is a companion to the direct final rule published in the