

# Proposed Rules

Federal Register

Vol. 63, No. 246

Wednesday, December 23, 1998

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 TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

#### Proposed Modification of the Orlando Class B Airspace Area, FL; Public Meeting

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice changes the dates of two fact-finding informal airspace meetings. The purpose of these meetings is to provide interested parties the opportunity to present views, recommendations, and comments on the planned modification to the Orlando Class B airspace area, and the Sanford, FL Class D airspace area.

**DATES:** The informal airspace meetings originally were scheduled for Wednesday, February 17; and Thursday, February 18, 1999. However, due to the high level of public interest in these meetings, the FAA finds that it is necessary to reschedule the meeting dates. The public meetings will take place on Wednesday, January 27, and Thursday, January 28, 1999, starting at 7:00 p.m.

Comments must be received on or before February 26, 1999.

**ADDRESSES:** *Meetings:* On January 27, 1999, the meeting will be at the A.K. Shumaker Terminal Building, Suite 200 Conference Room, Orlando-Sanford International Airport, Sanford, FL. On January 28, 1999, the meeting will be at Kissimmee Municipal Airport Terminal Building, 301 N. Dyer Blvd., Kissimmee, FL.

*Comments:* Send or deliver comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO-500, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337.

**FOR FURTHER INFORMATION CONTACT:** Nancy Shelton, Air Traffic Division, ASO-500, FAA, Southern Regional Office, telephone (404) 305-5585.

**SUPPLEMENTARY INFORMATION:** The FAA recognizes that it is providing less than the standard 60-days' notice of the meeting dates. The FAA will follow all special notification procedures, including sending notices of the meeting dates to all known licensed pilots, airport managers/operators, and operators of parachute, sailplane, ultralight, and balloon clubs within a 100-mile radius of the Orlando-Sanford International Airport. In addition, the FAA will provide notice of the meeting dates to the local newspapers.

#### Meeting Procedures

The following procedures will be used to facilitate the meeting:

(a) The meetings will be informal in nature and will be conducted by a representative of the FAA Southern Region. Representatives from the FAA will present a formal briefing on the proposed changes to the Class B airspace area. Each participant will be given an opportunity to deliver comments or make a presentation at the meetings.

(b) The meetings will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter.

(d) The meetings will not be adjourned until everyone on the list has had an opportunity to address the panel.

(e) Position papers or other handout material relating to the substance of the meetings will be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(f) The meetings will not be formally recorded. However, a summary of the comments made at the meetings will be filed in the docket.

#### Agenda for the Meetings

Opening Remarks and Discussion of Meeting Procedures.

Briefing on Background for Proposals. Public Presentations and Comments.

Closing Comments.

Issued in Washington, DC, on December 16, 1998.

**John S. Walker,**

*Program Director for Air Traffic Airspace Management.*

[FR Doc. 98-33852 Filed 12-22-98; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 284

[Docket No. RM96-1-011]

#### Standards for Business Practices of Interstate Natural Gas Pipelines

December 17, 1998.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is proposing to amend § 284.10 of its regulations governing standards for conducting business practices and electronic communication with interstate natural gas pipelines. The Commission is proposing to incorporate by reference the most recent version of the standards, Version 1.3 promulgated July 31, 1998, by the Gas Industry Standards Board (GISB).

**DATES:** Comments are due January 22, 1999.

**ADDRESSES:** Federal Energy Regulatory Commission, 888 First Street, N.E., Washington DC 20426.

#### FOR FURTHER INFORMATION CONTACT:

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 208-2294

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

Kay Morice, Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 208-0507

**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, DC 20426. The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Homepage (<http://www.ferc.fed.us>) using the CIPS Link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 6.1 format. CIPS is also available through the Commission's electronic bulletin board service at no charge to the user and may be accessed 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](mailto: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](mailto:RimsMaster@FERC.fed.us).

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc., is located in the Public Reference Room at 888 First Street, NE., Washington, DC 20426.

The Federal Energy Regulatory Commission (Commission) is proposing to amend § 284.10 of its regulations governing standards for conducting business practices and electronic communications with interstate natural gas pipelines. The Commission is proposing to adopt the most recent version, Version 1.3, of the consensus industry standards, promulgated by the Gas Industry Standards Board (GISB).

## I. Background

In Order Nos. 587, 587-B, 587-C, 587-G, and 587-H,<sup>1</sup> the Commission adopted regulations to standardize the business practices and communication methodologies of interstate pipelines in order to create a more integrated and efficient pipeline grid. In those orders, the Commission incorporated by reference consensus standards developed by GISB, a private, consensus standards developer composed of members from all segments of the natural gas industry.

On November 9, 1998, GISB filed with the Commission its most recent revision of its standards, Version 1.3. GISB also provided a description of its ongoing activities.

## II. Discussion

The Commission is proposing to adopt Version 1.3 of GISB's consensus standards with an implementation date on the first of the month occurring 90 days after publication of the final rule in the **Federal Register**. Version 1.3 of the GISB standards updates and improves the standards, with the principal changes occurring in the areas of confirmation practices, further standardization of the information provided on pipeline Internet web sites, and revisions to the data sets.<sup>2</sup> Commission adoption of these standards will keep the Commission regulations current.

Because the Version 1.3 standards include the nomination and intra-day nomination standards adopted by the Commission in Order No. 587-H, separate reference to these standards in the regulations is no longer necessary and is proposed to be removed. The Commission also is continuing its previous practice by proposing to

<sup>1</sup> Standards For Business Practices Of Interstate Natural Gas Pipelines, Order No. 587, 61 FR 39053 (Jul. 26, 1996), III FERC Stats. & Regs. Regulations Preambles ¶ 31,038 (Jul. 17, 1996), Order No. 587-B, 62 FR 5521 (Feb. 6, 1997), III FERC Stats. & Regs. Regulations Preambles ¶ 31,046 (Jan. 30, 1997), Order No. 587-C, 62 FR 10684 (Mar. 10, 1997), III FERC Stats. & Regs. Regulations Preambles ¶ 31,050 (Mar. 4, 1997), Order No. 587-G, 63 FR 20072 (Apr. 23, 1998), III FERC Stats. & Regs. Regulations Preambles ¶ 31,062 (Apr. 16, 1998), Order No. 587-H, 63 FR 39509 (July 23, 1998), III FERC Stats. & Regs. Regulations Preambles ¶ 31,063 (July 15, 1998).

<sup>2</sup> The following reflects the changes from the Version 1.2 standards previously adopted by the Commission. The list does not include the intra-day nomination standards that already were adopted in Order No. 587-H. Revised standards are: 1.3.3, 1.3.14, 1.3.24, 1.3.27, 2.3.9, 2.3.16, 2.3.20, and 4.3.16. New standards are: 1.3.35 through 1.3.38, 1.3.45, 1.3.46, 3.3.22, 4.1.16 through 4.1.21, 4.2.1 through 4.2.8, and 4.3.17 through 4.3.35. Revised data sets are: 1.4.1 through 1.4.6, 2.4.1 through 2.4.6, 3.4.1 through 3.4.3, 5.4.1 through 5.4.9, 5.4.11 through 5.4.13, 5.4.16, and 5.4.17. New data sets are: 1.4.7 and 3.4.4.

exclude standards 2.3.29 dealing with operational balancing agreements (OBAs), 2.3.30 dealing with netting and trading of imbalances, and 4.3.4 dealing with retention of electronic data. The Commission has issued its own regulations in these areas,<sup>3</sup> so that incorporation of the GISB standards is unnecessary and may cause confusion as to the applicable Commission requirements.

GISB approved the standards under its consensus procedures.<sup>4</sup> As the Commission found in Order No. 587, adoption of consensus standards is appropriate because the consensus process helps ensure the reasonableness of the standards by requiring that the standards draw support from a broad spectrum of all segments of the industry. Moreover, since the industry itself has to conduct business under these standards, the Commission's regulations should reflect those standards that have the widest possible support. In § 12(d) of the National Technology Transfer and Advancement Act (NTT&AA) of 1995, Congress affirmatively requires federal agencies to use technical standards developed by voluntary consensus standards organizations, like GISB, as means to carry out policy objectives or activities.<sup>5</sup>

In addition, in Order No. 587-G, the Commission deferred implementation of its OBA regulation<sup>6</sup> and its imbalance trading regulation<sup>7</sup> until GISB had an opportunity to develop standards related to OBAs and imbalance trading. GISB reports that it has approved a model Operational Balancing Agreement and that its OBA standards are completed.<sup>8</sup> In a contemporaneous order, the Commission is establishing an April 1, 1999 date for the pipelines to comply with the regulation requiring them to enter into OBAs with interconnecting interstate and intrastate pipelines.

GISB is continuing to work on its standards relating to imbalance trading, and according to GISB's schedule, these standards are scheduled for completion

<sup>3</sup> 18 CFR 284.10(c)(2)(i) (OBAs), (c)(2)(ii) (netting and trading of imbalances), and (c)(3)(v) (record retention).

<sup>4</sup> This process first requires a super-majority vote of 17 out of 25 members of GISB's Executive Committee with support from at least two members from each of the five industry segments—interstate pipelines, local distribution companies, gas producers, end-users, and services (including marketers and computer service providers). For final approval, 67% of GISB's general membership must ratify the standards.

<sup>5</sup> Pub L. 104-113, § 12(d), 110 Stat. 775 (1996), 15 U.S.C. 272 note (1997).

<sup>6</sup> 18 CFR 284.10(c)(2)(i).

<sup>7</sup> 18 CFR 284.10(c)(2)(ii).

<sup>8</sup> GISB's November 9, 1998 filing, Docket No. RM96-1-010, Appendix 5.

by the end of 1998.<sup>9</sup> Since development of imbalance trading standards is not yet complete, the Commission will not establish a firm implementation date for its imbalance trading regulation. However, given the importance of imbalance trading, the Commission expects such implementation to take place prior to the 1999 heating season.

**III. Notice of Proposed Use of Standards**

Office of Management and Budget Circular A-119 (§ 11) (February 10, 1998) provides that federal agencies publish a request for comment in a Notice of Proposed Rulemaking (NPR) when the agency is seeking to issue or

revise a regulation that contains a standard identifying whether a voluntary consensus standard or a government-unique standard is being proposed. In this NOPR, the Commission is proposing to use Version 1.3 (July 31, 1998) of the voluntary consensus standards developed by GISB.

**IV. Information Collection Statement**

The following collections of information contained in this proposed rule have been submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d). The Commission solicits

comments on the Commission's need for this information, whether the information will have practical utility, the accuracy of the provided burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. The following burden estimates include the costs for complying with GISB's Version 1.3 standards which update and improve the existing Version 1.2 standards. The burden estimates are primarily related to start-up for implementing the latest version of the standards and data sets and will not be on-going costs.

Data collection	Number of respondents	Number of responses per respondent	Hrs. per response	Total number of hrs.
FERC-545 .....	93	1	38	3,534
FERC-549C .....	93	1	2,610	242,730

**Total Annual Hours for Collection**

(Reporting and Recordkeeping, (if appropriate) = 246,264.

Information Collection Costs: The Commission seeks comments on the costs to comply with these requirements. It has projected the average annualized cost per respondent to be the following:

	FERC-545	FERC-549C
Annualized Capital/Startup Costs .....	\$2,008	\$137,888
Annualized Costs (Operations & Maintenance) .....	0	0
<b>Total Annualized Costs .....</b>	<b>2,008</b>	<b>137,888</b>

OMB regulations<sup>10</sup> require OMB to approve certain information collection requirements imposed by agency rule. The Commission is submitting notification of this proposed rule to OMB.

*Title:* FERC-545, Gas Pipeline Rates: Rate Change (Non-Formal); FERC-549C, Standards for Business Practices of Interstate Natural Gas Pipelines.

*Action:* Proposed collections.

*OMB Control No.:* 1902-0154, 1902-0174.

*Respondents:* Business or other for profit (Interstate natural gas pipelines (Not applicable to small business.))

*Frequency of Responses:* One-time implementation (business procedures, capital/start-up).

*Necessity of Information:* This proposed rule, if implemented, would upgrade the Commission's current business practice and communication standards to the latest edition approved by GISB (Version 1.3). The implementation of these standards is necessary to increase the efficiency of the pipeline grid.

The information collection requirements of this proposed rule will be reported directly to the industry users. The implementation of these data requirements will help the Commission carry out its responsibilities under the Natural Gas Act to monitor activities of the natural gas industry to ensure its competitiveness and to assure the improved efficiency of the industry's operations. The Commission's Office of Pipeline Regulation will use the data in rate proceedings to review rate and tariff changes by natural gas companies for the transportation of gas, for general industry oversight, and to supplement the documentation used during the Commission's audit process.

*Internal Review:* The Commission has reviewed the requirements pertaining to business practices and electronic communication with natural gas interstate pipelines and made a determination that the proposed revisions are necessary to establish a more efficient and integrated pipeline grid. Requiring such information ensures both a common means of communication and common business practices which provide participants engaged in transactions with interstate pipelines with timely information and uniform business procedures across multiple pipelines. These requirements conform to the Commission's plan for efficient information collection, communication, and management within the natural gas industry. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

<sup>10</sup> 5 CFR 1320.11.

<sup>9</sup> GISB's November 9, 1998 filing, Docket No. RM96-1-010, Appendix 5.

Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, [Attention: Michael Miller, Office of the Chief Information Officer, Phone: (202)208-1415, fax: (202)273-0873 email: michael.miller@ferc.fed.us].

Comments concerning the collection of information(s) and the associated burden estimate(s), should be sent to the contact listed above and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202)395-3087, fax: (202)395-7285]

#### V. 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.<sup>11</sup> The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.<sup>12</sup> The actions proposed to be taken here fall within categorical exclusions in the Commission's regulations for rules that are clarifying, corrective, or procedural, for information gathering, analysis, and dissemination, and for sales, exchange, and transportation of natural gas that requires no construction of facilities.<sup>13</sup> Therefore, an environmental assessment is unnecessary and has not been prepared in this rulemaking.

#### VI. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act of 1980 (RFA)<sup>14</sup> generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. The proposed regulations would impose requirements only on interstate pipelines, which are not small businesses, and, these requirements are, in fact, designed to reduce the difficulty of dealing with pipelines by all customers, including small businesses.

<sup>11</sup> Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986-1990 ¶30,783 (1987).

<sup>12</sup> 18 CFR 380.4.

<sup>13</sup> See 18 CFR 380.4(a)(2)(ii), 380.4(a)(5), 380.4(a)(27).

<sup>14</sup> 5 U.S.C. 601-612.

Accordingly, pursuant to § 605(b) of the RFA, the Commission hereby certifies that the regulations proposed herein will not have a significant adverse impact on a substantial number of small entities.

#### VII. Comment Procedures

The Commission invites interested persons to submit written comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss.

The original and 14 copies of such comments must be received by the Commission before 5:00 p.m. January 22, 1999. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington D.C. 20426 and should refer to Docket No. RM96-1-011.

In addition to filing paper copies, the Commission encourages the filing of comments either on computer diskette or via Internet E-Mail. Comments may be filed in the following formats: WordPerfect 6.1 or lower version, MS Word Office 97 or lower version, or ASCII format.

For diskette filing, include the following information on the diskette label: Docket No. RM 96-1-011; the name of the filing entity; the software and version used to create the file; and the name and telephone number of a contact person.

For Internet E-Mail submittal, comments should be submitted to "comment.rm@ferc.fed.us" in the following format. On the subject line, specify Docket No. RM96-1-011. In the body of the E-Mail message, include the name of the filing entity; the software and version used to create the file, and the name and telephone number of the contact person. Attach the comment to the E-Mail in one of the formats specified above. The Commission will send an automatic acknowledgment to the sender's E-Mail address upon receipt. Questions or comments on electronic filing should be directed to Brooks Carter at 202-501-8145, E-Mail address brooks.carter@ferc.fed.us.

Commenters should take note that, until the Commission amends its rules and regulations, the paper copy of the filing remains the official copy of the document submitted. Therefore, any discrepancies between the paper filing and the electronic filing or the diskette will be resolved by reference to the paper filing.

All written comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference room at 888 First Street, N.E., Washington D.C. 20426, during regular business hours. Additionally, comments may be viewed and printed remotely via the 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.

#### List of Subjects in 18 CFR Part 284

Continental shelf, Incorporation by reference, Natural gas, Reporting and recordkeeping requirements.

By direction of the Commission.

**David P. Boergers,**  
Secretary.

In consideration of the foregoing, the Commission proposes to amend 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 section 284.10, paragraphs (b)(1)(i) through (v) are revised to as follows:

#### § 284.10 Standards for pipeline business operations and communications.

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) Nominations Related Standards (Version 1.3, July 31, 1998);

(ii) Flowing Gas Related Standards (Version 1.3, July 31, 1998) with the exception of Standards 2.3.29 and 2.3.30;

(iii) Invoicing Related Standards (Version 1.3, July 31, 1998);

(iv) Electronic Delivery Mechanism Standards (Version 1.3, July 31, 1998) with the exception of Standard 4.3.4; and

(v) Capacity Release Related Standards (Version 1.3, July 31, 1998).

\* \* \* \* \*

[FR Doc. 98-33985 Filed 12-22-98; 8:45 am]

BILLING CODE 6717-01-P