

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 order¹ remanding in part a final rule issued by the Commission in Docket No. RM79-15-000² 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,³ 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.⁴ 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

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

² 44 FR 3,725 (1979).

³ 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).

⁴ 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.)

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