

Program, to reflect the correct citation of the applicable Executive Order, a change in the title designation of one NASA office, and an update of the membership list of the NASA Information Security Program Committee.

**EFFECTIVE DATE:** December 28, 1999.

**ADDRESSES:** Director, NASA Security Management Office, National Aeronautics and Space Administration, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** John C. Hagan, 202-358-2308.

#### List of Subjects in 14 CFR Part 1203

Classified information, Foreign relations.

### PART 1203—INFORMATION SECURITY PROGRAM

For reasons set out in the preamble, 14 CFR Part 1203 is amended as follows:

1. The authority citation for part 1203 is revised to read as follows:

**Authority:** 42 U.S.C. 2451 *et seq.* and E.O. 12958, 60 FR 19825, 3 CFR, 1995 Comp., p. 333.

2. Section 1203.100 is amended by revising paragraph (a) to read as follows:

#### § 1203.100 Legal basis.

(a) Executive Order 12958 (hereinafter referred to as “the Order”). The responsibilities and authority of the Administrator of NASA with respect to the original classification of official information or material requiring protection against unauthorized disclosure in the interest of national defense or foreign relations of the United States (hereinafter collectively termed “national security”), and the standards for such classification, are established by “the Order” (E.O. 12958, 3 CFR, 1996 Comp., p. 333), as amended (See, Order of October 13, 1995, 3 CFR, 1996 Comp, p. 513), and the Information Security Oversight Office Directive No. 1, as amended (32 CFR part 2001, “Classified National Security Information”);

\* \* \* \* \*

3. Section 1203.202 is amended by revising paragraph (g) to read as follows:

#### § 1203.202 Responsibilities.

\* \* \* \* \*

(g) The Director, NASA Security Management Office, is responsible for establishing procedures for the safeguarding of classified information or material (e.g., accountability, control, access, storage, transmission, and marking) and for ensuring that such procedures are systematically reviewed;

and those which are duplicative or unnecessary are eliminated.

\* \* \* \* \*

4. Section 1203.900 is revised to read as follows:

#### § 1203.900 Establishment.

Pursuant to Executive Order 12958, “National Security Information” and the National Aeronautics and Space Act of 1958, as amended, there is established a NASA Information Security Program Committee (hereinafter referred to as the Committee) as part of the permanent administrative structure of NASA. The Director, NASA Security Management Office, is designated to act as the Chairperson of the Committee. The Senior Security Specialist, NASA Security Management Office, is designated to act as the Committee Executive Secretary.

5. Section 1203.902 is amended by revising the introductory text and paragraph (a) as follows:

#### § 1203.902 Membership.

The Committee will consist of the Chairperson and Executive Secretary. In addition, each of the following NASA officials will nominate one person to Committee memberships:

- (a) Associate Administrator for:
  - (1) Aero-Space Technology.
  - (2) Space Science.
  - (3) Space Flight.
  - (4) External Relations.
  - (5) Life and Microgravity Sciences and Applications.

\* \* \* \* \*

**Daniel S. Goldin,**

*Administrator.*

[FR Doc. 99-33643 Filed 12-27-99; 8:45 am]

**BILLING CODE 2510-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 35

[Docket No. RM00-2-000; Order No. 612]

#### Time Frame for Intervening in and Protesting Federal Power Act Section 205 Filings

Issued December 21, 1999.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is amending its regulations to provide that, absent a notice providing some other time period, a twenty-one (21) calendar

day time period from the date a Federal Power Act (FPA) section 205 rate filing is filed, amended, or supplemented will be provided for interested parties to file any protest or intervention in the proceeding. The final rule thus will give, in most cases, interested parties a date certain to file protests and interventions. The final rule will also provide consistency with already existing Natural Gas Act (NGA) section 4 natural gas rate filing procedures.

**EFFECTIVE DATE:** This final rule is effective January 27, 2000.

#### FOR FURTHER INFORMATION CONTACT:

Michael J. McGehee (Technical Information), Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-2257

Julia A. Lake (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-2019

**SUPPLEMENTARY INFORMATION:** In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (<http://www.ferc.fed.us>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street, N.E., Room 2A, Washington, DC 20426.

From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting System (CIPS) and the Records and Information Management System (RIMS).

—CIPS provides access to the texts of formal documents issued by the Commission since November 14, 1994.

—CIPS can be accessed 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 8.0 format for viewing, printing, and/or downloading.

—RIMS contains images 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 from FERC's Home Page using the RIMS link or the Energy Information Online icon. Descriptions of documents back to November 16, 1981, are also available from RIMS-on-the-Web; requests for copies of these and other older documents

should be submitted to the Public Reference Room.

User assistance is available for RIMS, CIPS, and the Website during normal business hours from our Help line at (202) 208-2222 (E-Mail to [WebMaster@ferc.fed.us](mailto:WebMaster@ferc.fed.us)) or the Public Reference at (202) 208-1371 (E-Mail to [public.referenceroom@ferc.fed.us](mailto:public.referenceroom@ferc.fed.us)).

During normal business hours, documents can also be viewed and/or printed in FERC's Public Reference Room, where RIMS, CIPS, and the FERC Website are available. User assistance is also available.

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

## I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending its regulations to provide that, absent a notice providing some other time period, a twenty-one (21) calendar day time period from the date a Federal Power Act (FPA) section 205 rate filing is filed, amended, or supplemented will be provided for interested parties to file any protest or intervention in the proceeding. The final rule thus will give, in most cases, interested parties a date certain to file protests and interventions. The final rule will also provide consistency with already existing Commission procedures for noticing Natural Gas Act (NGA) section 4 natural gas rate filings.

## II. Background

Section 205 of the Federal Power Act requires that, absent a grant of waiver of the prior notice requirement, public utilities must provide at least 60 days prior notice to the Commission and to the public before new or revised tariffs or rate schedules can go into effect.<sup>1</sup> The Commission's regulations currently do not provide any specific time frame during that 60-day period for interested parties to intervene in or protest the public utilities' rate filings. Public utilities and the public are uncertain of the due date for filing interventions and protests until the Commission issues its notice of filing.

## III. Discussion

Amending the Commission's regulations to provide, in most cases, a date certain for protests or interventions to be filed will provide the industry with specific guidelines as to the date such filings are due. This certainty will enhance the efficiency of the section 205 rate filing and review process. The Commission also believes that the 21-

day notice period will provide adequate time for the public to prepare and file any notices of intervention, motions to intervene, or protests.

The 21-day time period will give interested parties a date certain to file protests and interventions. To help determine the date such filings are due, parties can ascertain the filing date of the section 205 rate filing and the content of that filing through the Commission's website (<http://www.ferc.fed.us/online/rims/htm>). In addition, parties can obtain the text of formal documents issued by the Commission, such as notices of filings, on the Commission Issuance Posting System (CIPS) and the Commission's Records and Information Management System (RIMS), which are also accessible through the Commission's website (<http://www.ferc.fed.us>). These avenues will provide parties with alternatives to the **Federal Register** to aid them in determining when comments are due.

The final rule essentially codifies current internal Commission practice.<sup>2</sup> Moreover, by establishing a 21-day time period for protests and interventions, rather than some other time period, the final rule will still allow adequate time for the Commission to act on the section 205 rate filings within the 60-day statutory time period for Commission action. In addition, consistent with past practice for noticing purposes, amendments and supplements to section 205 rate filings will be treated the same as the initial section 205 rate filings and noticed for a 21-day time period.

By providing a date certain for interventions, the final rule will provide consistency with already existing Natural Gas Act section 4 natural gas rate filing notice procedures. The Commission's regulations already establish a specific notice period (12 days) for NGA section 4 gas rate filings (on which the Commission must act within a 30-day statutory time period).<sup>3</sup> For noticing purposes, amendments to gas rate filings are also treated the same as initial applications, and trigger a new intervention time period.

In addition, the final rule will provide the Commission flexibility to adjust the 21-day time frame to allow for a different notice period as warranted, since the Commission has the authority to establish a notice period other than 21 days. An instance in which the Commission might establish a notice period other than 21 days could occur

when an application is filed that requires Commission authorization pursuant to different sections of the FPA (e.g., section 203 and section 205). In such an instance, the Commission's notice would as a general matter specify that a longer notice period would prevail.

The choice of a 21-day time period rather than a 20-day time period, for example, eliminates the prospect that the final day to protest or intervene will fall on a weekend; where the last day of the notice period falls on a federal holiday, the due date would be the next business day.<sup>4</sup>

In enacting this rule, the Commission has considered the interests of all affected parties and concludes that changing the section 205 noticing procedures is in the public interest. The Commission has balanced the need to allow sufficient time for interested parties to review a filing with the need for the proceeding to progress swiftly. The use of a 21-calendar day standard achieves this balance.

A notice and comment rulemaking procedure is not necessary because the Commission is not proposing a change to substantive rate policies or data collections. Rather the final rule is one of agency organization, procedure or practices for which notice and comment are not required.<sup>5</sup>

## IV. Regulatory Flexibility Certification Statement

The Regulatory Flexibility Act<sup>6</sup> requires rulemakings either to contain a description and analysis of the impact the rule will have on small entities, or to certify that the rule will not have a significant economic impact on a substantial number of small entities. An analysis is not required if a proposed rule will not have such an impact.<sup>7</sup>

The regulations adopted in this final rule would revise the Commission's regulations to include specific time frames for filing protests and interventions for FPA section 205 rate filings. In so doing, the rule essentially codifies current internal Commission practice. The Commission therefore certifies that this final rule will not have a significant economic impact on small entities.

## V. Environmental Statement

Commission regulations require that an environmental assessment or an environmental impact statement be prepared for any Commission action

<sup>4</sup> See 18 CFR 385.2007(b)(2).

<sup>5</sup> See 5 U.S.C. 553(b)(A).

<sup>6</sup> 5 U.S.C. 601-612.

<sup>7</sup> 5 U.S.C. 605b.

<sup>2</sup> Current agency practice generally is to provide a 20-day time period for noticing purposes.

<sup>3</sup> See 18 CFR 154.210.

<sup>1</sup> 16 U.S.C. 824d.

that may have a significant adverse effect on the human environment.<sup>8</sup> The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Among these are proposals for rules that are procedural.<sup>9</sup> The final rule falls under this exception; consequently, no environmental consideration is necessary.

## VI. Information Collection Statement

The Office of Management and Budget's (OMB's) regulations require that OMB approve certain information collection requirements imposed by agency rules.<sup>10</sup> The information collection requirements for section 205 rate filings are approved under OMB Control No. 1902-0096. This final rule does not add or modify the information collection requirements in OMB Control No. 1902-0096. A copy of this final rule will be sent to OMB for informational purposes only.

## VII. Effective Date and Congressional Review

The provisions of 5 U.S.C. 801 regarding Congressional review of rulemaking, do not apply to this final rule because the rule concerns agency procedure and practice. The final rule will not substantially affect the rights and obligations of non-agency parties.<sup>11</sup> Therefore, this final rule is effective January 27, 2000.

### List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, and Reporting and recordkeeping requirements.

By the Commission.

**David P. Boergers,**  
*Secretary.*

In consideration of the foregoing, the Commission amends Part 35, Chapter I, Title 18, of the *Code of Federal Regulations* as follows:

### PART 35—FILING OF RATE SCHEDULES

1. The authority citation for Part 35 continues to read as follows:

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

2. Section 35.8 is revised to read as follows:

### § 35.8 Protests and interventions by interested parties and form for Federal Register notice.

(a) *Protests or interventions.* Unless the notice issued by the Commission provides otherwise, any protest or intervention to a rate filing made pursuant to this part must be filed in accordance with §§ 385.211 and 385.214 of this chapter, on or before 21 days after the subject rate filing. A protest must state the basis for the objection. A protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestant a party to the proceeding. A person wishing to become a party to the proceeding must file a motion to intervene.

(b) *Form of notice for Federal Register.* The public utility must file a form of notice suitable for publication in the **Federal Register**, as well as a copy of the same notice in electronic format (in ASCII text or WordPerfect 8.0 format) on a 3½" diskette marked with the name of the applicant and the words "Notice of Filing," which must be in the following form:

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

(Name of Utility) Docket No.

#### NOTICE OF FILING

Take notice that (name of public utility), on (date), tendered for filing proposed changes in its FERC Electric Service Tariff, (Volume Nos.). [The following language in the first paragraph applies only to increased rate filings.] The proposed changes would increase revenues from jurisdictional sales and service by (amount) based on the 12-month period ending (date). [If changes other than increased rates and charges are proposed, the public utility must concisely state the nature of these changes.]

[The public utility must briefly describe the reasons for the proposed changes in the second paragraph.]

Copies of the filing were served upon the public utility's jurisdictional customers, (other parties the public utility served, *inter alia*, state public service commissions, other government agencies, etc.).

Any person desiring to be heard or to protest the filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed in accordance with § 35.9 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are

available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

[FR Doc. 99-33593 Filed 12-27-99; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 141

[Docket No. RM00-3-000; Order No. 611]

#### Updates to Instructions for FERC Form No. 1 Filings

Issued December 21, 1999.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is updating and correcting its regulations for filings by major electric utilities, licensees, and others. More specifically, this Final Rule updates and corrects the Commission's FERC Form No. 1 filing instructions to: Provide for submission of data over the Internet rather than by diskette; revise certain routing symbols, office numbers, and a title; add a sentence to note that penalty for failure to file only applies if there is a valid control number; and correct typographical errors.

**EFFECTIVE DATE:** This final rule is effective on January 1, 2000.

**FOR FURTHER INFORMATION CONTACT:** Hadas Z. Kozlowski (Legal Information), Office of General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, Telephone: (202) 208-1029  
Brian A. Holmes (Technical Information), Office of Finance, Accounting, and Operations, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, Telephone: (202) 219-2618

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From FERC's Home Page on the Internet, this information is available in both the Commission Issuance Posting

<sup>8</sup> 18 CFR Part 380.

<sup>9</sup> 18 CFR 380.4(a)(2)(ii).

<sup>10</sup> 5 CFR Part 1320.

<sup>11</sup> 5 U.S.C. 804(3)(C).