

Exchange	FY 1993-1995 cumulative volume	Percentage of total vol- ume across exchanges
Minneapolis Grain Exchange .....	2,644,863	0.1866
Philadelphia Board of Trade .....	107,875	0.0076
<b>Total</b> .....	<b>1,417,468,987</b>	<b>100.0000</b>

Finally, the staff calculates the current fees by applying the appropriate exchange data to the formula. The following is an example of how the rule enforcement and financial review fees for exchanges are calculated.

*Example:* The Minneapolis Grain Exchange (MGE) average annual cost is \$23,196.63 and its percentage of total volume over the last three years is 0.1866. The annual average total cost for all exchanges during that same

time period is \$914,962.35. As a result, the MGE fee for fiscal 1996 is:  
 $(.5)(\$23,196.63) + (.5)(.001866)(\$914,962.35) =$   
 current fee or \$11,598.32 + \$853.69 =  
 \$12,452.01

As stated in 1993 when the formula was adopted, if the calculated fee using this formula is higher than actual costs, the exchange pays actual costs. If the calculated fee using the formula is less than actual costs then the exchange pays the calculated fee. No exchange will pay more than actual costs. Also, if an exchange has no volume over the three-year period it pays a flat 50% of actual costs.

The National Futures Association (NFA) is a registered futures association which is responsible for regulating the practices of its members. In its oversight role, the Commission performs rule enforcement and financial reviews of the NFA. The Commission's average annual cost for reviewing the National Futures Association during fiscal years 1993 through 1995 is \$255,333.91. The National Futures Association will continue to be charged 100% of its actual costs.

Based upon this formula the fees for all of the exchanges and the NFA for fiscal 1996 are as follows:

Exchange/NFA	1996 fee
Chicago Board of Trade .....	\$264,915.17
Chicago Mercantile Exchange .....	243,452.97
Coffee, Sugar and Cocoa Exchange .....	43,337.95
New York Mercantile/COMEX Exchange .....	192,708.42
New York Cotton/New York Futures Exchange .....	34,480.14
Kansas City Board of Trade .....	10,142.47
Minneapolis Grain Exchange .....	12,452.01
Philadelphia Board of Trade .....	1,346.08
National Futures Association .....	255,333.91
<b>Total</b> .....	<b>1,058,169.12</b>

As in the calculation of fees in previous years, the fiscal 1996 fee for the Chicago Board of Trade includes the MidAmerica Commodity Exchange.

**V. Regulatory Flexibility Act**

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601 *et seq.*, requires agencies to consider the impact of rules on small businesses. The fees implemented in this release affect contract markets (also referred to as "exchanges") and registered futures associations. The Commission has previously determined that contract markets are not "small entities" for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, 47 FR 18618 (April 30, 1982). Registered futures associations also are not considered "small entities" by the Commission. Therefore, the requirements of the Regulatory Flexibility Act do not apply to contract markets or registered futures associations. Accordingly, the Chairman, on behalf of the Commission, certifies that the fees implemented

herein do not have a significant economic impact on a substantial number of small entities.

\* \* \* \* \*

Issued in Washington, D.C., on April 29, 1996, by the Commission.

Jean A. Webb,

*Secretary of the Commission.*

[FR Doc. 96-11014 Filed 5-02-96; 8:45 am]

BILLING CODE 6351-01-P

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory  
Commission**

**18 CFR Part 284**

[Docket No. RM95-4-002]

**Revisions to Uniform System of  
Accounts, Forms, Statements, and  
Reporting Requirements for Natural  
Gas Companies**

Issued April 29, 1996.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule; Order On Clarification.

**SUMMARY:** On February 29, 1996, the Commission issued a notice adopting specifications for the electronic filing of the Index of Customers and discount transportation rate report. The electronic filing of these reports was required by Order No. 581. In response to a request for clarification, or in the

alternative rehearing, of the February 29 Notice filed by the National Registry of Capacity Rights, Inc., the Commission agrees with the Registry that several items in the electronic filing instruction manuals should be modified, and indicates that the Commission's staff will issue revised instruction manuals incorporating the modifications in the near future.

**DATES:** Pipelines must implement the data sets for the Index of Customers starting on April 1, 1996, and for the discount transportation rate report, starting with the first filing after April 1, 1996.

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

**FOR FURTHER INFORMATION CONTACT:**

Richard A. White, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-0491

Elizabeth A. Taylor, Office of Pipeline Regulation, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-0826

**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 the document during normal business hours in Room 2-A, 888 First Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available 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 1200bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS indefinitely in ASCII and WordPerfect 5.1 format for one year. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 2-A, 888 First Street, N.E., Washington, D.C. 20426.

The Commission's bulletin board system can also be accessed through the FedWorld system directly by modem or through the Internet. To access the FedWorld system by modem:

- Dial (703) 321-3339 and logon to the FedWorld system.
- After logging on, type: /go FERC  
To access the FedWorld system, through the Internet:
  - Telnet to: fedworld.gov
  - Select the option: [1] FedWorld
  - Logon to the FedWorld system
  - Type: /go FERC
- Or:
  - Point your Web Browser to: http://www.fedworld.gov
  - Scroll down the page to select FedWorld Telnet Site
  - Select the option: [1] FedWorld
  - Logon to the FedWorld system
  - Type: /go FERC

On February 29, 1996, the Federal Energy Regulatory Commission (Commission) issued a notice adopting specifications for the electronic filing of the Index of Customers and discount transportation rate report.<sup>1</sup> The electronic filing of these reports was required by Order No. 581.<sup>2</sup> The National Registry of Capacity Rights, Inc. (the Registry) has filed an emergency request for clarification, or in the alternative, rehearing, of the February 29 Notice. The Registry seeks clarification of several items in the electronic filing instruction manuals adopted by the February 29 Notice.

**I. Background**

On September 28, 1995, the Commission issued Order No. 581, amending its Uniform System of Accounts, its forms, and its reports and statements for natural gas companies.<sup>3</sup> These changes include modifications to the Commission's electronic filing requirements. Specifically, interstate pipelines transporting or storing gas under subparts B and G of Part 284 of the Commission's regulations must now provide an electronic Index of Customers on their electronic bulletin boards (EBBs) through a downloadable file that is updated quarterly.<sup>4</sup> In addition, the discount rate report, previously filed only on paper, will now be filed both on paper and electronically.<sup>5</sup>

<sup>1</sup> The notice, entitled "Notice Adopting Electronic Filing Specifications for Index of Customers and Discount Transportation Rate Report," is unreported. (February 29 Notice). 61 FR 8870, March 6, 1996.

<sup>2</sup> Revisions to Uniform System of Accounts, Forms, Statements, and Reporting Requirements for Natural Gas Companies, 60 FR 53019 (October 11, 1995).

<sup>3</sup> *Id.*

<sup>4</sup> To be codified at 18 CFR 284.106(c) and 284.223(b). II FERC Stats. & Regs. ¶¶24,866 and 24,943. The file must also be filed with the Commission; however, no paper copies of the Index of Customers are required to be filed.

<sup>5</sup> To be codified at 18 CFR 284.7(c)(6). II FERC Stats. & Regs. ¶24,847.

Although Order No. 581 imposed new electronic filing requirements, it did not include the final electronic filing specifications. The final electronic filing specifications were formulated by the Commission staff after several informal technical conferences with the industry, and were issued in the February 29 Notice. The February 29 Notice included two appendices: Appendix A was the "Instruction Manual for Electronic Filing of the Index of Customers," and Appendix B was the "Instruction Manual for Electronic Filing of the Discount Transportation Rate Report."

On March 13, 1996, the Registry filed an emergency request for clarification, or in the alternative, rehearing, of the February 29 Notice. The Registry requests clarification of four items in the instruction manuals contained in Appendices A and B to the February 29 Notice. The clarifications sought are discussed below.

**II. Discussion**

First, the Registry seeks clarification of General Instruction 1(b) of both the *Instruction Manual for Electronic Filing of the Index of Customers* (Index of Customers instructions) and *Instruction Manual for Electronic Filing of the Discount Transportation Rate Report* (discount rate report instructions). Instruction 1(b) states, in part, that "[i]f the respondent does not want to report a value for a specific data item on the record, then the data item can be omitted \* \* \*." <sup>6</sup> The Registry seeks clarification that this phrase was not intended to give respondents the discretion to choose whether to comply with the reporting requirements.

The Registry is correct. The statement purporting to give respondents discretion whether or not to comply with the reporting requirements was made unintentionally. All respondents subject to sections 284.106(c), and 284.223(b) of the Commission's regulations must comply with the Index of Customers instructions. Similarly, all respondents subject to section 284.7(c)(6) must comply with the discount rate report instructions. Therefore, to avoid any confusion, the passage the Registry quotes should be revised to read: "If a data element is not applicable, the data element must be omitted, \* \* \*"

Second, the Registry seeks confirmation that the OMB control number listed on Appendices A and B

<sup>6</sup> *Instruction Manual for Electronic Filing of the Index of Customers* at 4, and *Instruction Manual for Electronic Filing of the Discount Transportation Rate Report* at 4.

are valid OMB control numbers, and that no other OMB numbers are needed, in light of the boilerplate language contained in the General Information sections of the Appendices. Specifically, the language states that "You [referring to the respondent] shall not be penalized for failure to respond to this collection of information unless the collection of information displays a valid OMB control number."<sup>7</sup> The Registry is concerned that if another number is needed, but not provided, then pipelines will not be required to comply with the new requirements.

Collections of information by federal government agencies are subject to the recently enacted Paperwork Reduction Act of 1995.<sup>8</sup> The Paperwork Reduction Act of 1995 revises the Paperwork Reduction Act of 1980.<sup>9</sup> The original act required that a data collection form display a valid OMB control number. In addition to this requirement, the new act requires that the OMB control number be displayed on the front page of the form.<sup>10</sup> Further, under the new rules, where the collection is accomplished through electronic formats, the control number must be placed near the title.<sup>11</sup> In compliance with these directives, the Index of Customers instructions and discount rate report instructions display a valid OMB control number on the front page immediately below the title. The OMB control number displayed below the title is valid, and is displayed according to applicable law. Further, no other OMB numbers are needed.

Third, the Registry suggests that in the Index of Customers instructions, "General Information," more detailed language be used in the "Purpose" section. Specifically, the Registry proposes that the sentence, "[t]he instructions herein will provide the format for the electronic dissemination of the data on the respondent's EBB, \* \* \*" be clarified to indicate that the dissemination of the data is by means of a downloadable file in the tab-delimited format, through the respondent's EBB.

The "Purpose" section of the Index of Customers instructions reads in its entirety:

<sup>7</sup> *Instruction Manual for Electronic Filing of the Index of Customers* at 3, and *Instruction Manual for Electronic Filing of the Discount Transportation Rate Report* at 3.

<sup>8</sup> Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3520; to be codified at 5 CFR Part 1320.

<sup>9</sup> Paperwork Reduction Act of 1980, Pub. L. 96-511, 94 Stat. 2826, amended 1986, formerly codified at 44 U.S.C. Chapter 35. These former regulations are contained in the 1995 and earlier versions of 5 CFR Part 1320.

<sup>10</sup> To be codified at 5 CFR 1320.3(f)(1).

<sup>11</sup> To be codified at 5 CFR 1320.3(f)(2).

This data submission is required under 18 CFR § 284.106(c) and § 284.223(b), which state that each calendar quarter an interstate pipeline must file with the Commission an index of all of its firm transportation and storage customers under contract as of the first day of the calendar quarter. The pipeline must also post an electronic format of this information on its electronic bulletin board (EBB). The instructions herein will provide the format for the electronic dissemination of the data on the respondent's EBB, as well as the electronic file submitted to the Commission.<sup>12</sup>

The "Purpose" section states explicitly that the Index of Customers instructions apply to the file to be posted on the pipeline's EBB. Since the body of the instructions make very clear that a tab-delimited file format is to be used, there is no reason to add to the "Purpose" section the reference to the tab format that the Registry seeks.

However, there is nothing in the purpose section or the body of instructions that indicates that the file is to be downloadable, as required by the regulations referenced in the "Purpose" section, sections 284.106(c) and 284.223(b). To be aware of this fact, the reader would have to refer to the regulations themselves. To ensure that there is no confusion, the "Purpose" section should be clarified to include the fact that the file must be downloadable from the pipeline's EBB. Therefore, the last sentence of the "Purpose" section will be changed to read: "The instructions herein will provide the format for the electronic dissemination of the data on the respondent's EBB in a downloadable file, as well as for the electronic file submitted to the Commission."

Finally, because the Index of Customers instructions and discount rate report instructions, which are Appendices A and B, respectively, to the order, each have three subappendices that are also entitled "Appendices" A, B, and C, the Registry suggests that the subappendices be retitled to something other than "appendices" to prevent confusion. While the subappendices to the instruction manuals have titles that are the same as the titles of the appendices to the order, we do not anticipate that confusion will arise. The instruction manuals are disseminated through the Commission's public reference division, or from the bulletin board, as stand-alone documents. In other words, they will no longer be entitled, "Appendix A" and "Appendix B." Thus, the only appendices associated with these electronic filing specifications will be

<sup>12</sup> *Instruction Manual for Electronic Filing of the Index of Customers* at 2.

Appendices A, B, and C of each instruction manual.

In addition to the above matters raised by the Registry, the Commission's staff has identified other minor matters in the Index of Customers instructions and discount rate report instructions that require clarification and/or modifications. These additional changes, and the changes discussed in this order, will be incorporated in a revised Index of Customers instruction manual and discount rate report instruction manual to be issued in the near future by the staff.<sup>13</sup>

By the Commission.

Linwood A. Watson, Jr.,

*Acting Secretary.*

[FR Doc. 96-11049 Filed 5-02-96; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR PART 10

[T.D. 96-35]

RIN 1515-AB93

### Suspension of United States-Canada Free-Trade Agreement Implementing Regulations

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Customs Regulations implementing the duty preference provisions of the United States-Canada Free-Trade Agreement (CFTA) to reflect that operation of the CFTA was suspended, by agreement of the Governments of the United States and Canada, as a result of the entry into force of the North American Free Trade Agreement (NAFTA) on January 1, 1994. The CFTA implementing regulations in question remain in effect only with regard to merchandise imported from Canada that was entered or withdrawn from warehouse for consumption prior to the entry into force of the NAFTA.

**EFFECTIVE DATE:** May 3, 1996.

**FOR FURTHER INFORMATION CONTACT:** Myles Harmon, Office of Regulations and Rulings (202-482-7000).

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 2, 1988, the United States and Canada entered into the United

<sup>13</sup> See 75 FERC ¶ 61,009 (1996), where the Commission authorized staff to issue further electronic and paper filing specifications related to the forms modified by Order Nos. 581 and 582.