

# Rules and Regulations

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 157

[Docket No. RM81-19-000]

#### Natural Gas Pipelines; Project Cost and Annual Limits

February 3, 2009.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the authority delegated by 18 CFR 375.308(x)(1), the Director of the Office of Energy Projects (OEP) computes and publishes the project cost and annual limits for natural gas pipelines blanket construction certificates for each calendar year.

**DATES:** This final rule is effective February 10, 2009 and establishes cost limits applicable from January 1, 2009 through December 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Michael J. McGehee, Chief, Certificates Branch 1, Division of Pipeline Certificates, (202) 502-8962.

**SUPPLEMENTARY INFORMATION:**

**United States of America**

**Federal Energy Regulatory Commission**

Docket No. RM81-19-000

Publication of Project Cost Limits Under Blanket Certificates; Order of the Director, OEP

February 3, 2009

Section 157.208(d) of the Commission's Regulations provides for project cost limits applicable to construction, acquisition, operation and miscellaneous rearrangement of facilities (Table I) authorized under the blanket certificate procedure (Order No. 234, 19 FERC ¶ 61,216). Section 157.215(a) specifies the calendar year

dollar limit which may be expended on underground storage testing and development (Table II) authorized under the blanket certificate. Section 157.208(d) requires that the "limits specified in Tables I and II shall be adjusted each calendar year to reflect the 'GDP implicit price deflator' published by the Department of Commerce for the previous calendar year."

Pursuant to § 375.308(x)(1) of the Commission's Regulations, the authority for the publication of such cost limits, as adjusted for inflation, is delegated to the Director of the Office of Energy Projects. The cost limits for calendar year 2009, as published in Table I of § 157.208(d) and Table II of § 157.215(a), are hereby issued.

**Effective Date**

This final rule is effective February 10, 2009.

The provisions of 5 U.S.C. 801 regarding Congressional review of Final Rules does not apply to the Final Rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. The Final Rule merely updates amounts published in the Code of Federal Regulations to reflect the Department of Commerce's latest annual determination of the Gross Domestic Product (GDP) implicit price deflator, a mathematical updating required by the Commission's existing regulations.

**List of Subjects in 18 CFR Part 157**

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

**J. Mark Robinson,**

*Director, Office of Energy Projects.*

■ Accordingly, 18 CFR Part 157 is amended as follows:

**PART 157—[AMENDED]**

■ 1. The authority citation for Part 157 continues to read as follows:

**Authority:** 15 U.S.C. 717-717w, 3301-3432; 42 U.S.C. 7101-7352.

■ 2. Table I in § 157.208(d) is revised to read as follows:

**§ 157.208 Construction, acquisition, operation, replacement, and miscellaneous rearrangement of facilities.**

\* \* \* \* \*

(d) \* \* \*

TABLE I

Year	Limit	
	Auto. proj. cost limit (Col. 1)	Prior notice proj. cost limit (Col. 2)
1982 .....	\$4,200,000	\$12,000,000
1983 .....	4,500,000	12,800,000
1984 .....	4,700,000	13,300,000
1985 .....	4,900,000	13,800,000
1986 .....	5,100,000	14,300,000
1987 .....	5,200,000	14,700,000
1988 .....	5,400,000	15,100,000
1989 .....	5,600,000	15,600,000
1990 .....	5,800,000	16,000,000
1991 .....	6,000,000	16,700,000
1992 .....	6,200,000	17,300,000
1993 .....	6,400,000	17,700,000
1994 .....	6,600,000	18,100,000
1995 .....	6,700,000	18,400,000
1996 .....	6,900,000	18,800,000
1997 .....	7,000,000	19,200,000
1998 .....	7,100,000	19,600,000
1999 .....	7,200,000	19,800,000
2000 .....	7,300,000	20,200,000
2001 .....	7,400,000	20,600,000
2002 .....	7,500,000	21,000,000
2003 .....	7,600,000	21,200,000
2004 .....	7,800,000	21,600,000
2005 .....	8,000,000	22,000,000
2006 .....	9,600,000	27,400,000
2007 .....	9,900,000	28,200,000
2008 .....	10,200,000	29,000,000
2009 .....	10,400,000	29,600,000

\* \* \* \* \*

■ 3. Table II in § 157.215(a)(5) is revised to read as follows:

**§ 157.215 Underground storage testing and development.**

(a) \* \* \*

(5) \* \* \*

TABLE II

Year	Limit
1982 .....	\$2,700,000
1983 .....	2,900,000
1984 .....	3,000,000
1985 .....	3,100,000
1986 .....	3,200,000
1987 .....	3,300,000
1988 .....	3,400,000
1989 .....	3,500,000
1990 .....	3,600,000
1991 .....	3,800,000
1992 .....	3,900,000
1993 .....	4,000,000
1994 .....	4,100,000
1995 .....	4,200,000
1996 .....	4,300,000
1997 .....	4,400,000

TABLE II—Continued

Year	Limit
1998 .....	4,500,000
1999 .....	4,550,000
2000 .....	4,650,000
2001 .....	4,750,000
2002 .....	4,850,000
2003 .....	4,900,000
2004 .....	5,000,000
2005 .....	5,100,000
2006 .....	5,250,000
2007 .....	5,400,000
2008 .....	5,550,000
2009 .....	5,600,000

\* \* \* \* \*

[FR Doc. E9-2711 Filed 2-9-09; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 375

[Docket No. RM08-18-000; Order No. 721]

#### Chief Accountant Delegations

Issued February 4, 2009.

**AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Final Rule.

**SUMMARY:** The Commission is revising its regulations governing delegations of authority to reflect the transfer of its Chief Accountant to the Office of Enforcement.

**DATES:** *Effective Date:* This rule is effective February 10, 2009.

**FOR FURTHER INFORMATION CONTACT:** Wilbur Miller, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8953, [wilbur.miller@ferc.gov](mailto:wilbur.miller@ferc.gov).

#### SUPPLEMENTARY INFORMATION:

##### United States of America

#### Federal Energy Regulatory Commission

*Before Commissioners:* Jon Wellinghoff, Acting Chairman; Suedeen G. Kelly, Marc Spitzer, and Philip D. Moeller.

#### I. Discussion

1. The Commission is revising its delegations of authority to reflect the transfer of the Chief Accountant function to the Office of Enforcement. Currently, the regulations delegate certain matters directly to the Chief Accountant.<sup>1</sup> Because the Chief Accountant is now located within the Office of Enforcement, it would be more

appropriate if actions taken by that official were done through the Director of that office, to whom the Chief Accountant now reports and who is ultimately responsible for the activities of the Chief Accountant.<sup>2</sup> In addition, responsibilities with regard to forms administration, data collection, and reports are no longer under the direction of the Chief Accountant. Accordingly, authority to act on these items should no longer rest with the Chief Accountant. The Director can, under the regulations, subdelegate functions as appropriate.<sup>3</sup> The delegated authority being transferred is not being altered in any way.

#### II. Information Collection Statement

2. The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rule.<sup>4</sup> This Final Rule does not contain information reporting requirements and is not subject to OMB approval.

#### III. Environmental Analysis

3. 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 quality of the human environment.<sup>5</sup> Issuance of this Final Rule does not represent a major federal action having a significant adverse effect on the quality of the human environment under the Commission's regulations implementing the National Environmental Policy Act. Part 380 of the Commission's regulations lists exemptions to the requirement to draft an Environmental Analysis or Environmental Impact Statement. Included is an exemption for procedural, ministerial, or internal administrative actions.<sup>6</sup> This rulemaking is exempt under that provision.

#### IV. Regulatory Flexibility Act

4. The Regulatory Flexibility Act of 1980 (RFA)<sup>7</sup> generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. This Final Rule concerns matters of internal agency procedure.

<sup>2</sup> This revision requires the renumbering of the delegations to the Director of the Office of Electric Reliability from section 375.314 to section 375.303.

<sup>3</sup> 18 CFR 375.301(b) (2008).

<sup>4</sup> 5 CFR Part 1320.

<sup>5</sup> *Regulations Implementing the National Environmental Policy Act*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987).

<sup>6</sup> 18 CFR 380.4(1) and (5).

<sup>7</sup> 5 U.S.C. 601-612.

The Commission therefore certifies that it will not have such an impact. An analysis under the RFA is not required.

#### V. Document Availability

5. 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.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington DC 20426.

6. From FERC's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

7. User assistance is available for eLibrary and the FERC's Web site during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or e-mail at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. E-mail the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

#### VI. Effective Date and Congressional Notification

8. These regulations are effective immediately upon publication in the **Federal Register**. In accordance with 5 U.S.C. 553(d)(3), the Commission finds that good cause exists to make this Final Rule effective immediately. It makes minor revisions to matters of internal operations and is unlikely to affect the rights of persons appearing before the Commission. There is therefore no reason to make this rule effective at a later time.

9. The provisions of 5 U.S.C. 801 regarding Congressional review of final rules do not apply to this Final Rule, because this Final Rule concerns agency procedure and practice and will not substantially affect the rights of non-agency parties.

10. The Commission is issuing this as a Final Rule without a period for public comment. Under 5 U.S.C. 553(b), notice and comment procedures are unnecessary where a rulemaking concerns only agency procedure and practice, or where the agency finds that notice and comment is unnecessary. This rule concerns only matters of internal agency procedure and will not

<sup>1</sup> 18 CFR 375.303 (2008).