

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Parts 154, 375 and 382****[Docket No. RM87-3-001; Order No. 472-A]****Annual Charges Under the Omnibus Budget Reconciliation Act of 1986**

Issued: June 17, 1987.

**AGENCY:** Federal Energy Regulatory Commission, DOE.**ACTION:** Order clarifying final rule.

**SUMMARY:** The Federal Energy Regulatory Commission clarifies its intent in its final rule regarding "Annual Charges Under the Omnibus Budget Reconciliation Act of 1986, 52 FR 21263 (June 5, 1987), that the only natural gas storage volumes to be considered in assessing annual charges against any reporting pipeline will be those storage volumes not already included in the reporting pipeline's sales and transportation volumes.

**EFFECTIVE DATE:** June 17, 1987.**FOR FURTHER INFORMATION CONTACT:**

Roland M. Frye, Jr., Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, N.E., Washington, DC 20426 (202) 357-8315.

**SUPPLEMENTARY INFORMATION:**

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

**I. Introduction**

The Federal Energy Regulatory Commission (Commission) is clarifying its intent in the final rule issued in this docket on May 29, 1987,<sup>1</sup> that the only natural gas storage volumes to be considered in assessing annual charges against any reporting pipeline will be those storage volumes not already included in the reporting pipeline's sales and transportation volumes.

**II. Background**

In the final rule, the Commission stated that it would base its annual charges assessments against interstate natural gas pipelines on the volumes of gas sold and transported by those pipelines. The Commission defined such volumes as the sum of the volumes reported by all natural gas pipelines on Annual Report Form No. 2, page 521, lines 42 (Total Sales), 46 (Total, Gas Transported or Compressed for Others), 50 (Natural Gas Delivered to

Underground Storage), and 51 (Natural Gas Delivered to LNG Storage); Annual Report Form No. 2-A, page 18, line 11 plus applicable transportation volumes in lines 13-15; and Annual Report Form No. 14, line 13 of Schedule I (Natural Gas) and line 13 of Schedule II (LNG).<sup>2</sup>

**III. Discussion**

It has come to the Commission's attention that some of the gas reported as storage volumes in natural gas pipeline companies' annual report forms for calendar year 1986 was also reported as sales and transportation volumes on the same forms, and that therefore, under the final rule's methodology for computing annual charges, any volumes of gas stored and either transported or sold by the same pipeline would be subject to double counting. The Commission did not intend this result, and therefore clarifies that it intends to assess annual charges based on only (1) sales, transportation and compression volumes, and (2) storage volumes of gas not also reported by the storing pipeline in its sales, transportation and compression volumes.

However, the Commission's Form Nos. 2 and 2-A do not provide for the separation of the volumes included in these two categories.<sup>3</sup> Therefore, the Commission will give natural gas pipelines the opportunity to provide such separated data. By close of business on June 30, 1987, any interstate natural gas pipeline may provide the Commission with a sworn statement which separates its reported storage volumes into categories (1) and (2) as described in the immediately preceding paragraph.<sup>4</sup> In its annual charge computations, the Commission will include only those storage volumes included in category (2). A company that chooses not to file the data requested in this order will be assessed annual charges based on its entire storage volumes, *i.e.*, the volumes included in both categories (1) and (2). In future years, the Commission will require such data in its Form Nos. 2 and 2-A. To this end, the Commission is amending its instructions to these forms to require that every pipeline provide such data as

<sup>2</sup> 52 FR at 21276.

<sup>3</sup> Because no importers currently store natural gas under contract, the Commission does not now need to provide for the separation of storage volume data reported in Form No. 14.

<sup>4</sup> To facilitate such natural gas pipelines' timely filing of this data, the Commission is serving a copy of this order on each pipeline which is listed in Appendix B of the final rule and which reported storage volumes in its 1986 annual report. This service is by United States Mail, first class, on the date of issuance of this order.

part of a footnote on page 520 of Form No. 2 or page 21 of Form No. 2-A.<sup>5</sup>

**IV. Paperwork Reduction Act Statement**

The Paperwork Reduction Act<sup>6</sup> and the Office of Management and Budget (OMB) regulations<sup>7</sup> require that OMB approve certain information collection requirements imposed by agency rule. On June 17, 1987, OMB approved for 70 days supplemental reporting requirements and revisions to FERC Form Nos. 2 and 2-A under OMB Control Number 1902-0028 and 1902-0030, respectively.

**V. Effective Date**

In the final rule, the Commission intended that only contract storage volumes be included in the Commission's computation of natural gas pipelines' annual charges. However, because this order contains a new reporting requirement and revisions to Form Nos. 2 and 2-A, this order becomes effective on June 17, 1987, the date on which OMB issued a 70-day approval of that requirement and those revisions.

By the Commission.

**Kenneth F. Plumb,***Secretary.*

[FR Doc. 87-14327 Filed 6-23-87; 8:45 am]

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**DEPARTMENT OF THE TREASURY****Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9****[TD ATF-254; Re: Notice No. 439 and 592]****Revision of the El Dorado Viticultural Area Boundary, California****AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.**ACTION:** Final rule, Treasury decision.

**SUMMARY:** ATF is revising the boundary of the El Dorado viticultural area to include a vineyard which was unintentionally omitted from the original petition which ATF adopted in T.D.

<sup>5</sup> The instructions which Order No. 472 added to these pages (52 FR 21274, n. 151 and 21297-21300 (Appendices C and D)) are supplemented with the following language:

Also indicate by footnote the volumes of gas which are stored by the reporting pipeline and not also reported as sales, transportation and compression volumes by the reporting pipeline, and the volumes of gas which are stored by the reporting pipeline and also reported as sales, transportation or compression volumes by the reporting pipeline.

<sup>6</sup> 44 U.S.C. 3501-3520 (1982).

<sup>7</sup> 5 C.F.R. Part 1320 (1987).

<sup>1</sup> "Annual Charges Under the Omnibus Budget Reconciliation Act of 1986," Final Rule, Order No. 472, 52 FR 21263 (June 5, 1987).

ATF-152 (48 FR 46518). This revision is based on a petition submitted by Mr. A.G. Boissevain, President, El Dorado Wine Growers Association, Camino, California. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of viticultural area appellations of origin will also help wineries distinguish their products from wines made in other areas.

**EFFECTIVE DATE:** This final rule is effective July 24, 1987.

**FOR FURTHER INFORMATION CONTACT:** James A. Hunt, FAA, Wine and Beer Branch, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202-566-7626).

**SUPPLEMENTARY INFORMATION:**

**Background**

The El Dorado Wine Grape Growers Association in Camino, California, petitioned ATF for the establishment of an American viticultural area to be named "El Dorado." The El Dorado viticultural area is located within El Dorado County, east of Sacramento, California. In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 439 (47 FR 55954), in the *Federal Register* on December 14, 1982, proposing the establishment of El Dorado as a viticultural area.

On October 13, 1983, ATF published T.D. ATF-152 (48 FR 46518) establishing the El Dorado viticultural area. Mr. A.G. Boissevain, President, El Dorado Wine Grape Growers Association, submitted a petition to include a vineyard just outside of the western boundary of the El Dorado viticultural area. The vineyard was unintentionally omitted when the boundaries were established along Range and Township lines rather than along a more complicated contour line of 1200 foot elevation. Mr. Boissevain stated that the petitioned for area has the same name identification, topography, soil types, amount of rainfall, elevation and temperatures as found in the El Dorado viticultural area and would be distinguished from the surrounding area.

**Notice of Proposed Rulemaking**

In response to Mr. Boissevain's second petition, ATF published a notice of proposed rulemaking, Notice No. 592 (51 FR 19853), proposing a revision of the El Dorado viticultural area boundary. No comments were received.

**Conclusion**

After considering the evidence presented by the petitioner, ATF determined that it would be proper to extend the El Dorado viticultural area. Accordingly, this document prescribes a revised boundary for the El Dorado viticultural area.

**Regulatory Flexibility Act**

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have a significant secondary or incidental effect on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

**Compliance With Executive Order 12291**

In compliance with Executive Order 12291, 48 FR 13193 (1981), ATF has determined that this final rule is not a "major rule" since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

**List of Subjects in 27 CFR Part 9**

Administrative practice and procedure, Consumer protection, Viticultural areas, and Wine.

**Drafting Information**

The principal author of this document is James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

**Authority and Issuance**

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas is amended as follows:

**PART 9—[AMENDED]**

**Paragraph 1.** The authority citation for Part 9 continues to read as follows:

**Authority:** 27 U.S.C. 205.

**Par. 2.** Section 9.61 is amended by revising paragraph (c)(12), redesignating existing paragraphs (c)(13) through (c)(15) as (c)(17) through (c)(19) respectively, and adding new paragraphs (c)(13) through (c)(16) to read as follows:

**§ 9.61 El Dorado.**

\* \* \* \* \*

(c) \* \* \*

(12) Thence north along the range line to its intersection with U.S. Route 50;

(13) Thence west along U.S. Route 50 to its intersection with Cameron Park Drive;

(14) Thence north along Cameron Park Drive to its intersection with Green Valley Road;

(15) Thence east along Green Valley Road to its intersection with range line R.10 E/ R.9 E;

(16) Thence north along the range line to its intersection with the township line T.10 N./ T.11 N;

\* \* \* \* \*

Signed: May 29, 1987.

Stephen E. Higgins,  
*Director.*

Approved: June 4, 1987.

John P. Simpson,  
*Deputy Assistant Secretary (Regulatory, Trade and Tariff Enforcement).*  
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**27 CFR Part 9**

[T.D. ATF-255; Re: Notice No. 399 and No. 434]

**Revision of the Monticello Viticultural Area Boundary, Virginia**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

**ACTION:** Treasury decision, Final rule.

**SUMMARY:** ATF is revising the boundary of the Monticello viticultural area to include vineyards which were omitted from the original petition which ATF adopted in T.D. ATF-164 (49 FR 2757). This rule is based on a petition submitted by Edward W. Schwab, Autumn Hill Vineyards, located in Stanardsville, Virginia. The