

Office of Management and Budget, room 3228, NEOB, Washington, D.C. 20503, (202) 395-7340. Copies of the information collection submission to OMB are available from Joe Mink, CFTC Clearance Officer, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581; telephone (202) 418-5170.

List of Subjects in 17 CFR Part 30

Commodity futures.

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 2(a)(1)(A), 4, 4c and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a, the Commission hereby proposes to amend part 30 of chapter I of title 17 of the Code of Federal Regulations as follows:

PART 30—FOREIGN FUTURES AND FOREIGN OPTIONS TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

Authority: Secs. 2(a)(1)(A), 4, 4c and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a.

2. Section 30.3 is proposed to be amended by revising paragraph (a) to read as follows:

§ 30.3 Prohibited transactions.

(a) It shall be unlawful for any person to engage in the offer and sale of any foreign futures contract or foreign options transaction for or on behalf of a foreign futures or foreign options customer, except in accordance with the provisions of this part: Provided, that, with the exception of the disclosure and antifraud provisions set forth in §§ 30.6 and 30.9 of this part, the provisions of this part shall not apply to transactions executed on a foreign board of trade, and carried for or on behalf of a customer at a designated contract market, subject to an agreement with and rules of a contract market which permit positions in a commodity interest which have been established on one market to be liquidated on another market.

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Issued in Washington, D.C. on December 5, 1995 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 95-30046 Filed 12-8-95; 8:45 am]

BILLING CODE 6351-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Chapter I

[Docket No. RM96-5-000]

Gas Pipeline Facilities and Services on the Outer Continental Shelf—Issues Related to the Commission's Jurisdiction Under the Natural Gas Act and the Outer Continental Shelf Lands Act

November 29, 1995.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Proposed rule; notice of inquiry.

SUMMARY: The Federal Energy Regulatory Commission is initiating an inquiry into the Commission's policy respecting the application of its jurisdiction under the Natural Gas Act and the Outer Continental Shelf Lands Act over natural gas facilities and services on the Outer Continental Shelf (OCS). The notice of inquiry is intended to receive information respecting the structure and operation of natural gas gathering and transportation on the OCS and the effects of the Commission's current policy. The notice of inquiry solicits comments on the legal and policy issues to be considered, in either maintaining or departing from the Commission's present policy, the operational considerations pertaining to OCS exploration and development activities, and pipeline systems that the Commission should take into account in its review of its current policy. The notice of inquiry invites all interested persons to participate in the inquiry and to submit answers to several specific questions.

DATES: Written comments must be received on or before January 12, 1996; an original and 14 copies should be filed.

ADDRESSES: All comments should refer to Docket No. RM96-5-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Robert Wolfe, Office of the General Counsel, 888 First Street, N.E., Washington, DC 20426, (202) 208-2098.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission is initiating an inquiry into the Commission's policy respecting the application of its jurisdiction under the

Natural Gas Act (NGA) and the Outer Continental Shelf Lands Act (OCSLA) over natural gas facilities and services on the Outer Continental Shelf (OCS).

The Commission is initiating this Notice of Inquiry (NOI) to examine the structure and operation of natural gas gathering and transportation on the OCS and the effects of the Commission's current policy. The NOI will also seek information on the legal and policy issues to be considered, in either maintaining or departing from the Commission's present policy, the operational considerations pertaining to OCS exploration and development activities, and pipeline systems that the Commission should take into account in its review of its current policy.

II. Background

The Commission's current policy respecting the jurisdictional status of gas pipelines and services on the OCS presents a number of issues concerning the status, scope, and effects of the Commission's regulation of gathering and transportation on the OCS. The Commission has determined that it should undertake a review of these issues.

Increases in successful offshore exploration and development activities, particularly in the Gulf of Mexico, have heightened the significance of these jurisdictional issues. Recently, several companies have either filed requests for, or have indicated their intent to request, exempt gathering status for offshore pipeline systems that each is eager to construct to bring gas onshore from significant newly developed deep water reserves in the Gulf. There are also pending requests for declaratory orders concerning existing certificated offshore systems.

There are 18 existing interstate pipelines on the Outer Continental Shelf (OCS) in the Gulf of Mexico that are presently subject to the Commission's regulation under the NGA. There are also numerous facilities that are not under NGA jurisdiction. These are principally producer-owned facilities. It is noteworthy that an estimated 27% of the lower 48 State's total dry gas production comes from the Gulf of Mexico OCS.¹

The various OCS pipeline system proposals and Sea Robin Pipeline Company's request for rehearing of the Commission's June 16, 1995 order in Docket No. CP95-168-000² have prompted reexamination of the

¹ See, *Natural Gas Production for the Lower 48 States 1982 through 1993*, Energy Information Agency, March 1993.

² 71 FERC ¶ 61,351 (1995).