and analysis of final rules that will have significant economic impact on a substantial number of small entities. Since the proposed regulations do not increase the burdens on any companies or entities, they will not have a significant impact on small entities. Pursuant to section 605(b) of the RFA, the Commission hereby certifies that the regulations proposed herein will not have a significant impact on a substantial number of small entities.

VI. Information Collection Requirement

OMB regulations require approval of certain information collection requirements imposed by agency rules.[9] The information requirements affected by this proposed rule are in FERC–549B, ''Gas Pipeline Rates: Capacity Release Information'' (1902–0169). The Commission is issuing the proposed rulemaking including the information requirements to carry out its regulatory responsibilities under the Natural Gas Act (NGA) and Natural Gas Policy Act (NGPA) to promote a more effective capacity release market as instituted by the Commission's Order No. 636. The Commission's Office of Pipeline Regulation uses the data to review/monitor capacity release transactions as well as firm and interruptible capacity made available by pipelines and to take appropriate action, where and when necessary. The collection of information is intended to be the minimum needed for posting on EBBs to provide information about the availability of service on interstate pipelines.

The Commission is submitting to the Office of Management and the Budget a notification of the proposed revision to the collection of information. Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 941 North Capitol Street NE., Washington, DC 20426 [Attention: Michael Miller, Information Services Division, (202) 208–1415], FAX (202) 208–2425. Comments on the requirements of this rule can be sent to OMB's Office of Information and Regulatory Affairs, Washington, DC 20503 [Attention: Desk Officer for Federal Energy Regulatory Commission (202) 395–6880, FAX (202) 395–5167].

VII. Comment Procedures

The Commission invites interested persons to submit written comments on the matters proposed in this notice, including any related matters or alternative proposals that commenters may wish to discuss. An original and 14 copies of comments to this notice must be filed with the Commission no later than February 21, 1995. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, and should refer to Docket No. RM95–5–000.

All written comments will be placed in the Commission's public files and will be available for inspection in the Commission's Public Reference Room at 941 North Capitol Street NE., Washington, DC 20426, during regular business hours.

List of Subjects in 18 CFR Part 284

Continental shelf, Natural gas, Reporting and recordkeeping requirements.

By direction of the Commission.

Lois D. Cashell,

Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 284, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

1. The authority citation for Part 284 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C 7101–7532; 43 U.S.C 1331–1356.

2. In § 284.243, the first sentence of paragraph (h)(1) is revised to read as follows:

§ 284.243 Release of firm capacity on interstate pipelines.

* * * * *

(h)(1) A release of capacity by a firm shipper to a replacement shipper for a period of one calendar month or less need not comply with the notification and bidding requirements of paragraphs (c) through (e) of this section. * * * * * * * * *

[FR Doc. 95–1295 Filed 1–18–95; 8:45 am]

BILLING CODE 6717–01–P

[9] 5 CFR 1320.13.

International Trade Commission

19 CFR Part 210

Advance Notice of Proposed Rulemaking Concerning Commission Voting Procedures in Investigations and Related Proceedings on Unfair Practices in Import Trade.

AGENCY: International Trade Commission.

ACTION: Advance notice of proposed rulemaking and request for comments.

SUMMARY: The Commission is considering revision of its recently effective final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) to do the following: increase the number of votes required for the Commission to either review an initial determination (ID) on a matter other than temporary relief or grant a request for oral argument in connection with such a review; and prescribe the effect of a tie vote concerning post-review disposition of an ID on a matter other than temporary relief.

The Commission hereby solicits written comments from interested persons to aid the Commission in determining whether it should revise the final rules in the manner specified below.

DATES: Comments will be considered if received on or before March 20, 1995.

ADDRESSES: A signed original and 18 copies of each set of comments, along with a cover letter stating the nature of the commenter's interest in the proposed rulemaking, should be submitted to Donna R. Koehnke, Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–205–3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202–205–1810.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 1994, the Commission published final rules for 19 CFR part 210 to replace the interim rules currently found in 19 CFR parts 210 and 211.[1] Final rule 210.43(d)(3) indicates that the Commission will review an initial determination (ID) concerning a matter other than temporary relief when at least one of the participating Commissioners votes in favor of a review. Final rule 210.45(a) similarly provides that the Commission must grant a request for oral argument in connection with such a review when at least one of the participating Commissioners votes in favor of such argument.[2]

[1] *See* 59 FR 39020 (Part II) (Aug. 1, 1994).

[2] IDs concerning temporary relief are processed differently from other types of IDs and thus are not

Continued

Final rule 210.45(c), which relates to review of IDs on matters other than temporary relief, describes the specific kinds of action that may be taken as a result of a review (viz., that the ID may be affirmed, reversed, remanded for further proceedings, modified, or set aside, in whole or in part). Final rule 210.45(c) says nothing, however, about what happens in the event that there is a tie vote on the disposition of the ID. The relevant statutes—i.e., section 330 of the Tariff Act of 1930 (19 U.S.C. § 1330), section 337, and the Administrative Procedure Act (APA) (5 U.S.C. § 551 et seq.)—are similarly silent on that specific issue.

On August 19, 1994, the Commission's Inspector General (IG) issued Audit Report No. IG–03–94, *Review of Ways to Increase the Economy and Efficiency of the Process for Conducting Section 337 Investigations,* which recommended that the Commission amend its section 337 rules to provide that in order for a review to be conducted or a request for oral argument to be granted, one-half of the participating Commissioners must vote in favor of the review or oral argument. The IG further recommended that the Commission amend the rules to ''clarify a tie vote situation,'' e.g., to provide that a tie vote on the disposition of an ID will have the effect of affirming the ID. The IG cited several reasons for recommending that the Commission abolish the one-vote-triggers-review-or-oral argument rules. She noted first that section 330 of the Tariff Act provides that an investigation may be instituted and a hearing may be conducted only if one-half of the participating Commissioners vote in favor of the investigation or hearing.[3] The IG went on to say that, in her opinion, Commission decisions on whether to review an ID and whether to grant a request for oral argument are comparable to the statutory decisions on whether to institute an investigation and whether to conduct a hearing and, thus, should be subject to the same requirements as those imposed statutorily on institution and hearing decisions. The IG added that requiring one-half of the participating Commissioners to vote in favor of review or oral argument in order for such review or argument to be conducted would aid in accomplishing the Commission's goal of streamlining its operations and reducing the burden on its ''customers.''[4]

In support of her recommendation that the Commission ''clarify a tie vote situation,'' the IG noted that the Commission had successfully avoided tie votes in the past, but that it would not feel the need to do so in the future if there were a Commission rule stating the effect of such votes. She also expressed the opinion that the existence of such a rule would be beneficial to the parties to section 337 investigations.[5]

The Commission notes that there is a question as to whether the Commission has the authority to promulgate a regulation stating that a tie vote would have the effect of affirming an ID under the current law. Section 337(c) requires that the Commission's section 337 determinations ''shall be made on the record after notice and opportunity for a hearing in conformity with the provisions of [the APA].''[6] The APA provision concerning hearings requires that, when the agency itself does not preside at the reception of evidence, a qualified ''presiding employee,'' such as an administrative law judge (ALJ), preside at the reception of evidence and render an ID. The APA further provides that:

> When the presiding employee makes an initial decision, that decision then becomes the decision of the agency without further proceedings unless there is an appeal to, or review on motion of, the agency within time provided by rule. On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule.[7]

The limited applicable case law suggests that this provision may be given either of two conflicting interpretations.

The first interpretation would be that an ID becomes the agency decision unless the agency decides to review it. If, however, the agency decides to review an ID, the agency must take some affirmative action to issue its decision. The common law rule for multiple-member administrative agencies, articulated in the frequently-cited 1930 *Bakelite* decision arising from a Commission section 337 determination, is that a majority of a quorum is necessary to act for the agency.[8] Under this view, once the Commission determines to review an ID, a tie vote would not constitute Commission action. Instead, a majority of a Commission quorum would be required to take some affirmative action with respect to the reviewed ID.[9]

The second possible interpretation of the APA provision is that an ID becomes the agency decision unless the agency takes affirmative action to render another decision in its place.

Interested persons should also note that a tie-breaker rule would not necessarily succeed in resolving all questions arising from Commission tie votes in section 337 investigations. A tie vote resulting in adoption of an affirmative ID would not be sufficient for issuance of an agency remedial order; majority action would be required.[10] Consequently, a tie-breaker rule concerning IDs on violation of section 337 which provided that a tie-vote should constitute an affirmative determination would not solve a potential deadlock among the Commissioners as to whether a remedy should be issued on a tie-vote affirmative.

In order to aid the Commission in determining whether to proceed with the proposed rulemaking, the Commission would like to have all commenters address the following issues:

1. Whether the Commission should revise final rule 210.43(d)(3) to provide that the Commission will review an ID on a matter other than temporary relief when at least one-half of the participating Commissioners vote in favor of a review.

2. Whether the Commission should revise final rule 210.45(a) to provide that the Commission will grant a request for oral argument in connection with review of an ID on a matter other than temporary relief when at least one-half of the participating Commissioners vote in favor of such argument.

3. Whether the Commission should revise final rule 210.45(c) to state what effect a tie-vote will have on the Commission's disposition of an ID on a matter other than temporary relief—e.g., that a tie-vote on the disposition of an ID after a review will constitute an affirmance of the ID. The Commission is especially interested in receiving comments on the question of whether this change could be effected without statutory changes.

If the Commission decides to proceed with this rulemaking after reviewing the

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subject to the one-vote-triggers-review-or-oral-argument rules. *See* final rule 210.66.

[3] *See* 19 U.S.C. § 1330(d)(5).

[4] *See* Report No. IG–03–94 at pages 12–13.

[5] *Id.* at pages 13–14.

[6] 19 U.S.C. § 1337(c).

[7] 5 U.S.C. § 557(b).

[8] *Frischer & Co.* v. *Bakelite Corp.*, 39 F.2d 247, 254–55 (C.C.P.A.), *cert. denied,* 282 U.S. 852 (1930). *Bakelite* rejected the argument that the Commission could not render a section 337 determination on a 3–2 vote because three Commissioners did not constitute a majority of the full six-member Commission. The ''majority of a quorum'' rule of *Bakelite* was subsequently adopted by the Supreme Court in *Federal Trade Commission* v. *Flotill Products, Inc.,* 389 U.S. 179 (1967).

[9] Under 19 U.S.C. § 1330(c)(6), ''[a] majority of the commissioners in office shall constitute a quorum. * * *''

[10] *See Frischer & Co. v. Bakelite Corp.,* 39 F.2d at 254–55.

comments filed in response to this notice, the rule changes will be promulgated in accordance with the APA (see 5 U.S.C. § 553), and will be codified in 19 CFR part 210.

Dated: January 11, 1995.

By Order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–1332 Filed 1–18–95; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 422

RIN 0960–AD74

Statement of Earnings and Benefit Estimates

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rules.

SUMMARY: We are proposing to revise our rules on sending statements of earnings and benefit information to individuals. Under our current rules, which implement section 1143(a) of the Social Security Act (the Act), we are required to send a statement to an eligible individual who requests it. Under these proposed rules, we will provide the statement without a request to an eligible individual, as required by section 1143(c) of the Act.

DATES: Your comments will be considered if we receive them no later than March 20, 1995.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966–0869, or delivered to the Office of Regulations, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9 a.m. on the date of publication in the Federal Register. To download the file, modem dial (202) 512–1387. The FBB instructions will explain how to download the file and the fee. This file is in Wordperfect and will remain on the FBB during the comment period.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Legal Assistant, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–8471.

SUPPLEMENTARY INFORMATION: Section 1143 of the Act requires the Secretary of Health and Human Services (the Secretary) to provide to eligible individuals ''a social security account statement'' (statement). We must fulfill this requirement in three phases. In the first phase, we were required, by October 1, 1990, to provide, upon the request of an ''eligible individual,'' a statement that contains certain information described below. Section 1143 defines an ''eligible individual'' as one who has a social security account number, has attained age 25 or over, and has wages or net earnings from self-employment.

The statement we provide under section 1143 of the Act must contain the following information as of the date of the request:

1. The amount of wages paid to and self-employment income derived by the individual;

2. An estimate of the aggregate of the employee and self-employment contributions of the individual for old-age, survivors', and disability insurance benefits;

3. A separate estimate of the aggregate of the employee and self-employment contributions of the individual for medicare hospital insurance coverage; and

4. An estimate of the potential monthly retirement (old-age), disability, dependents', and survivors' insurance benefits payable on the individual's earnings record and a description of medicare hospital insurance coverage.

We are carrying out this first phase, which is required by section 1143(a) of the Act and which we explained in the final rules published November 23, 1992, in the Federal Register (57 FR 54917). In these proposed rules, we explain how we will fulfill our obligations in the second and third phases of section 1143.

The second phase of providing statements, as stated in section 1143(c)(1) of the Act, requires that by not later than September 30, 1995, we must furnish this statement to each ''eligible individual'' who has attained age 60 by October 1, 1994 (i.e., by the beginning of fiscal year 1995), is not receiving benefits under title II of the Act, and for whom we can determine a current mailing address by methods we consider appropriate. We must also send this statement to each ''eligible individual'' who attains age 60 in fiscal years 1995 through 1999, i.e., October 1, 1994 through September 30, 1999, if the individual is not receiving benefits under title II of the Act, and if we can determine a current mailing address by methods we consider appropriate. In the case of an individual who attains age 60 in fiscal years 1995 through 1999, we will mail a statement to the individual in the fiscal year in which he or she attains age 60. We will mail the statement without requiring a request from the individual. We will also advise individuals receiving these statements that the information in our records will be updated annually and is available upon request.

The third phase of providing statements, as stated in section 1143(c)(2) of the Act, requires that beginning not later than October 1, 1999, we must provide this statement on an annual basis to each ''eligible individual'' who is not receiving benefits under title II and for whom we can determine a current mailing address by methods we consider appropriate. We must provide a statement without a request from the individual and, unlike the second phase, regardless of whether the eligible individual has attained age 60.

To implement the second phase of section 1143, we will use our records of assigned social security account numbers to identify eligible individuals who will attain age 60 by the appropriate times and who are not receiving benefits under title II of the Act. We have decided that the appropriate method now for determining an individual's current mailing address is to obtain it from the individual taxpayer files of the Internal Revenue Service (IRS). The IRS is authorized by section 6103(m)(7) of the Internal Revenue Code (26 U.S.C. 6103(m)(7)), as added by section 5111 of Public Law 101–508 (the Omnibus Budget Reconciliation Act of 1990), to disclose this information to us for our use in mailing the statements required by section 1143 of the Act. This source of address information is readily available to us, i.e., electronically accessible, using social security numbers as identifiers, and was clearly contemplated by Congress in the enactment of section 6103(m)(7) of the Internal Revenue Code.

Because individuals who live in Puerto Rico, the Virgin Islands, and Guam generally are not required to pay Federal income taxes, the IRS does not have their addresses. We have arranged to use the addresses from their local