

**Title of Solicitation:** "Research and Development with Small Independent Oil Operators".

**Objectives:** Through Program Solicitation No. DE-PSS26-99FT15146, The Department of Energy seeks applications from small independent oil producing operators for research and development, advocating solutions for production problems experienced by small independent oil producers.

**Eligibility:** Eligibility for participation in this Program Solicitation is restricted to small independent oil producing operators. The solicitation will contain a complete description of the technical evaluation factors and relative importance of each factor.

**Areas of Interest:** The Department is interested in innovative field technologies which increase production, reduce operating costs, reduce environmental concerns, or combinations thereof.

**Awards:** DOE anticipates issuing financial assistance (cooperative agreements) for each project selected. DOE reserves the right to support or not support, with or without discussions, any or all applications received in whole or in part, and to determine how many awards may be made through the solicitation subject to funds available in this fiscal year and the first quarter of fiscal year 2000. Approximately \$600,000 is planned for this solicitation. The estimated funding or cost sharing by the DOE is \$75,000 per award, or less. Cost sharing by the applicant is to be not less than 50% of the total proposed amount, which may consist of in-kind contributions.

**Solicitation Release Date:** The Program Solicitation is expected to be ready for release on or about December 15, 1998. Applications must be prepared and submitted in accordance with the instructions and forms contained in the Program Solicitation. To be eligible, the designated DOE office must RECEIVE applications by the closing time and date specified in the Program Solicitation (anticipated to be on or about December 31, 1999, at 5:00 PM Eastern Standard Time).

**Richard D. Rogus,**

*Contracting Officer, Acquisition and Assistance Division.*

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## DEPARTMENT OF ENERGY

### Planning Guidance for Contractor Work Force Restructuring

**AGENCY:** Department of Energy.

**ACTION:** Notice of final planning guidance.

**SUMMARY:** The Department of Energy publishes Final Planning Guidance that it has issued to its field organizations, which are responsible for planning and implementing contractor work force restructuring at defense nuclear facilities and other Department of Energy facilities. The Final Planning Guidance supercedes interim guidance published for comment in the **Federal Register** on March 5, 1996.

**DATES:** The changes made by the Final Planning Guidance will take effect January 11, 1999.

**FOR FURTHER INFORMATION CONTACT:** Terence L. Freese, U.S. Department of Energy, Office of Worker and Community Transition, WT-1, 1000 Independence Avenue, S.W., Washington, D.C. 20585; phone: 202-586-5907.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Pursuant to the Atomic Energy Act of 1954 (AEA), the Department of Energy (DOE) owns defense nuclear facilities in various locations in the United States. These facilities are operated for DOE by management and operating contractors. As a result of the end of the Cold War, many DOE defense nuclear facilities are undergoing work force downsizing and restructuring as the result of changes in the activities at these facilities.

Section 3161 of the National Defense Authorization Act for Fiscal Year 1993, 42 U.S.C. 7274h, requires DOE to develop a site-specific plan for restructuring the work force at any defense nuclear facility where DOE determines that a change in the work force is necessary. Defense nuclear facilities within the meaning of section 3161 include (1) facilities conducting atomic energy defense activities involving the production or utilization of special nuclear material, (2) nuclear waste storage or disposal facilities, (3) testing and assembly facilities, and (4) atomic weapons research facilities. The actual execution of any work force restructuring plan is subject to the availability of funds for that purpose.

On March 5, 1996, DOE published a notice of Interim Planning Guidance in the **Federal Register** and invited comments from stakeholders and the general public (61 FR 8593). The Interim Planning Guidance set forth procedures and policies for coordinating work force restructuring activities by DOE field organizations, pursuant to section 3161 and the DOE's broad authority under the AEA (42 U.S.C. 161(i)(3) and 2201(p)) to

develop generally applicable policies covering all aspects of defense nuclear facilities. The Interim Planning Guidance was preceded by use of preliminary guidance and extensive consultation with various stakeholders, including DOE and DOE contractor employees, representatives of bargaining units of employees, interested Federal, State and local government agencies, educational institutions, and groups in the communities that would be affected by restructuring at DOE defense nuclear facilities.

DOE received written comments covering fifty issues from twelve commenters on the Interim Planning Guidance. These commenters included DOE employees, DOE contractors and contractor unions. DOE also sought comments on the Interim Planning Guidance at a national stakeholder meeting held in Atlanta, Georgia, on March 13-15, 1996. In response to concerns raised with respect to the process for reviewing and approving work force restructuring plans from DOE field organizations and other stakeholders, a team of DOE Headquarters and field organization representatives developed recommendations for streamlining the process for plan review and providing additional flexibility for development of such plans. Comments on subsequent revised drafts of the guidance based on these comments and recommendations were sought at national stakeholder meetings in Oakland, California, on April 9-11, 1997, and Alexandria, Virginia, on June 17-18, 1998.

##### II. Discussion of Stakeholder Comments and Final Planning Guidance

The Final Planning Guidance is intended to streamline the process for review and approval of work force restructuring plans, and to provide increased flexibility for defense sites to meet the objectives of section 3161 consistent with changing missions, new contract mechanisms and business efficiencies. In addition, this document also reflects revised Congressional direction with respect to funding limitations for enhanced benefits under section 3161. Separate guidance on implementing this Congressional direction was provided to field organizations by the Office of Worker and Community Transition on March 2, 1998.

The Final Planning Guidance calls on each defense nuclear facility to develop a work force restructuring plan that will establish general strategies for work force restructuring as it may occur at a given site. This new emphasis on a general strategy instead of a detailed

blueprint recognizes a shift in the nature of restructuring activities from large episodic reductions primarily driven by changes in the budget to restructuring that occurs on a smaller, but more frequent, scale and is more directly related to project completion, changes in skill mix requirements and improved business efficiency. In such an environment, many stakeholders, including DOE Field Managers and DOE contractors, commented that specific thresholds to trigger separate, detailed plans were unworkable.

Many stakeholders perceived the itemized description of benefits set out for consideration in the Interim Planning Guidance as prescriptive rather than as suggestions for consideration by each facility. In light of Congressional direction limiting the funding for enhanced separation benefits under section 3161 to the Worker and Community Transition appropriation, and recognizing the increasingly varied requirements among facilities slated for early closure, those implementing new contracting mechanisms, and those continuing to utilize traditional management and operating contracts, it seemed more appropriate for DOE to limit discussion in the Final Planning Guidance to only those specific benefits that were prescriptive. Information on best practices, including model legal documentation, in restructuring will be provided through direct consultation between the Office of Worker and Community Transition and stakeholders, as well as through other published sources including the DOE's Annual Report on Contractor Work Force Restructuring, the Office of Worker and Community Transition web page at <http://www.wct.doe.gov>, and a handbook that the Office of Worker and Community Transition is preparing.

### III. Congressional Notification

Consistent with the Small Business Regulatory Enforcement Fairness Act of 1996, DOE will submit to Congress a report regarding the issuance of this notice of Final Planning Guidance prior to the effective date. The report will note that the Office of Management and Budget has determined that this notice of Final Planning Guidance does not constitute a "major rule" under that Act. 5 U.S.C. 804(2).

### IV. Review Under the National Environmental Policy Act

This guidance establishes procedures for work force planning. The planning guidance is intended to increase consistency and streamline reporting throughout the Department of plans for

work force restructuring. Implementation of the guidance will not result in environmental impacts. The Department has reviewed this guidance in accordance with its procedures for implementing the National Environmental Policy Act, 10 CFR Part 1021 and has determined that this guidance is covered under the Categorical Exclusions found at paragraph A-13 of Appendix A to Subpart D of those regulations, which applies to administrative, organizational or procedural guidelines. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

Issued in Washington, D.C. on December 2, 1998.

**Robert W. DeGrasse, Jr.,**

*Director, Office of Worker and Community Transition.*

### Final Planning Guidance for Contractor Work Force Restructuring

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### Planning Guidance for Contractor Work Force Restructuring

#### I. Introduction

The Department of Energy's Office of Worker and Community Transition (the Office) has prepared this planning guidance to assist Department of Energy (DOE or Department) field organizations to plan for, and mitigate the impacts of,

changes in the Department's contractor work force.

This guidance supercedes the earlier interim guidance issued by the Office on February 1, 1996, and published in the **Federal Register** on March 5, 1996. This document is a product of the Department's experience over the past two years—an extensive process of employee and public stakeholder involvement in shaping our worker and community transition policies.

This guidance provides common objectives for work force restructuring while emphasizing the importance of a tailored approach at each site to meet these objectives. This revision also addresses: (1) formal comments received in response to the publication of earlier guidance in the **Federal Register**; (2) steps to streamline and make more efficient the process for development, review and approval of work force restructuring actions; and (3) changes in Departmental contracting approaches and development of long-range strategic plans.

Except as otherwise noted, this guidance is not intended to be prescriptive. Cognizant field organizations have primary responsibility for assuring planning and overseeing implementation of work force restructuring. The Department's field organizations are in the best position to consult with affected stakeholders on these plans, to understand the unique needs of work force restructuring at field facilities, and to develop work force restructuring strategies best suited to each individual facility. The Office will develop a Handbook for Contractor Work Force Restructuring that provides information on experiences at DOE sites for consideration by field organizations.

#### II. Legislative Provisions

Section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (the Act) requires the Secretary of Energy to develop a plan for restructuring the work force for a defense nuclear facility when there is a determination that a change in the work force is necessary. The plan is to be developed in consultation with local, state, and national stakeholders, and submitted to the Congress 90 days after notice of a planned work force restructuring has been given to the affected employees and communities.

Section 3161 of the Act provides specific objectives to guide the preparation of the plan to minimize worker and community impacts. Relevant sections of the Act are included as Appendix A. DOE facilities that have been determined to be defense

nuclear facilities for the purposes of section 3161 are listed in Appendix B. For reasons of fairness, the Secretary directed that the objectives set forth in section 3161 should be applied to the extent practicable whenever work force restructuring takes place in the Department.

### III. General Guidance

The Office encourages field organizations to utilize the combination of work force restructuring strategies that will most effectively accomplish a site's restructuring objectives. In developing these strategies, field organizations are expected to consider best practices in the public and private sectors. The cognizant field organization should administer work force changes consistent with the DOE Order 350.1 covering Reductions in Contractor Employment or any subsequent applicable DOE Order. A work force restructuring plan developed by the field organization should be consistent with program objectives, budget constraints, contractual provisions, collective-bargaining agreements, and other legal obligations. The plan should be developed in consultation with the stakeholders at the affected facility and other appropriate stakeholders to ensure, among other things, the most effective expenditure of public funds.

### IV. Work Force Planning

The primary objective of work force planning and restructuring is to retain employees with the skills, knowledge and abilities necessary to effectively and safely meet assigned and future missions within budget constraints. Restructuring strategies must be closely integrated with planning based on identified work force requirements. Effective work force planning should consider both short-term requirements for immediate tasks, as well as long-term requirements for skills based on missions identified in strategic plans for the site. Improvements in organizational and operational efficiency should also be considered, including changes in internal organizational structure and contracting mechanisms.

### V. Contractor Roles and Responsibilities

The Department will of necessity seek the assistance of its contractors in developing work force restructuring plans. Nevertheless, the plans are Department of Energy products. In addition, it is generally the Department's policy to make information available to the public that has bearing on the plans and is available to the operating contractors, unless such

information is protected by law or regulation. Contractors will have responsibility for implementing the provisions of the work force restructuring plan subject to oversight from the appropriate DOE field organization.

### VI. Developing Work Force Restructuring Plans

#### A. When Plans Are Needed

In order to provide appropriate long-term planning of site operations, and to allow potentially affected workers to know how their situations may be accommodated, work force restructuring plans should be developed that are not limited to a single episode of restructuring but will apply for any restructuring that may occur at a particular site. This planning differs from past practice where a new plan was developed with each restructuring action over a certain threshold. Plans may identify options that may be utilized in a particular restructuring action, subject to the availability of funds.

The cognizant field organization for a non-defense site should consider whether a work force restructuring plan is appropriate based on the contracting arrangements at the site, the prospect for significant work force change, the potential impact on the community, and the extent to which provision of separation benefits beyond contract requirements would be consistent with best business practices and fair treatment of workers.

#### B. Amendments to Established Plans

When modifications of established site work force restructuring plans are necessary due to changing circumstances, stakeholder input or implementation experience, proposed changes in the established plan shall be submitted to the Office for expeditious Headquarters review and approval.

### VII. Elements of Work Force Restructuring Plans

#### A. Long-Term Strategic Plan and Work Force Implications

Ongoing plans should identify a site's long-term strategic plan, including anticipated closure and the anticipated work force implications of that plan.

#### B. Stakeholder Input to Plans

Consultation with local, state, and national stakeholders is an essential element of the work force restructuring process. Special attention should be given to consultation with the existing work force, their representatives, and local communities. Input should be

solicited and considered at appropriate points throughout the development of plans for implementing work force restructuring. In order to facilitate participation by stakeholders, the Office has made this Final Planning Guidance available through the **Federal Register** and through electronic means.

#### C. Work Force Planning

A description of the objectives and processes used to plan for short-and long-term work force requirements should be included in the plan. Plans should incorporate flexible work force planning and retraining to minimize layoffs in the work force.

#### D. Define Application of the Plan

Each site has a unique mix of contractors and subcontractors performing work for the Department. Work force restructuring plans should identify the conditions under which categories of employees may be eligible for particular benefits.

#### E. Departmental Policy on Benefits

It is the Department's policy that preference in hiring and displaced worker medical benefits, are to be offered to all eligible separating employees. Appendix C provides guidance that has been developed for implementing preference in hiring. The guidelines for displaced workers medical benefits are set out in DOE Order 350.1 and Department of Energy Acquisition Letter No. 93-4, as modified by memorandum on August 12, and December 2, 1993. These documents are included as Appendix D.

Additional programs that may be provided to affected workers and any applicable eligibility requirements should be fully described in the plan. Plans should clearly state that enhanced benefits are subject to availability of funds from the Worker and Community Transition Appropriation. Plans should set out the considerations that will be used to determine when requests to seek funds to implement enhanced benefits programs will be considered, consistent with Congressional direction. Prior to implementing or announcing any program which anticipates providing enhanced benefits, field organizations shall submit to the Office an estimate of the number of participants and costs associated with a proposed benefit offering.

In implementing the objectives of section 3161 of the Act, the Department recognizes a special responsibility to minimize the impact of work force restructuring on employees who participated in efforts to maintain the Nation's nuclear deterrent during the

Cold War. September 27, 1991, the day President Bush announced the first unilateral reduction of the Nation's nuclear weapons stockpile, has generally been recognized by this Department as the end of the Cold War. In developing a work force restructuring plan, the following are among the potential benefits that may be considered for affected workers.

#### 1. Programs to Minimize Layoffs

After work force planning has identified the classifications of workers at risk, consideration should be given to strategies that minimize involuntary separations while also retaining appropriate job skills. Strategies should be selected based upon prior work force planning and restructuring experience at the site and best practices in the public and private sectors, and may include early retirement programs, voluntary separation incentives, and retraining for new missions, including cleanup.

#### 2. Involuntary Separation

Each affected individual should be provided as much individual notice as practicable of his or her termination. In some cases, a minimum amount of specific notice is required by contract or collective-bargaining agreement. Involuntarily separated employees shall be fully advised of any benefits or services for which they are eligible. Appropriate notification to workers, labor representatives, and local, county and state governments shall be provided in accordance with DOE Order 350.1, or subsequent Order, and the Worker Adjustment and Retraining Notification Act (WARN), if applicable.

#### 3. Programs to Assist Separating Workers

Requests for funding educational, relocation, and outplacement assistance should be considered to minimize the social and economic impact of work force changes, as well as a one-time construction worker benefit.

#### F. Local Impact Assistance to Communities

The work force restructuring plan should be developed in coordination with, and in support of, the regional development objectives of communities significantly impacted by the Department's downsizing. The local Community Reuse Organization should be contacted in the development of the plan to address anticipated economic and social impacts resulting from the Department's actions.

### VIII. Departmental Review and Approval

#### A. Approval of Plans

By law, the Secretary submits work force restructuring plans subject to the provisions of section 3161 to Congress, and thus, is the official responsible for final approval. In order to reduce the number of involuntary layoffs, and pending Secretarial transmittal of the plan to Congress, enhanced benefits may be provided after receipt of written approval by the Office. The Office will seek concurrence from the affected program office or offices, the Office of General Counsel, and the Office of Congressional Affairs prior to providing such approval. It is the policy of the Department to obtain from employees who separate under voluntary separation programs, including early retirement incentives, a release of claims related to their employment and separation. A sample release is available on the Office's web page at <http://www.wct.doe.gov>. The cognizant field organization should consult with the Office prior to approving enhanced benefits at non-defense nuclear facilities. Draft plans should be submitted to the Office for Headquarters concurrence prior to their release to stakeholders.

#### B. Notification and Approval of Plan Implementation

Advance notification of intent to implement work force restructuring actions should be provided as early as possible, to maximize notification to the work force and the community, with an objective of 90 days advance notice to Congress. This reflects the need to be able to respond to changing business requirements and budget uncertainties. Headquarters review of work force restructuring plan implementation will take into consideration the time sensitivity of actions to meet business requirements.

### IX. Performance Evaluation

The Office of Worker and Community Transition, in consultation with various stakeholders, has developed a set of performance objectives to determine the effectiveness of work force planning and restructuring activities. Those objectives—which are available upon request to the Office—are used to evaluate the effectiveness of those activities.

### Appendix A—Section 3161 and 3163 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, October 23, 1992)

The Department of Energy is making the text available at <http://www.wct.doe.gov/owct/Documentation/sec.3161.html>.

### Appendix B—Listing of Defense Nuclear Facilities

The list below reflects facilities receiving funding for Atomic Energy Defense activities of the Department of Energy, with the exception of activities under Naval Reactor Propulsion. It is recognized that these facilities have varying degrees of defense activities, ranging from a total defense dedication to a small portion of their overall activity. This may cause certain difficulties in implementing the intent of the section 3161 legislation. Regardless, this listing will be used by the Office for possible application of funding received for defense worker assistance and community transition purposes.

Kansas City Plant  
Pinellas Plant  
Mound Facility  
Fernald Environmental Management Project Site  
Pantex Plant  
Rocky Flats Environmental Technology Site, including the Oxnard Facility  
Savannah River Site  
Los Alamos National Laboratory  
Sandia National Laboratory  
Lawrence Livermore National Laboratory  
Oak Ridge National Laboratory  
Nevada Test Site  
Y-12 Plant  
East Tennessee Technology Park  
Hanford Site  
Idaho National Environmental Engineering Laboratory  
Waste Isolation Pilot Project  
Portsmouth Gaseous Diffusion Plant  
Paducah Gaseous Diffusion Plant

### Appendix C—Preference in Hiring

Section 3161 provides that, to the extent practicable, terminated employees at a defense nuclear facility should receive preference in filling vacancies in the work force of the Department of Energy and its contractors and subcontractors. The Department has determined that employees must be identified as having helped maintain the Nation's nuclear deterrent in order to qualify for this preference. The preference should be honored by all prime contractors, and subcontractors whose contracts with the Department equal or exceed \$500,000 in value.

The Department has established the following criteria for determining eligibility for the hiring preference. The individual must be a former employee who (1) was involuntarily terminated (except if terminated for cause); (2) meets the eligibility standards described below; and (3) is qualified for the job at the time the work is to begin. Where qualifications are approximately equal, eligible individuals will be given preference in hiring. However,

the preference will be administered consistent with applicable law, regulation, or executive order, and collective-bargaining agreements. This preference is not immediately applicable through an outsourcing action or follow-on contract in which the current employees are first offered their same or similar jobs with the replacement contractor in order to avoid a layoff.

An individual's hiring preference continues until termination by the action (or inaction) of that individual. Initially, and on an annual basis thereafter, eligible individuals must certify their desire to retain their hiring preference. Actions that would terminate an individual's hiring preference include: voluntary termination or termination for cause from a position that was obtained through the exercise of the preference, or failure to comply with the annual certification requirement.

Each field organization should develop procedures to ensure that the hiring preference is being honored by all prime contractors and designated subcontractors. Field organization procedures should also describe how the Job Opportunity Bulletin Board System is to be utilized by affected contractors and eligible individuals.

#### **Eligibility Criteria**

##### *A. Regular Employees*

1. Must have been working at a defense nuclear facility on September 27, 1991;
2. Must have worked full-time (or regular part time) at a facility from that date through the date of the restructuring notification; and
3. Must have been involuntarily separated other than for cause.

##### *B. Intermittent Workers, Including Construction Workers*

1. Must have worked at a defense nuclear facility on or before September 27, 1991;
2. Must have worked at a facility within 180 days preceding the work force restructuring notification;
3. Must have worked at a facility a total time, including time worked prior to September 27, 1991, equivalent to an employee having worked full-time from September 27, 1991, to the date of the restructuring notification, or have actually worked the industry standard of full-time from September 27, 1991, through the date of the restructuring notification; and
4. Must have been affected by the announced restructuring within a reasonable period of time (one year is suggested). For an intermittent worker, this includes the interruption of a project before its anticipated completion, or the completion of the assignment or project without prospect for a follow-on assignment at the site where the employee had a reasonable expectation of a follow-on assignment.

#### **Appendix D—Department of Energy Order 350.1**

##### **Contractor Human Resource Management Programs, September 30, 1996**

##### **Chapter 1—Labor Relations**

##### **Chapter 2—Labor Standards**

##### **Chapter 3—Reduction in Contractor Employment**

The Department of Energy is making the text available at <http://www.wct.doe.gov/owct/Documentation/350order.html>.

##### **Department of Energy Acquisition Letter No. 93-4**

The Department of Energy is making the text available at <http://www.wct.doe.gov/owct/Documentation/acq93.html>.

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BILLING CODE 6450-01-P

#### **DEPARTMENT OF ENERGY**

##### **Federal Energy Regulatory Commission**

[Docket No. RP99-180-000]

##### **National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff**

December 7, 1998.

Take notice that on December 2, 1998, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, with a proposed effective date of January 1, 1999.

National Fuel states that the purpose of this filing is to (i) revise its storage transfer tariff provisions to allow cross-contract storage balance transfers and to prevent ISS shippers from avoiding injection charges under the ISS Rate Schedule by a transfer of storage balances from a firm storage agreement, (ii) provide for additional notice and a return schedule under the IAS Rate Schedule, (iii) provide for the cash-out of imbalances for inactive in-kind shippers, (iv) exclude automatically balanced EFT receipts from balancing fee and cash-out calculations, and (v) make various corrections.

National Fuel states that it is serving copies of this filing with its firm customers and interested state commissions. National Fuel also states that copies are also being served on all interruptible customers as of the date of the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C.

20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

**David P. Boergers,**

*Secretary.*

[FR Doc. 98-32923 Filed 12-10-98; 8:45 am]

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#### **DEPARTMENT OF ENERGY**

##### **Federal Energy Regulatory Commission**

[Docket No. CP99-90-000]

##### **Tennessee Gas Pipeline Company; Notice of Application To Abandon**

December 7, 1998.

Take notice that on November 24, 1998, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed an application in Docket No. CP99-90-000 pursuant to Section 7(b) of the Natural Gas Act for authority to abandon 7,000 Dth/day of firm transportation service for New England Power Company (NEPCO) under Tennessee's Rate Schedule NET and Part 157 of the Commission's regulations. Tennessee further requests that the Commission grant such abandonment authorization retroactively effective April 1, 1996. Tennessee's proposal is more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee states that on April 1, 1996, Tennessee and NEPCO amended the Rate Schedule NET contract to reduce the transportation, quantity from 60,000 Dth/day to 53,000 Dth/day. In addition, Tennessee and NEPCO entered into a new contract which provided that 7,000 Dth/day would be transported pursuant to Tennessee's Rate Schedule NET-284 and Part 284 of the Commission's regulations.

Tennessee explains that 7,000 Dth/day of NEPCO's part 157 service was converted to Part 284 service after posting, from March 14, 1996 through December 31, 1996, on Tennessee's EBB of an offer to waive the deadline for