

Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received. This action is the same as the proposal except for a typographical error discovered and offered herein in the airspace description with regard to V-365. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of Federal Aviation Regulations amends Class E airspace at Arco, Idaho. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points,

dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth

* * * * *

ANM ID E5 Arco, ID [New]

Arco, Arco-Butte County Airport, ID
(Lat. 43°36'19" N, long. 113°19'54" W)

Arco-Butte County NDB
(Lat. 43°35'57" N, long. 113°20'32" W)

Pocatello VORTAC
(Lat. 42°52'13" N, long. 112°39'08" W)

Burley VOR/DME
(Lat. 42°34'49" N, long. 113°51'57" W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Arco-Butte County Airport, and within 2.5 miles each side of the 166° bearing from the Arco-Butte County NDB extending from the 6.6-mile radius to 7 miles southeast of the NDB; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 68.5 NM northwest of the PIH VORTAC on V-269, thence southeast along V-269 to 53 NM northwest of the PIH VORTAC on V-269, thence to 29 NM south of the DBS VORTAC on V-257, thence south along V-257 to V-365, thence southwest along V-365 to the BYI VOR/DME, thence northwest along V-231 to 29 NM northwest of the BYI VOR/DME on V-231, to the point of beginning.

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Issued in Seattle, Washington, on March 10, 1995.

Richard E. Prang,

*Acting Manager, Air Traffic Division,
Northwest Mountain Region.*

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 141, 375 and 385

[Docket No. RM93-20-001; Order No. 574-A]

Electronic Filing of FERC Form No. 1 and Delegation to Chief Accountant; Order Denying Reconsideration and Extending Deadline for Filing

Issued March 23, 1995.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; Order Denying Reconsideration and Extending Deadline for Filing.

SUMMARY: The Federal Energy Regulatory Commission is denying reconsideration of Order No. 574, requiring electronic filing of FERC Form No. 1, Annual Report of Major electric

utilities, licensees and others. The Commission will continue to require electronic filing for the 1994 reporting year, but will extend the deadline for filing FERC Form No. 1 by one month to May 31, 1995.

EFFECTIVE DATE: This order is effective on March 23, 1995.

FOR FURTHER INFORMATION CONTACT:

Richard Mattingly, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, (202) 208-2070.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3104, at 941 North Capitol Street, N.E., Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200 or 300 bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426.

On February 3 and 6, 1995, Union Electric Company (Union Electric) and Edison Electric Institute (EEI), respectively, filed requests for reconsideration of the Commission's Order No. 574, issued in this proceeding on December 29, 1994. Electronic Filing of FERC Form No. 1 and Delegation to Chief Accountant, Order No. 574, 60 FR 1716 (Jan. 6, 1995), III FERC Stats. & Regs. ¶31,013 (1995). In Order No. 574, the Commission amended its regulations to require the electronic filing of FERC Form No. 1, Annual Report of Major electric utilities, licensees and others, beginning with the 1994 reporting year, due on or before April 30, 1995.

EEI argues that requiring electronic filing for the 1994 reporting year imposes excessive and unnecessary

burdens on reporting companies. EEI states that additional time is needed to correct some remaining problems with the No. 1 software program, and that additional time is also needed for the respondents to familiarize themselves with the requirements of the software. EEI describes various aspects of the software program which it believes require improvement and notes that the software fails to incorporate certain features anticipated by the Commission in its notice issued in this proceeding on December 30, 1993. Electronic Filing of FERC Form No. 1 and Delegation to Chief Accountant, Intent to Act and Response to Comments, 59 FR 1687 (Jan. 12, 1994). EEI argues that in light of the software problems, the Commission should make electronic filing of Form No. 1 voluntary for the 1994 reporting year, with mandatory reporting to commence for the 1995 reporting year after further refinement of the software. Alternatively, EEI requests an extension of the filing deadline from April 30, 1995 to July 31, 1995. Union Electric's comments are largely to the same effect as EEI's comments.

Commission Response

Having reviewed the software program and the field test results, we are of the opinion that the software achieves the Commission's goal—namely, the electronic reporting of Form No. 1.¹ The parties have not shown that electronic reporting of Form No. 1 at this time would be either unduly burdensome or unreasonable. The Commission therefore finds that the requests to make the filing voluntary for the 1994 reporting year do not warrant such an across-the-board delay in implementing the electronic reporting requirement.

The Commission believes that the benefits of electronic filing are substantial and include (1) timely analysis and publication of data, (2) increased data analysis capability, (3) reduced cost of data entry and retrieval, (4) simplification of form design, and (5) overall reduction in filing burden. In the Commission's judgment these benefits are such that electronic filing should not be delayed except for reasons of necessity or demonstrated good cause. The Commission realizes that there will be additional expense and inconvenience required to effect this major change in reporting procedure and format. However, the Commission

believes these costs will be one-time costs and are outweighed by the potential benefits.

Additionally, with regard to EEI's assertion that the software program fails to incorporate all features anticipated in the December 30, 1993 notice, the Commission has attempted, insofar as practicable, to incorporate the features listed in the December 30, 1993 notice. For the most part, in fact, the listed features have been incorporated into the 1994 version of the software program. That certain features that were anticipated in the December 30, 1993 notice have not been included in the 1994 version of the software program does not mean that the Commission will not consider including these features in future versions of the software. Rather, it is the Commission's intention to continue to modify and enhance the software by incorporating in future versions additional features as well as improvements to existing features as appropriate.

Having responded more generally, we now turn to specific objections. The parties contend data entry is very cumbersome and time-consuming. They also note users should not have to lose all data and re-key an entire page when changes or mistakes are made. In our view, the software data entry process is no more cumbersome or time-consuming than any other data entry software. Data have to be manually entered into each data field or imported using one of several available import features. Also, the software includes several features that make the process of data entry less cumbersome and time-consuming:

- The data entry screens are virtually identical to the Form No. 1 schedules and therefore provide a familiar environment in which to enter data;
- There is a "hot-key" that provides immediate on screen access to the instructions for completing a particular Form No. 1 schedule page;
- The bottom of the data-entry screens provide key stroke information for operating the software;
- In order to ensure that data are not lost, as a user exits from any schedule page, there is a prompt to "save" the data;
- Many schedules have automatic subtotaling and totaling features; and
- The software includes a feature that permits a user to cross-check and compare data between schedules (*i.e.*, automated edit checking).

In particular, the last two features relieve users of the burden of manually verifying the accuracy of entered data.

As to concerns over lost data when mistakes are made, this appears to relate

to schedule pages with the "floating subtotal/total" feature. Thirteen of the 72 Form No. 1 schedule pages have the "floating subtotal/total" feature. For schedule pages with the "floating subtotal/total" feature, it is true that once the feature is used, changes to the schedule pages cannot be made except by deleting all data entered up to point of the error. This limitation has been explained in the users' manual and emphasized in the "helpful hints" information that was distributed with the software.

The parties contend text fields have very limited word processing features and lack a spell-check feature. This is true. However, the "text editor" feature was not developed as a substitute for a word processor. Since the text will be loaded into a database field, very limited word processing capabilities have been provided. As an alternative, a user may use a software import feature that allows it to create a text file, with any personal computer word processing software, and to import the text into a Form No. 1 schedule. The import feature of the software are explained in the users's manual, and helpful hints have been provided for the import feature.

The parties contend there is a lack of flexibility in producing a computer-printed Form No. 1 (*i.e.*, page margins and character print size cannot be changed and binding of paper copies may result in text or numbers being lost). This is true; it results from the software design. We are unable, however, to anticipate each respondent's desired printing preferences. In addition, we anticipate that, due to the time involved in printing a complete Form No. 1 from the software, respondents will produce a "master" and, consistent with current practice, print from that "master" using efficient reproduction procedures. In the reproduction process, respondents have the capability to collate, shift, reduce, etc. the "master" to accommodate their binding preferences.

The parties contend footnote text is quite small, making it difficult to read unless a blank line is inserted between each line of text. The print of a footnote is quite small as it uses compressed print. However, the primary objective of the software is to get the data entered and a data diskette produced for submission to the Commission for loading into its Form No. 1 database. We plan to improve the readability of footnote text in future versions of the software.

The parties contend the software is very inefficient. In our view, this is not a correct assessment of the software.

¹ The Commission provides a user's manual and additional written information as well as support to assist respondents. Additionally, the Commission has established an electric bulletin board system to share information on software matters and user issues.

The software was designed to collect Form No. 1 data, perform an edit-check of the entered data, print the Form No. 1, and produce a data diskette to file with the Commission. The software fulfills these design objectives.

The parties contend the software is not compatible with different types of printers. The software is compatible with all Hewlett Packard (HP) Laser Jet printers and those printers which emulate the HP standards. We were not able to anticipate all printer and printer configurations preferred by respondents. However, by using the HP standards, we were able to cover most of the respondents' printer requirements.

The parties contend the software is not designed to operate in a local area network (LAN) environment and, because it is not LAN-compatible, many companies will have to enter data twice. The software was not specifically designed to operate in a LAN environment because some respondents do not have LAN capability. Also, for those respondents that do have LANs, there are a variety of LANs in use. Ultimately, if a LAN version of the software were developed, it would require reprogramming of the software so that it would operate on any LAN. This does not mean that the software is not LAN compatible; in fact, the Commission has successfully loaded the software on the Commission's LAN and used it without problems. Also, several respondents have reported that they have been successful in operating the software on their LANs. Further, a lack of LAN compatibility does not mean that data must be entered twice by respondents. The software can be loaded on any number of personal computers where the data can be entered and stored in data files and subsequently transferred to one central personal computer.

The parties contend creation of ASCII files to import data is difficult and tedious. The creation of properly delimited ASCII files for the importing of data is difficult until a user becomes familiar with the procedure. The users' manual addresses this issue and recognizes that the necessary steps are complex. Users should consult with or seek assistance from their data processing or computer departments. Additionally, the general import feature was designed as an alternative data entry process (*i.e.*, there is no requirement that it be used).

The parties contend prior year data cannot be accessed for beginning balances, requiring re-keying of data each year. This is a correct statement, and this is one of the software changes that we are considering for future

software versions. This is not a problem for the 1994 reporting year, however, since this is the first year the software is being used and there is no prior year data to be accessed.

The parties contend state schedules identical to Form No. 1 cannot be copied with a name change, forcing complete data re-keying. This is a correct statement. However, the software is designed to not allow changes to the schedule pages. Some of the biggest problems with Form No. 1 reporting compliance have been where respondents have changed schedule formats and not reported consistent with the Form No. 1 reporting requirements. In some cases, in fact, required data were omitted or the modified formats made the reported data of limited or no use.

The parties contend there are no page up/page down keys, forcing numerous key strokes to get to the top or bottom of a page. This is a correct statement. The software was designed for data collection and if data entry is done one data field at a time, the page up/down keys are extraneous to the function.

Finally, the parties contend footnotes cannot reference multiple lines, only one field of data. This is a correct statement. The software was intentionally designed so that each individual data element could be footnoted separately and each footnote could be "linked" with the respective data element in the Commission's Form No. 1 database.

Nevertheless, while the Commission will continue to require the electronic reporting of Form No. 1 for the 1994 reporting year, the Commission recognizes that this will be the first year for such filings and additional time may be necessary to prepare such filings. Accordingly, the Commission will extend the deadline for filing Form No. 1 for the 1994 reporting year by one month, to on or before May 31, 1995.²

The Commission Orders

The requests for reconsideration of Order No. 574 are hereby denied. However, the deadline for the submission of Form No. 1 (both electronic and paper copies) for the 1994 reporting year is hereby extended from on or before April 30, 1995, to on or before May 31, 1995.

By the Commission.

Lois D. Cashell,
Secretary.

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²The one-month extension in the Form No. 1 filing deadline applies both to the electronic filing requirement and the paper copy filing requirement.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority from the Commissioner of Food and Drugs to reflect recent changes to organizational structures within FDA; to update the titles of certain officials; and to reflect changes in the location and numbering of certain statutory provisions.

EFFECTIVE DATE: March 28, 1995.

FOR FURTHER INFORMATION CONTACT: Edna Morgan, Division of Management Systems and Policy (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: FDA is amending certain regulations for delegations of authority in 21 CFR part 5 to reflect recent changes to organizational structures within FDA. This document removes obsolete titles and adds new titles of certain officials in various regions, districts, etc., as well as the Center for Veterinary Medicine (CVM) under the new organizational structure. The document also reflects the changes in the location and numbering of certain statutory provisions. The sections affected are as follows:

Section 5.36 *Certification following inspections* (21 CFR 5.36); § 5.37 *Issuance of reports of minor violations* (21 CFR 5.37); and § 5.63 *Detention of meat, poultry, eggs, and related products* (21 CFR 5.63).

In § 5.36, FDA is deleting the Director, St. Louis Branch from those FDA officials authorized to issue certificates of sanitation. In § 5.37(a)(4)(iii), FDA is deleting the Deputy Director, Division of Compliance, Office of Surveillance and Compliance, Center for Veterinary Medicine, from the list of officials authorized to issue certain written notices or warnings. In § 5.37(a)(6) and (b)(5), FDA is adding the Directors of the Northeast Regional Laboratory, Southeast Regional Laboratory, Winchester Engineering and Analytical Center, and National Forensic Chemistry Center to authorize these officials to issue certain written notices