

| Engine model | SB No. | Rev. | Date |
|------------------------------------|-------------------|------|------------------|
| LTS101-650B1 | LTS101-73-10-0127 | 2 | August 14, 1992. |
| LTS101-750B1 | LTS101-73-10-0127 | 2 | August 14, 1992. |
| LTS101-650C and -750C Series | LTS101-73-10-0129 | 3 | August 14, 1992. |

(c) Installation of the improved PT rotor with retention capability and the improved electronic PT rotor overspeed controller in accordance with paragraphs (a) and (b) of this AD constitutes terminating action to the inspection requirements of AD 88-14-01.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on May 15, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95-12330 Filed 5-18-95; 8:45 am]

BILLING CODE 4910-13-P

Office of the Secretary

14 CFR Part 221

[Docket No. 50355; Notice No. 95-5]

RIN 2105-AC23

Electronic Filing of International Airline Passenger Rules Tariffs

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Transportation proposes to amend its regulations governing the filing of airline tariffs. Under the proposed rule, carriers would be authorized to electronically file the rules governing passenger fares and their conditions of service, subject to certain format requirements necessary to enable the Department to work with differing filing systems. The Department's regulations have permitted the electronic filing of passenger fares since 1989. The Department is proposing this action at the request of tariff publishing agents in

order to extend the efficiencies of electronic data transmission and processing to the filing of rules tariffs. Filers could, however, continue to file fare rules on paper if they preferred.

DATES: Comments should be received no later than June 19, 1995.

ADDRESSES: Five (5) copies of any comments should be sent to the Documentary Services Division, C-55, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590-0002, and should refer to this docket. To receive acknowledgment of comments, include a stamped, self-addressed postcard which the Docket Clerk will return stamped with time and date.

FOR FURTHER INFORMATION CONTACT: Mr. John H. Kiser, Pricing and Multilateral Affairs Division, Department of Transportation, at the address above. Telephone: (202) 366-2435.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1989, the Department published a final rule that allows international passenger fares tariffs (fares and associated data) to be filed electronically, as an alternative to the filing of paper tariffs.¹ 54 FR 2087, January 19, 1989. The rule, contained in subpart W of part 221, established a number of criteria that have to be met for carriers or their agents to make such filings, including a signed agreement or agreements providing for the maintenance and security of the on-line tariff database. Approval by the Department of an application containing various hardware and software service commitments, as well as the filer's proposed format, is also required.

The 1989 rule was issued in response to an emergency petition for rulemaking by the Airline Tariff Publishing Company (ATPCO), requesting an expedited amendment to part 221 to permit the electronic filing of international passenger fares on an experimental basis. The Notice of Proposed Rulemaking was issued on July 8, 1988, at 53 FR 25615. Although ATPCO and other commenters then urged that the rule be broadened to include all international tariffs, the Department determined to address the

filing of passenger fare rules and cargo tariffs in subsequent proceedings, citing the need for expedition as well as the need for a period of operational experience to determine whether the filing criteria and procedures set forth in Subpart W adequately meet regulatory needs.

ATPCO, a publishing agent owned by and representing a number of U.S. and foreign airlines, was initially the only entity that applied for authority to make electronic fare filings under the rule. It began test filings in July 1989, and in December 1989 it received final approval from the Department to commence official electronic filings. On November 28, 1990, ATPCO filed a petition for rulemaking in Docket 47288, requesting the amendment of part 221 to permit the alternative electronic filing of all international tariffs. The petition included suggested regulatory changes to accommodate the filing of passenger and cargo rules, and cargo rates.

In February 1992, the Department permitted ATPCO to begin filing electronic passenger rules on an unofficial test basis. The official rules, however, continue to be filed on paper.

By a Notice of Proposed Rulemaking issued October 15, 1992, in Docket 48385, 57 FR 47303, the Department proposed extensive revisions to part 221 to permit the electronic filing of all international tariffs. Following a comment period and a public meeting, the proposal was withdrawn for further study of various technical issues, and the proceeding was terminated. 58 FR 12350, March 4, 1993.

Requests for Further Action

Since the termination of the 1992 rulemaking, ATPCO has informally urged the Department to take whatever actions may be necessary to develop the capability for the acceptance and processing of all tariffs electronically.

In addition, another entity has demonstrated interest in filing international tariffs electronically with the Department. The Societé Internationale de Telecommunications Aéronautiques (SITA), a tariff publishing service which developed an electronic tariff filing system for use in Europe and elsewhere, has demonstrated its ProFile system to the Department's staff and is making modifications to accommodate U.S. requirements and procedures. On June

¹ Associated data include arbitraries, footnotes, routing numbers and fare class explanations. See 14 CFR 221.4 and 221.283.

21, 1994, SITA submitted an application under § 221.260 for the necessary Department approvals to permit it to begin electronic filing of international passenger tariffs, encompassing fares and rules to the extent authorized by the Department. The application included a signed agreement for the maintenance and security of the on-line tariff database, as well as certain other information and undertakings required by section 221. SITA is working with the staff to resolve any remaining areas of nonconformity. We expect SITA to begin filing passenger fares and rules on an unofficial test basis in the near future, and we will then act on its application to file official tariffs based on experience with the test filings.

Proposal

The Department proposes to amend § 221.251 of subpart W of its tariff filing regulations, 14 CFR part 221, to authorize the electronic filing by all airlines and tariff publishing agents of any or all rules relating to the provision of passenger services. Like the filing of passenger fares already authorized, this alternative to the traditional paper format and procedures set forth in part 221 is permissive in nature, and would be governed by the provisions of subpart W. If amended as proposed, subpart W would authorize the electronic filing of all tariff material relating to passenger services that airlines are required to file with the Department, although the existing requirements for final approval of a particular tariff filing system and its associated formats, set forth in subpart W, must be complied with before the Department will accept authorized electronic filings as official tariffs.

The Department is also proposing to amend § 221.283 of subpart W to add certain minimum tariff format requirements to provide a basic framework for the processing of tariff rules, which differ from fare filings in many technical respects. The existing format requirements set forth in § 221.283(b)(8), developed largely for the processing of fares and associated data, would not be changed but would be described as specifically applicable to the filing of fares. The new format requirements for the filing of passenger fare rules would be set forth in a new § 221.283(b)(9). Consequential amendments would be made to provisions regarding maintenance of historical data (paragraph (c) of § 221.283, and § 221.260(b)(7)).

Basis for the Proposal

Since the adoption of the present provisions of subpart W in 1989, and the beginning of test processing of

unofficial electronic passenger fare rules in 1992, both ATPCO and SITA have developed and/or refined their software to provide comprehensive formats for the electronic filing of specific passenger fare rules as well as fares.² While neither system has been formally approved for official filing of electronic rules tariffs, we believe that sufficient progress has been made for us to remove the legal impediment in § 221.251(a) to considering such approvals. Similarly, there may be other entities interested in testing competing filing systems, for whom the authority to offer a fuller range of filing services could be a marketing benefit.

The industry currently files about 42,000 official tariff rule pages per year, in nearly 9,000 submissions. Nearly all of these rule changes are filed for effect on less than bilateral/statutory notice with an accompanying Special Tariff Permission Application (STPA). The carriers are thus filing each rule provision on paper twice, once with the STPA and once as the formal tariff submission.

Under the proposed amendments, a single electronic filing could replace two paper filings for most rules, significantly reducing the industry's submission, printing, and dissemination costs. Similarly, the Department's review, filing, and archival costs will be substantially reduced.

The Department's staff has utilized its experience with existing paper and electronic filing systems to identify those specific tariff rule provisions that we currently believe are necessary for providing sufficient information and for the effective processing and use of electronic rules formats developed by any filing agent. The provisions would not necessarily have to be presented in the same order as listed in proposed § 221.283(b)(9), but each rule would have to include at least all of the listed provisions.³ Most individual format issues have been and will continue to be resolved through consultations between the Department and individual filing agents, as provided in § 221.260(b)(1) of the current regulations. However, the Department recognizes the need to propose further amendments to part 221 to deal comprehensively with general format and procedural issues, as well as with the question of the appropriate filing fees to be charged in the future, as

² A "specific fare rule" is one that applies exclusively to a particular fare type, for which specific fare levels are filed in each city-pair market where the fare applies.

³ Under this proposal, we would consider each provision of an electronic tariff rule to be a "record" for purposes of assessing filing fees under 14 CFR 389.20(b) and 389.25(b).

soon as adequate data and experience are available. In the interim, we believe that the limited action being proposed here is warranted because it will facilitate increased speed and efficiency in the tariff filing process with direct cost savings to the carriers, the traveling public, and the taxpayer; it will help provide carriers, for the first time, with a choice of electronic filing agents and services; and it will provide valuable experience that will facilitate the drafting of a more comprehensive rule.

Three format issues warrant additional discussion here. First, we note that our proposed format criteria do not yet provide for the filing of so-called "general" fare rules and "unpublished fare" rules. General fare rules typically include provisions applicable to all passengers, relating to general conditions of carriage such as liability, baggage, fare construction, and refunds. Unpublished fare rules typically establish discounts for certain classes of traffic not limited to specific markets, e.g., children and infants, agents, tour conductors, emigrants and cargo attendants. Electronic formats for filing general and unpublished fare rules are still under development.

Second, we propose not to accept "Intentionally Left Blank" as a category entry in an electronic fare rule, nor would we accept the complete omission of a rule category to serve as a default to a general rule.⁴ These practices, which have been a source of confusion in the paper filing environment, would become increasingly confusing in an environment where the fare rules are filed electronically but the general rules are still filed on paper. Where carriers wish to default to a general rule for a particular condition, we propose to require that electronic rules contain a specific entry for each category in the rule. The entry could be either a specific reference to the relevant general rule or specific conditions extracted from the general rule.

And third, in the test electronic rules we have received thus far, carriers have been including some extraneous material that is not properly part of a tariff and of which we take no regulatory notice, e.g., provisions concerning ticket and booking codes and annotations, wait listing procedures, and reservation record requirements. We recognize that carriers submit such material to their filing agents along with associated fare and rule changes for non-regulatory

⁴ Where a particular provision is intentionally left blank in a rule, no such provision applies to the fare covered by the rule. For example, where the "group requirements" section is left blank, it means there are no group requirements.

purposes, such as notifying computer reservations systems of the carriers' technical procedures. However, this extraneous material will not be approved by the Department, and its inclusion in official electronic rules will only cause confusion. We, therefore, propose to preclude such material in official electronic tariff filings.

The proposed amendment to § 221.251, as drafted, does not encompass the filing of cargo rates and rules tariffs. By a Notice of Proposed Rulemaking issued October 24, 1994, in Docket 49827, the Department proposed a blanket exemption for all carriers from the statutory and regulatory duty to file international property (cargo) tariffs with the Department. If the proposed rule is adopted, carriers will soon cease filing cargo rate and rules tariffs in any format. To the extent that a filing requirement might be retained, electronic format issues can be addressed at a later date.

The amendments proposed here would leave in place the procedural and technical requirements of subpart W, which each electronic filer must satisfy before official electronic rule filings may be accepted. In addition to those listed in § 221.260, for example, are provisions such as those in § 221.500 regarding the submission of machine-readable copies of records existing when electronic filing is implemented, and the cancellation of records from the paper tariff. As noted above, § 221.260 includes the requirement that the Department approve the precise format used by each electronic filer before official filings can be made. This is normally done by letter once a period of successful test filings has been accomplished and the Department is satisfied that the filing system meets regulatory needs. However, subpart W also imposes continuing performance requirements, violations of which could lead to enforcement action or even withdrawal of electronic filing privileges.

Finally, we would note that the success of electronic rules filing will depend on scrupulous adherence to the Department's regulatory requirements by both carriers and their filing agents. The Department's staff will be closely monitoring performance in this regard, and will work with parties to ensure the utility and integrity of the electronic tariff system.

The Department is providing less than the usual 60 days for comment because the proposal is merely offering an alternative method of compliance.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

The Office of Management and Budget (OMB) has determined that this proposal is not a significant regulatory action under Executive Order 12866 and, therefore, not subject to OMB review. The Department has determined that the proposal is not significant under the Department's Regulatory Policies and Procedures (44 FR 11034, Feb. 26, 1979). The proposal would, if adopted, reduce the paperwork burden for all U.S. and foreign air carriers now filing their passenger rules tariffs on paper. The Department expects the economic impact of the proposal, however, to be modest. The proposal would not result in any required additional costs to carriers or the public. It would simply provide an alternative method of meeting the statutory tariff-filing requirements. The potential estimated savings are discussed below.

Executive Order 12612

This proposal has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 ("Federalism"), and the Department has determined the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

I certify that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The tariff filing requirements apply to scheduled service air carriers. The vast majority of the air carriers filing international ("foreign") passenger rules tariffs are large operators with revenues in excess of several million dollars each year. Small air carriers operating aircraft with 60 seats or less and 18,000 pounds payload or less that offer on-demand air-taxi service are not required to file such tariffs.

Paperwork Reduction Act

With respect to the Paperwork Reduction Act, this proposal would replace two paper filings for most rules with a single electronic filing. Thus, while this proposal will significantly reduce the paperwork burden on industry and government, it does not eliminate information collection requirements that require the approval of the Office of Management and Budget pursuant to the Act.

If the proposed amendments to existing regulations are implemented, the Department estimates that filing of

passenger tariff rule pages in paper format would be reduced by about ninety percent, with the remaining ten percent continuing to be filed in paper form. A total of about 42,000 passenger tariff rule pages and about 6,400 Passenger Special Tariff Permission Applications (STPA's) were filed in 1994. At a filing fee of \$2 a rule page and \$12 a passenger STPA, we estimate the carriers could save as much as \$145,000 annually in filing fees paid to the Department. In addition, ATPCO charges the carriers \$35.00 for each filed tariff page and up to \$30.00 for each STPA. On this basis, we estimate that implementation of the proposal could save carriers an additional \$1,500,000 in associated fees paid to ATPCO, producing potential total savings to the carriers in excess of \$1,600,000 per year.

While not estimated, we expect that costs of governmental review, filing and archiving of paper tariff rule filings will be similarly reduced.

The reporting and recordkeeping requirement associated with this rule are being submitted to OMB for approval in accordance with 44 U.S.C. chapter 35 under OMB NO. 2105-AC23; Administration: Department of Transportation; TITLE: Electronic Filing of Passenger Service Rules Tariffs; NEED FOR INFORMATION: Authorizes the electronic filing of rules governing the provision of passenger services; PROPOSED USE OF INFORMATION: Authorization is based on the request of tariff publishing agents to extend the efficiencies of electronic data transmission and processing to the filing of rules tariffs; FREQUENCY: An initial passenger tariff rule filing is required of each respondent; changes are voluntary, whenever an air carrier elects; BURDEN ESTIMATE: 5.34 hours for an STPA or a passenger rule page; RESPONDENTS: 45; FORM(S) 48,400 pages or applications per annum; AVERAGE BURDEN HOURS PER RESPONDENT: 5530 hours.

For further information on paperwork reduction contact: The Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC. 20590, (202) 366-4735 or DOT Desk Officer, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503.

Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the

heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 14 CFR Part 221

Agents, Air carriers, Foreign air carriers, Tariffs.

This rule is being issued under authority delegated in 49 CFR 1.56(j)(2)(ii). For the reasons set forth in the preamble, 14 CFR Part 221 would be amended to read as follows:

PARTS 221—TARIFFS

Subpart W—Electronically Filed Tariffs

1. The authority citation for part 221 would continue to read as follows:

Authority: 49 USC 40101, 40109, 40113, 46101, 46102, Chapter 411, Chapter 413, Chapter 415, and Subchapter I of Chapter 417, unless otherwise noted.

2. Section 221.251 Applicability of the subpart is amended by revising Paragraph (a) to read as follows:

§ 221.251 Applicability of subpart.

(a) Any carrier, consistent with the provisions of this subpart, and this part 221 generally, may file its international passenger fares tariffs and international passenger rules tariffs electronically in machine-readable form as an alternative to the filing of printed paper tariffs as provided for elsewhere in this part 221. This subpart applies to all carriers and tariff publishing agents and may be used by either if the carrier or agent complies with the provisions of this subpart W. Any carrier or agent that files electronically under this subpart must transmit to the Department the remainder of the tariff in a form consistent with this part 221, subparts A–V on the same day that the electronic tariff would be deemed received under § 221.270(b).

* * * * *

3. Paragraph (b)(7) of § 221.260, *Requirements for filing*, is revised to read as follows:

§ 221.260 Requirements for filing.

* * * * *

(b) * * *

(7) The filer shall maintain all fares and rules with the Department and all Departmental approvals, disapprovals and other actions, as well as all Departmental notations concerning such approvals, disapprovals or other actions, in the on-line tariff database for a period of two (2) years after the fare or rule becomes inactive. After this period of time, the carrier or agent shall provide the Department, free of charge, with a copy of the inactive data on a machine-

readable tape or other mutually acceptable electronic medium.

* * * * *

4. Paragraph (b)(8) of § 221.283, *The filing of tariffs and amendments to tariffs*, is amended by revising the introductory text, and by adding a new paragraph (b)(9) to read as follows:

§ 221.283 The filing of tariffs and amendments to tariffs.

* * * * *

(b) * * *

(8) Fares tariff, or proposed changes to the fares tariffs, including:

* * * * *

(9) Rules tariff, or proposed changes to the rules tariffs, including:

(i) Title: General description of fare rule type(s) and geographic area(s) under the rule;

(ii) Application: Specific description of fare class(es), geographic area(s), type of transportation (one way, round-trip, etc.);

(iii) Period of Validity: Specific description of permissible travel dates and any restrictions on when travel is not permitted;

(iv) Reservations/ticketing: Specific description of reservation and ticketing provisions, including any advance reservation/ ticketing requirements, provisions for payment (including prepaid tickets), and charges for any changes;

(v) Capacity Control: Specific description of any limitation on the number of passengers, available seats, or tickets;

(vi) Combinations: Specific description of permitted/restricted fare combinations;

(vii) Length of Stay: Specific description of minimum/maximum number of days before the passenger may/must begin return travel;

(viii) Stopovers: Specific description of permissible conditions, restrictions, or charges on stopovers;

(ix) Routing: Specific description of routing provisions, including transfer provisions, whether on-line or inter-line;

(x) Discounts: Specific description of any limitations, special conditions, and discounts on status fares, e.g. children or infants, senior citizens, tour conductors, or travel agents, and any other discounts;

(xi) Cancellation and Refunds: Specific description of any special conditions, charges, or credits due for cancellation or changes to reservations, or for request for refund of purchased tickets;

(xii) Group Requirements: Specific description of group size, travel

conditions, group eligibility, and documentation;

(xiii) Tour Requirements: Specific description of tour requirements, including minimum price, and any stay or accommodation provisions;

(xiv) Sales Restrictions: Specific description of any restrictions on the sale of tickets;

(xv) Rerouting: Specific description of rerouting provisions, whether on-line or inter-line, including any applicable charges; and

(xvi) Miscellaneous provisions: Any other applicable conditions.

5. Paragraph (c) of § 221.283 is amended by redesignating existing paragraphs (c) (8) through (15) as paragraphs (c) (9) through (16), respectively, and by adding a new paragraph (c) (8) to read as follows:

§ 221.283 The filing of tariffs and amendments to tariffs.

* * * * *

(c) * * *

(8) Rule text;

* * * * *

Issued in Washington DC, on May 15, 1995.

Patrick V. Murphy

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 95–12372 Filed 5–18–95; 8:45 am]

BILLING CODE 4910–62–P

INTERNATIONAL TRADE COMMISSION

19 CFR Part 201

Rules of General Application

AGENCY: U.S. International Trade Commission.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Commission is proposing to amend Part 201 of the Commission's Rules of Practice and Procedure (the "Commission's Rules") to clarify those sections of the Commission's Rules dealing with the Freedom of Information Act (FOIA) and Privacy Act Officers' initial denial authority. This proposed amendment will also reflect the Inspector General's authority, under both the Inspector General Act of 1978, as amended, (the "IG Act") and under Section 552a(b) of the Privacy Act to disclose Privacy Act information to contractor personnel who function as federal employees.

DATES: Comments on the proposed rules will be considered if received on or before June 19, 1995.

ADDRESSES: A signed original and 14 copies of each set of comments, along