

postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9198 (60 FR 19158, April 17, 1995), and by adding a new airworthiness directive (AD), amendment 39-9389, to read as follows:

95-21-04 McDonnell Douglas: Amendment 39-9389. Docket 95-NM-184-AD.

Supersedes AD 95-08-09, Amendment 39-9198.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-38A044, dated March 22, 1995, and Revision 1, dated June

30, 1995; and identified as "Group 1 airplanes," on which split heater cuffs have been installed on the waste exhaust ducts of heaters in accordance with McDonnell Douglas MD-11 Service Bulletin 38-15, dated October 23, 1992; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent a fire and/or smoke due to chafing and arcing of the heater, accomplish the following:

(a) For airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-38A044, dated March 22, 1995: Within 30 days after May 2, 1995 (the effective date of AD 95-08-09, amendment 39-9198), modify the support structure of the cargo liner, in accordance with McDonnell Douglas MD-11 Alert Service Bulletin MD11-38A044, dated March 22, 1995, or Revision 1, dated June 30, 1995.

(b) For airplanes listed in McDonnell Douglas Alert Service Bulletin MD11-38A044, Revision 1, dated June 30, 1995, and not subject to paragraph (a) of this AD: Within 30 days after the effective date of this AD, modify the support structure of the cargo liner, in accordance with McDonnell Douglas MD-11 Alert Service Bulletin MD11-38A044, dated March 22, 1995, or Revision 1, dated June 30, 1995.

(c) As of May 2, 1995, the support structure of the cargo liner on any airplane must be modified in accordance with McDonnell Douglas Alert Service Bulletin MD11-38A044, dated March 22, 1995, or Revision 1, dated June 30, 1995, prior to installing a vacuum waste exhaust port heater, P/N 62-5745, in accordance with McDonnell Douglas MD-11 Service Bulletin 38-15, dated October 23, 1992.

(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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Note 3: Alternative methods of compliance previously granted for AD 95-08-09, amendment 39-9198, continue to be considered as acceptable alternative methods of compliance with this amendment.

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

(f) The modification shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11-38A044, dated March 22, 1995; or McDonnell Douglas Alert Service Bulletin MD11-38A044, Revision 1, dated June 30, 1995. Incorporation by reference of the former service bulletin was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of May 2, 1995 (60 FR 19158, April 17, 1995). Incorporation by reference of the latter service bulletin was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801-1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2-98. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on October 27, 1995.

Issued in Renton, Washington, on October 2, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-24903 Filed 10-11-95; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 357 and 382

[Docket No. RM95-12-000; Order No. 583]

Minimum Filing Requirements for FERC Form No. 6, Annual Report for Oil Pipelines; Final Rule

Issued October 3, 1995.

AGENCY: Federal Energy Regulatory Commission (Commission).

ACTION: Final rule.

SUMMARY: The Commission in this order revises the filing requirements for FERC Form 6, Annual Report of Oil Pipeline

Companies, and exempts certain oil pipeline companies with minimal jurisdictional revenues from the requirement for paying annual charges. The Commission exempts from the requirements to prepare and file Form 6, those pipelines whose jurisdictional operating revenues are at or below \$350,000 for each of the three preceding calendar years. Those companies that will be exempt from filing Form 6 must nevertheless prepare and file, for each reporting year, page 700, "Annual Cost of Service Based Analysis Schedule," of Form 6. The Commission also relieves those companies not required to file Form 6 from the obligation to pay annual charges to the Commission.

EFFECTIVE DATE: Section 357.2 is effective on January 1, 1995 and § 382.102 is effective on November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Harris S. Wood, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, Telephone: (202) 208-0696.

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, 941 North Capitol Street NE., Washington, DC 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 (808) 856-3920. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400 or 1200bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS in ASCII and WordPerfect 5.1 format. 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 NE., Washington, DC 20426.

Order No. 583—Final Rule

Issued October 3, 1995.

Before Commissioners: Elizabeth Anne Moler, Chair; Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr.

The Federal Energy Regulatory Commission (Commission) in this order revises the filing requirements for FERC

Form 6, Annual Report of Oil Pipeline Companies (Form 6), and exempts certain oil pipeline companies with minimal jurisdictional revenues from the requirement for paying annual charges. The change establishing the minimum filing threshold for Form 6 will become effective on January 1, 1995 and the change to the annual charges regulations will become effective, 30 days after the publication of a final rule in this proceeding in the Federal Register, for fiscal year 1996.

The Commission exempts from the requirements to prepare and file Form 6, those pipelines whose jurisdictional operating revenues are at or below \$350,000 for each of the three preceding calendar years.¹ For the reasons appearing below, those companies that will be exempt from filing Form 6 must nevertheless prepare and file, for each reporting year, page 700, "Annual Cost of Service Based Analysis Schedule," of Form 6.²

The Commission also relieves those companies not required to file Form 6 from the obligation to pay annual charges to the Commission.

I. Background

Order No. 561³ was issued on October 22, 1993, to comply with the Energy Policy Act of 1992 (Act of 1992),⁴ which required that the Commission establish a simplified and generally applicable method of oil pipeline rate regulation. Thereafter, on October 28, 1994, the Commission issued Order No. 571, which established certain filing requirements for oil pipelines seeking cost-of-service rate treatment and promulgated changes to Form 6.⁵

The Commission's regulations currently require each jurisdictional oil pipeline company to submit Form 6 annually, reflecting the operating results and the financial condition of the company involved, irrespective of the level of jurisdictional operations.⁶

¹ Notwithstanding the threshold exemption from filing FERC Form No. 6, all jurisdictional oil pipelines will continue to be subject to the Commission's accounting and recordkeeping requirements (e.g., 18 CFR Parts 351, 352, and 356.)

² When filing page 700, each exempt pipeline must also submit page 1 of Form 6. This page includes the Identification and Attestation schedules of Form 6.

³ Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992, Order No. 561, III FERC Stats. & Regs. ¶ 30,985 (1993); Order on Rehearing, Order No. 561-A, III FERC Stats. & Regs. ¶ 31,000 (1994).

⁴ 42 U.S.C. 7172 note (West Supp. 1993).

⁵ Cost-of-Service Reporting and Filing Requirements for Oil Pipelines, III FERC Stats. & Regs. ¶ 31,006 (1994).

⁶ 18 CFR 357.2.

II. Public Reporting Burden

The Commission estimates the public reporting burden for the collection of information under this final rule will be reduced for Form 6 by about 18 percent. These estimates include the time for reviewing instructions, researching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The current annual reporting burden of these information collection requirements is 22,572 hours, 148 responses, and 148 respondents.⁷

The final rule will reduce the existing reporting burden associated with Form 6 by an estimated 4,128 hours annually, or an average of 129 hours per response based on an estimated 32 oil pipelines who will be exempt from the filing requirements of Form 6 but not from the filing requirements of page 700.

Comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing this burden, can be sent to the Federal Energy Regulatory Commission, 941 North Capitol Street, N.E., Washington, DC 20426 [Attention: Michael Miller, Information Services Division, (202) 208-1415]; and to the Office of Information and Regulatory Affairs of OMB (Attention: Desk Officer for Federal Energy Regulatory Commission), FAX: (202) 395-5167.

III. The Notice of Proposed Rulemaking

On June 8, 1995, the Commission issued a notice of proposed rulemaking (NOPR) in this docket, proposing to exempt from the requirements to file Form 6, those pipelines with annual jurisdictional revenues of \$100,000 or less in each of the past three years, and to exempt such pipelines from payment of annual fees.⁸ The Commission stated that the statistical information needed to carry out its responsibilities under the Interstate Commerce Act and the Energy Policy Act of 1992 would not be significantly impacted by exempting such oil pipelines from preparing and filing Form 6. Moreover, the annual charges paid by such companies would be *de minimis*. The burden on these companies would be considerably eased by adoption of such a rule as proposed. The Commission proposed to require that the exempt companies be required to prepare and file page 700 of Form 6, however, since this page is an integral

⁷ These numbers are based on an average of respondents expected to file Form 6. The number of respondents actually filing the Form 6 may vary slightly each year.

⁸ IV FERC Stats. & Regs. ¶ 32,515 (1995); 60 FR 31262, June 14, 1995.

part of the Commission's data collection efforts to ensure that the index prescribed by Order No. 561 properly tracks industry costs. Page 700 provides shippers with the necessary information to serve as a preliminary screening tool for pipeline rate filings. It is designed to enable shippers to compare proposed changes in rates against the change in the level of a pipeline's cost of service, to compare the change in a shipper's individual rate with the change in a pipeline's average company-wide barrel-mile rate, and to determine whether to challenge a pipeline's indexed rate increase filings. As such, page 700 provides the Commission and the public with information beyond the financial and accounting data found in the rest of Form 6. Because the information found on page 700 is not readily available elsewhere, the Commission proposed to require those pipelines that would be exempt from filing Form 6 to prepare and file page 700 at the time that other pipelines are required to file Form 6 (i.e., on or before March 31 of each year for the previous calendar year).

Comments on the NOPR were received from Mitchell Energy Corporation (MEC) and NGC Energy Resources, Limited Partnership (NER). MEC strongly supported the Commission's proposed rule. NER generally supported the proposed rule, but suggested that it be revised to increase, from \$100,000 to \$250,000, the minimum annual jurisdictional operating revenue threshold for exempting oil pipelines from filing Form 6. For the reasons appearing below, the Commission will increase the reporting threshold proposed in the NOPR to \$350,000.

IV. Discussion

Form 6 provides the Commission with financial and operational data for the proper administration of the Commission's responsibilities for rate regulation of oil pipelines under the Interstate Commerce Act, as amended,⁹ and the Act of 1992. The Commission proposed to establish a filing threshold for Form 6 based on the annual jurisdictional operating revenues of an oil pipeline company.

Analysis of the 146 oil pipelines that filed Form 6 for the 1993 reporting year indicates that, at the \$100,000 minimum threshold level for filing Form 6, 22 oil pipelines, or 15 percent of the 1993 total, had jurisdictional operating revenues at or below this level. At the \$350,000 level, 32 oil pipelines, or 22 percent of the 1993 total, had

jurisdictional operating revenues at or below this level.

NER urged the Commission to raise the minimum threshold level to \$250,000, asserting that companies with operational revenues of less than \$250,000 have relatively minimal jurisdictional transactions, and that the Commission's statistical data will not be measurably compromised by exempting these pipelines from reporting requirements. In addition, NER asserted that increasing the threshold level will not substantially increase the number of exempt pipelines.

The Commission agrees with NER that it should increase the threshold above what it proposed in the NOPR in this proceeding. However, the Commission will adopt \$350,000 as the threshold. We conclude that exempting pipelines under this threshold would not compromise the Commission's ability to gather meaningful data upon which to base its regulation of the oil pipeline industry. Therefore, the Commission will exempt from the requirements of filing Form 6 those oil pipelines with annual jurisdictional operating revenues of \$350,000 or less for each of the immediately preceding three reporting years.

A pipeline will be exempt from preparing and filing FERC Form 6 if its jurisdictional operating revenues for the three calendar years immediately preceding the current reporting year were \$350,000 or less per reporting year. For a newly established pipeline without three years of operations, the company would use projected data to determine whether Form 6 needs to be filed.

No comments were received on any other aspect of the NOPR. For the reasons stated above and in the NOPR, the rules proposed, as modified to increase the threshold exemption to \$350,000, will be adopted as the final rule of the Commission in this proceeding.

V. Environmental Analysis

The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.¹⁰ The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.¹¹ The action taken here is procedural in nature and therefore falls

within the categorical exclusions provided in the Commission's regulations.¹² Therefore, neither an environmental impact statement nor an environmental assessment is necessary and will not be prepared in this rulemaking.

VI. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act¹³ generally requires the Commission to describe the impact that a final rule would have on small entities or to certify that the rule will not have a significant economic impact on a substantial number of small entities. An analysis is not required if a final rule will not have such an impact.¹⁴

Pursuant to section 605(b), the Commission certifies that the final rule will not have a significant economic impact on a substantial number of small entities. The final rule will relieve small entities of the burden of preparing and filing annual reports and of paying annual charges to the Commission.

VII. Information Collection Requirements

Office of Management and Budget (OMB) regulations require OMB to approve certain information collection requirements imposed by agency rules.¹⁵ While these rules and amendments contain no new information collection requirements, the final rule will revise and reduce the reporting requirements under existing Form 6. The Commission uses the data collected under Form 6 to monitor the financial and operating data of oil pipeline companies subject to its jurisdiction, and to assist in determining the reasonableness of rates.

Because of the revisions and expected reduction in public reporting burden under Form 6, the Commission is submitting a copy of the final rule to OMB for its review and approval. No person required to file page 700 of Form 6 shall be penalized for failure to respond to this collection of information unless the collection of information displays a valid OMB control number. Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 941 North Capitol Street NE, Washington, D.C. 20426 [Attention: Michael Miller, Information Policy and Standards Branch, (202) 208-1415, FAX (202) 208-2425]; and to the Office of Information

¹⁰ Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (Dec. 17, 1987), FERC Statutes and Regulations, Regulations Preambles 1986-1990 ¶30,783 (1987).

¹¹ 18 CFR 380.4.

¹² See 18 CFR 380.4(a)(2)(ii).

¹³ 5 U.S.C. 601-612.

¹⁴ 5 U.S.C. 605(b).

¹⁵ 5 CFR 1320.13.

⁹ 49 App. U.S.C. 1, *et seq.* (1988).

and Regulatory Affairs, Office of Management and Budget (Attention: Desk Officer for Federal Energy Regulatory Commission), Washington, D.C. 20503.

VIII. Dates

This final rule will apply on January 1, 1995 for the change establishing the minimum filing for Form 6 and the requirement that exempted pipelines annually prepare and file page 700 of Form 6. The change to the annual charges regulations will apply on November 13, 1995 for fiscal year 1996.

List of Subjects

18 CFR Part 357

Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 382

Administrative practice and procedure, Electric utilities, Pipelines, Reporting and recordkeeping requirements.

By the Commission.
Lois D. Cashell,
Secretary.

In consideration of the foregoing, parts 357 and 382, chapter I, title 18, Code of Federal Regulations, are amended as set forth below.

PART 357—ANNUAL SPECIAL OR PERIODIC REPORTS: CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

1. The authority citation for part 357 is revised to read as follows:

Authority: 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

2. Section 357.2 is revised to read as follows:

§ 357.2 FERC Form No. 6, Annual Report of Oil Pipeline Companies.

Each pipeline carrier subject to the provisions of section 20 of the Interstate Commerce Act whose annual jurisdictional operating revenues has been more than \$350,000 for each of the three previous calendar years must prepare and file with the Commission copies of FERC Form No. 6, "Annual Report of Oil Pipeline Companies," pursuant to the General Instructions set out in that form. This report must be filed on or before March 31st of each year for the previous calendar year. Newly established entities must use projected data to determine whether FERC Form No. 6 must be filed. One copy of the report must be retained by the respondent in its files. The conformed copies may be produced by any legible means of reproduction.

Notwithstanding the exemption provided above, those carriers exempt from filing Form No. 6 must prepare and file page 700, "Annual Cost of Service Based Analysis Schedule," of FERC Form No. 6 on or before March 31 of each year for the previous calendar year, beginning with the year ending December 31, 1995. When submitting page 700, each exempt carrier must submit page 1 of Form No. 6, the Identification and Attestation schedules.

PART 382—ANNUAL CHARGES

3. The authority citation for part 382 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

4. Section 382.102(c) is revised to read as follows:

§ 382.102 Definitions.

* * * * *

(c) *Oil pipeline company* means any person engaged in the transportation of crude oil and petroleum products subject to the Commission's jurisdiction under the Interstate Commerce Act with annual operating revenues greater than \$350,000 in any of the three calendar years immediately preceding the fiscal year for which the Commission is assessing annual charges.

* * * * *

[FR Doc. 95–25096 Filed 10–11–95; 8:45 am]
BILLING CODE 6717–01–P

INTERNATIONAL TRADE COMMISSION

19 CFR Part 210

Final Rulemaking Concerning Federal Register Notices and Service of Documents on Other Agencies

AGENCY: International Trade Commission.

ACTION: Final rulemaking.

SUMMARY: The Commission hereby revises certain final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The revisions are intended to increase the economy and efficiency of the section 337 process by eliminating the Federal Register publication requirement for certain notices that are not required by law and reducing the number of documents served on other agencies pursuant to section 337(b)(2).

DATES: In accordance with the 30-day advance publication requirement

imposed by 5 U.S.C. 553(d), the effective date of these revised rules is November 13, 1995.

FOR FURTHER INFORMATION CONTACT: P.N. Smithy, 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

In Audit Report No. IG–03–94, Review of Ways to Increase the Economy and Efficiency of the Process for Conducting Section 337 Investigations (Aug. 19, 1994), the Inspector General (IG) recommended that the Commission cease publication of section 337 Federal Register notices that are not required by law. The IG also recommended that the Commission cease routinely serving various section 337 documents on other Federal agencies.

The Commission subsequently made a policy decision to halt publication of many, but not all, notices that are not required by law. The Commission also decided that fewer documents should be served on other agencies.

To implement the proposed changes on an interim basis, Chairman Peter S. Watson issued administrative orders suspending the relevant Commission interim and final rules. See Administrative Orders 95–11 and 95–12 (Mar. 21, 1995). The Chairman also sent letters announcing the interim and proposed permanent publication and distribution changes to interested Federal agencies. To obtain comments from the public, the Commission published a notice of proposed rulemaking in the Federal Register.¹ 60 FR 16082 (Mar. 29, 1995) (the March 29, 1995 Notice).

The Comments

The Commission received comments from the U.S. Department of Justice and the International Trade Commission Trial Lawyers Association (ITCTLA). The Justice Department expressed approval of the Commission's plan for reducing the number of documents served on other agencies. Justice also endorsed having section 337 documents available through the Internet.

The ITCTLA commented that having section 337 notices and other section 337 documents available on the

¹ See the Commission's March 25, 1995 notice for a complete discussion of the purpose and effect of the rulemaking changes adopted herein.