

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 342****[Docket No. RM10–25–000]****Five-Year Review of Oil Pipeline Pricing Index**

June 15, 2010.

**AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Notice of Inquiry.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) invites comments on its five-year review of the oil pipeline pricing index established in *Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992*, Order No. 561, FERC Stats. & Regs. [Regs. Preambles, 1991–1996] ¶ 30,985 (1993). Specifically, the Commission proposes to use the Producer Price Index for Finished Goods (PPI) plus 1.3 percent (PPI+1.3) as the index for annual changes to the oil pipeline rate ceiling over the five-year period commencing July 1, 2011. Commenters are invited to submit and justify alternatives to the continued use of PPI+1.3.

**DATES:** Written comments on this Notice of Inquiry are due on August 20, 2010. Reply comments must be received by the Commission 30 days after the filing date for initial comments.

**ADDRESSES:** You may submit comments, identified by docket number by any of the following methods:

- *Agency Web Site:* <http://www.ferc.gov>. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

- *Mail/Hand Delivery:* Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

**FOR FURTHER INFORMATION CONTACT:** Michael Lacy (Technical Information), Office of Energy Market Regulation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8843; Andrew R. Knudsen (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–6527.

**SUPPLEMENTARY INFORMATION:****Notice of Inquiry**

1. In this notice of inquiry (NOI), the Commission invites comments on its intended utilization of the Producer Price Index for Finished Goods (PPI)<sup>1</sup> plus 1.3 percent (PPI+1.3) as the index for determining annual changes to the oil pipeline rate ceiling during the next five years beginning July 1, 2011.<sup>2</sup> The index of PPI+1.3 was previously adopted by the Commission for the five-year period starting July 1, 2006.<sup>3</sup> The Commission proposes to continue to apply the index of PPI+1.3 to an oil pipeline's existing rate ceiling level to determine the rate ceiling level for the next year.<sup>4</sup>

**I. Background**

2. In Order No. 561, the Commission established an index methodology to regulate changes to oil pipeline rates and adopted an index of PPI minus one percent (PPI–1) as the most appropriate index to track oil pipeline industry cost changes from one year to the next. The Commission also undertook to review every five years the continued effectiveness of its index for tracking changes to oil pipeline industry costs.

3. After its initial five-year review, the Commission adopted PPI, without the (–1) percent adjustment, as the appropriate index for tracking oil pipeline industry costs for the five-year period beginning July 2001.<sup>5</sup> In its second five-year review of the oil pricing index, the Commission adopted an index of PPI+1.3 for the five-year period commencing July 1, 2006.<sup>6</sup>

<sup>1</sup> The PPI represents the Producer Price Index for Finished Goods, also written PPI–FG. The PPI–FG is determined and issued by the Bureau of Labor Statistics, U.S. Department of Labor. Pursuant to 18 C.F.R. section 342.3(d)(2) (2009), “The index will be calculated by dividing the PPI–FG for the calendar year immediately preceding the index year by the previous calendar year’s PPI–FG.” Multiplying the rate ceiling on June 30 of the index year by the resulting number gives the rate ceiling for the year beginning the next day, July 1.

<sup>2</sup> The five-year review process was established in Order No. 561. See *Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992*, FERC Stats. & Regs. [Regs. Preambles, 1991–1996] ¶ 30,985 (1993); *order on reh’g*, Order No. 561–A, FERC Stats. & Regs. [Regs. Preambles, 1991–1996] ¶ 31,000 (1994), *affirmed*, *Association of Oil Pipelines v. FERC*, 83 F.3d 1424 (D.C. Cir. 1996).

<sup>3</sup> *Order Establishing Index for Oil Price Change Ceiling Levels*, 114 FERC ¶ 61,293 (2006).

<sup>4</sup> The Commission publishes the final annual change in the PPI–FG, expressed as a percent, after the final PPI–FG becomes available from the Bureau of Labor Statistics, U.S. Department of Labor in May of each calendar year. Pipelines are required to calculate the new ceiling level applicable to their indexed rates based on this annual change.

<sup>5</sup> *Five-Year Review of Oil Pipeline Pricing Index*, 102 FERC ¶ 61,195 (2003), *affirmed*, *Flying J Inc., et al., v. FERC*, 363 F.3d 495 (DC Cir. 2004).

<sup>6</sup> *Order Establishing Index for Oil Price Change Ceiling Levels*, 114 FERC ¶ 61,293.

**II. Proposal and Comments**

4. The Commission proposes to continue to utilize PPI+1.3 for the next five-year period as the index to track changes to the costs of the oil pipeline industry and to apply to rate ceiling levels for oil pipeline rate changes. The Commission invites interested persons to submit comments on the continued use of PPI+1.3 and to propose, justify, and fully support, any alternative indexing proposals.

**III. Comment Procedures**

5. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due August 20, 2010. Comments must refer to Docket No. RM10–25–000, and must include the commenters' name, the organization they represent, if applicable, and their address.

6. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

7. Commenters that are not able to file comments electronically must send an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Office of the Secretary, 888 First Street, NE., Washington, DC 20426.

8. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

**IV. Document Availability**

9. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5 p.m. Eastern time) at 888 First Street, NE., Room 2A, Washington, DC 20426.

10. From the Commission's Home Page on the Internet, this information is

available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

11. User assistance is available for eLibrary and the Commission's Web site during normal business hours from FERC Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or e-mail at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. E-mail the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

By direction of the Commission.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

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**BILLING CODE 6717-01-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 19 CFR Part 351

[Docket No. 100602237-0250-02]

#### Import Administration IA ACCESS Pilot Program

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Public notice and request for comments; correction.

**SUMMARY:** On Tuesday, June 8, 2010, the Department of Commerce (the Department) published the Public Notice and Request for Comments for Import Administration IA ACCESS Pilot Program in the **Federal Register**. The reference to the ITA docket number is incorrect. This document corrects that number. The June 8 document also stated that all comments should refer to RIN 0625-AA84. That RIN number is not applicable to the notice and need not be included in the comments.

**FOR FURTHER INFORMATION CONTACT:** Evangeline Keenan, Acting APO/Dockets Unit Director, Import Administration, APO/Dockets Unit, Room 1870, U.S. Department of Commerce, Constitution Avenue and 14th Street, NW., Washington, DC 20230; telephone: (202) 482-9157.

**SUPPLEMENTARY INFORMATION:** On Tuesday, June 8, 2010, the Department of Commerce (the Department) published the Public Notice and Request for Comments for Import Administration IA ACCESS Pilot

Program in the **Federal Register** at 75 FR 32341. The reference to the Docket No. ITA-2010-XXXX, which is provided to assist the public in submitting comments in Regulations.gov, is incorrect. The Department publishes this notice to correct this number.

Accordingly, in FR Doc. 2010-13733, at page 32341 in the June 8, 2010, issue of the **Federal Register**, under the **ADDRESSES** section in the middle column, correct "Docket No. ITA-2010-XXXX" to read "Docket No. ITA-2010-0002."

Furthermore, in the same paragraph, that notice stated that all comments should refer to RIN 0625-AA84. That RIN number is not applicable to the notice and need not be included in the comments.

Dated: June 15, 2010.

**Paul Piquado,**

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 2010-14940 Filed 6-18-10; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 938

[PA-155-FOR; OSM 2010-0003]

#### Pennsylvania Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

**SUMMARY:** OSM is announcing receipt of a request (Administrative Record No. 844.14) to remove a required amendment to the Pennsylvania regulatory program (the "Pennsylvania program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Pennsylvania has provided a rationale that it believes supports the position that the required amendment related to specific information (cessation orders) for permit applications should be removed.

This document gives the times and locations that the Pennsylvania program and this submittal are available for your inspection, the comment period during which you may submit written comments, and the procedures that we will follow for the public hearing, if one is requested.

**DATES:** We will accept written comments until 4 p.m., *e.s.t.* July 21, 2010. If requested, we will hold a public hearing on July 16, 2010. We will accept requests to speak until 4 p.m., *e.s.t.* on July 6, 2010.

**ADDRESSES:** You may submit comments, identified by "PA-155-FOR; Docket ID: OSM-2010-0003" by either of the following two methods:

*Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). The proposed rule has been assigned Docket ID: OSM-2010-0003. If you would like to submit comments through the Federal eRulemaking Portal, go to [www.regulations.gov](http://www.regulations.gov) and follow the instructions.

*Mail/Hand Delivery/Courier:* Mr. George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, 415 Market St., Suite 304, Harrisburg, PA 17101.

*Instructions:* For detailed instructions on submitting comments and additional information on the rulemaking process, see the "Public Comment Procedures" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* In addition to obtaining copies of documents at [www.regulations.gov](http://www.regulations.gov), information may also be obtained at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Pittsburgh Field Division Office at:

OSM's Pittsburgh Field Division Office, George Rieger, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, 415 Market St., Suite 304, Harrisburg, Pennsylvania 17101, Telephone (717) 782-4036, *E-mail:* [grieger@osmre.gov](mailto:grieger@osmre.gov).

William S. Allen Jr., Acting Director, Bureau of Mining and Reclamation, Pennsylvania Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 8461, Harrisburg, Pennsylvania 17105-8461, Telephone: (717) 787-5015, *E-mail:* [wallen@state.pa.us](mailto:wallen@state.pa.us).

**FOR FURTHER INFORMATION CONTACT:** George Rieger, Telephone: (717) 782-4036. *E-mail:* [grieger@osmre.gov](mailto:grieger@osmre.gov).

#### **SUPPLEMENTARY INFORMATION:**

- I. Background on the Pennsylvania Program
- II. Description of the Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations