

34-6), dated December 1997; Revision 1, dated January 1998; or Revision 2, dated April 1998; is considered acceptable for compliance with the applicable action specified in this amendment.

(e) 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, Seattle 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, Seattle ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) 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 airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on October 19, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98-28538 Filed 10-23-98; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 3, 341, 342, 343, 346, 357, 362 and 385

[Docket No. RM99-1-000]

Revisions to Oil Pipeline Regulations

October 20, 1998.

AGENCY: Federal Energy Regulatory Commission. DOE.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is proposing to revise its regulations governing oil pipelines. The goals of these proposed revisions are to clarify the Commission's regulations and bring them up to date.

DATES: Comments are due November 25, 1998.

ADDRESSES: Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Travis R. Smith, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (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 the Public Reference Room at 888 First Street, NE., Room 2A, Washington, DC 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Homepage (<http://www.ferc.fed.us>) using the CIPS Link or the Energy Information Online icon. The full text of this document will be available on CIPS in ASCII and WordPerfect 6.1 format. CIPS is also available through the Commission's electronic bulletin board service at no charge to the user and may be accessed using a personal computer with a modem by dialing 202-208-1397, if dialing locally, or 1-800-856-3920, if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. User assistance is available at 202-208-2474 or by E-mail to CipsMaster@FERC.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202-208-2222, or by E-mail to RimsMaster@FERC.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc., is located in the Public Reference Room at 888 First Street, NE., Washington, DC 20426.

The Federal Energy Regulatory Commission (Commission) has reviewed its regulations governing oil pipelines and has determined that various provisions are either outdated or in conflict with other oil pipeline regulations. Accordingly, the Commission is proposing to revise 18 CFR parts 341, 342, 343, and 346 to remove these provisions. The Commission is also proposing to revise 18 CFR parts 3, 357, 362, and 385. The goals of these proposed revisions are to clarify the Commission's regulations and bring them up to date.

I. Background

Jurisdiction over oil pipelines, as it relates to the establishment of rates or charges for the transportation of oil by pipeline or to the establishment of valuations for pipelines, was transferred from the Interstate Commerce Commission (ICC) to the Commission pursuant to sections 306 and 402 of the Department of Energy Organization Act (DOE Act).¹ At the time the DOE Act transferred jurisdiction over oil pipeline rates to the Commission, the regulations governing oil pipelines were located in the ICC's regulations at Title 49 of the Code of Federal Regulations (CFR). Initially, the Commission ordered that the regulations concerning oil pipelines remain in effect until modified by the Commission. In Order No. 119,² the Commission started transferring some of the ICC's oil pipeline regulations from Title 49 of the Code of Federal Regulations to the Commission's regulations in Title 18, parts 357³ and 362⁴ were among some of the Commission's current regulations that were adopted from this initial transfer. In Order No. 225,⁵ the Commission adopted the ICC's rules pertaining to paper hearings called the "modified procedure," currently codified at 18 CFR sections 385.1404 through 385.1414, and to *ex parte* communications, presently located at 18 CFR 385.1415, from 49 CFR part 1100. Also, pursuant to Order No. 225, the Commission moved all of its Rules of Practice and Procedure from 18 CFR part 1 to 18 CFR part 385. Notwithstanding some limited revisions, most of the provisions in parts 357, 362, and 385 are the same as they were in Title 49.

The Energy Policy Act of 1992 (Act of 1992) required the Commission to promulgate new regulations to provide a simplified and generally applicable ratemaking methodology for oil pipelines, and to streamline its procedures in oil pipeline proceedings.⁶

¹ Department of Energy Organization Act, 42 U.S.C. 7155 and 7172(b) (1988).

² Regulation of Interstate Oil Pipelines, Order No. 119, 46 FR 9043 (January 28, 1981), FERC Stats. & Regs. (Regulations Preambles, 1977-1981) ¶ 30,226 (May 5, 1981).

³ Part 357 addresses the annual special or periodic reports that carriers subject to Part I of the Interstate Commerce Act are required to file.

⁴ Part 362 sets forth the various requirements for valuation.

⁵ Revisions of Rules of Practice and Procedure to Expedite Trial-Type Hearings, Order No. 225, 47 FR 19014 (May 3, 1982), FERC Stats. & Regs. (Regulations Preambles, 1982-1985) ¶ 30,358 (January 18, 1983).

⁶ The Energy Policy Act of 1992 (Act of 1992) contemplated two rulemakings—one on ratemaking

Pursuant to Congress' directive in the Act of 1992, the Commission issued Order No. 561⁷ and two companion rulemakings, Order Nos. 571⁸ and 572.⁹ In Order No. 561, the Commission established a simplified and generally applicable way for oil pipelines to change their rates and also provided alternatives to this methodology. In Order No. 571, the Commission addressed a cost-of-service rate filing alternative for oil pipelines. In Order No. 572, the Commission addressed market-based rates for oil pipelines. These rulemakings also included new rate filing requirements and procedural reforms to reflect the new ratemaking methodologies, and streamlined the Commission's internal processes for oil pipelines.

At the time the Commission adopted changes to its ratemaking methodologies and procedural requirements, it intended that its new regulations would supersede existing procedural rules that were in conflict and do away with those that were no longer necessary, such as those describing the modified procedure. The final rules, however, did not take steps to remove these outdated regulations. As a result, the current Commission regulations governing oil pipelines include both recent provisions adopted or modified pursuant to the Act of 1992 and conflicting regulations adopted from the ICC which have been superseded and thus are inconsistent. Consequently, the Commission is proposing to revise 18 CFR parts 341, 342, 343, and 346 to remove outdated and conflicting regulations. The Commission is also proposing to revise 18 CFR parts 3, 357, 362, and 385 to

methodology and another on streamlined procedures—and established separate deadlines for their completion. Energy Policy Act of 1992 Pub. L. 102-46, Title XVIII, 1801 to 1804, 106 Stat. 2776, 3010-3011 (codified as 42 U.S.C.A. 7172 note (West Supp. 1995)).

⁷ Revisions to Oil Pipeline Regulations pursuant to Energy Policy Act of 1992, Order No. 561, 58 FR 58753 (November 4, 1993), FERC Stats. & Regs. (Regulations Preambles, 1991-1996) ¶ 30,985 (October 22, 1993), *order on rehearing and clarification*, Order No. 561-A, 59 FR 40243 (August 8, 1994) FERC Stats. & Regs. (Regulations Preambles, 1991-1996) ¶ 31,000 (July 28, 1994).

⁸ Cost-of-Service Reporting and Filing Requirements for Oil Pipelines, Order No. 571, 59 FR 59137 (November 16, 1994) FERC Stats. & Regs. (Regulations Preambles, 1991-1996) ¶ 31,006 (October 28, 1994), *order on rehearing and clarification*, Order No. 571-A, 60 FR 356 (January 4, 1995) FERC Stats. & Regs. (Regulations Preambles, 1991-1996) ¶ 31,012 (December 28, 1994).

⁹ Market-Based Ratemaking for Oil Pipelines, Order No. 572, 59 FR 59148 (November 16, 1994), FERC Stats. & Regs. (Regulations Preambles, 1991-1996) ¶ 31,007 (October 28, 1994), *order denying rehearing*, Order No. 572-A, 69 FERC ¶ 61,412 (December 28, 1994).

conform them to the other proposed changes.

II. Public Reporting Burden

The Commission believes that there will be no impact on the public reporting burden from the elimination of outdated and nonessential regulations, and the related modification of other regulations. Because the regulations being removed are outdated, they effectively ceased being a reporting burden years ago. As for the regulations being modified, they are simply clarifying, not augmenting, reporting requirements.

III. Discussion

A. Part 341

Part 341 relates to the requirements for preparing, filing, and withdrawing oil pipeline tariffs. Section 341.6(3) pertains to the rules for partial adoption by a carrier of another carrier's tariffs. The Commission proposes to amend this section by removing duplicative language from the provision which now requires a carrier to state the effective date of an adoption notice twice in a tariff supplement required to be filed with the Commission.

Section 341.7 addresses the requirements for concurrences. The Commission is proposing a modification of this section to specify the information that should be included in letters of transmittal accompanying the filing of a tariff publication containing a joint carrier. Under the proposed revision, letters of transmittal would be required to include the address, phone number, and contact for each joint carrier listed in the tariff publication. This is information that the Commission, as a routine matter, has required carriers to submit. Including it as part of the regulations will inform carriers that such information must be included with their filings and make it unnecessary for carriers to supplement their filings later.

B. Part 342

Part 342 pertains to the methods that may be used to establish initial rates, or change existing rates. To be more specific, § 342.3 discusses rate changes under the indexing methodology. Section 342.3(b)(1) currently provides:

Carriers must specify in their letters of transmittal required in § 341.2(c) of this chapter the rate schedule to be changed, the proposed new rate, the prior rate, and the applicable ceiling level for the movement. No other rate information is required to accompany the proposed rate change.

Under the proposed revisions in this Notice of Proposed Rulemaking (NOPR), this section would require carriers filing

for rate changes to also include the prior rate ceiling level, in addition to the other information specified, in their letters of transmittal. It is the Commission's position that including the prior ceiling level will provide necessary information for the calculation of the index ceiling levels.

Section 342.3(b)(2) addresses the information required to be filed by carriers with their initial rate changes. It currently reads as follows:

On March 31, 1995, or concurrently with its first indexed rate change filing made on or after January 1, 1995, whichever first occurs, carriers must file a verified copy of a schedule for calendar years 1993 and 1994 containing the information required by page 700 of the 1995 edition of FERC Form No. 6. If actual data are not available for calendar year 1994 when the rate change filing is made, the information for calendar year 1994 must be comprised of the most recently available actual data annualized for the year 1994. A schedule containing the information comprised of actual data for calendar year 1994 must be filed not later than March 31, 1995. Thereafter, carriers must file page 700 as a part of their annual Form No. 6 filing.

This section directs carriers to file schedules containing the information required by page 700 of the 1995 edition of FERC Form No. 6. on March 31, 1995, or concomitantly with its first indexed rate change filing made on or after January 1, 1995, whichever occurs first. Because the one-time need for the requirements of this section has passed, the Commission proposes to delete it in its entirety.

Section 342.3(d)(3) states that a carrier must compute its ceiling level each index year without regard to the rates filed pursuant to this section. In *Kaneb* and subsequent proceedings,¹⁰ the Commission explained that because there are numerous pipelines that file rates measured in hundredths of a cent, all ceiling level calculations for all pipelines should be rounded¹¹ to the nearest hundredth of a cent, *i.e.*, to two decimal places. As this explanation applies to all calculations by all carriers under § 342.3, the Commission proposes to add this explanation to the regulations to assist carriers in making accurate and complete filings.

C. Part 343

Part 343 discusses procedural matters related to oil pipeline proceedings under part 342. Section 343.2 describes

¹⁰ *Kaneb Pipeline Operating Partnership, L.P.*, 71 FERC ¶ 61,409 (1995).

¹¹ If the third decimal place number is five or more, the second decimal number should be rounded up; if the third decimal place number is four or less, the second decimal place number should be rounded down. *Kaneb Pipeline*, 71 FERC ¶ 61,409 (1995), at p. 62,617. n.6.

the requirements for filing interventions, protests, and complaints. The Commission is proposing to correct § 343.2(c)(4) so that it references paragraphs (c)(1), (2), or (3) within the section, rather than paragraphs (b)(1), (2), or (3) as at present.

D. Part 346

Part 346 sets forth the filing requirements for oil pipelines that seek to establish cost-of-service rates as permitted under part 342. Section 346.2(c)(7) states in part: "If the presently effective rates are not at the maximum ceiling rate established under § 342.4(a) of this chapter, then gross revenues must also be computed and set forth as if the ceiling rates were effective for the 12 month period." Under the proposed revisions in this NOPR, § 346.2(c)(7) would be revised to correctly reference § 342.3, which is the section that sets forth the indexing methodology, rather than § 342.4(a), which describes cost-of-service rates.

E. Part 357

Part 357 concerns the annual special or periodic reports that carriers subject to Part I of the Interstate Commerce Act are required to file. § 357.3(a), (b), and (c) discuss the filing requirements for FERC Form No. 73. In Order No. 561, the Commission stated that it would be the oil pipeline carriers' responsibility in the future to perform depreciation studies to establish revised depreciation rates for oil pipelines. The specific requirements for such studies were adopted as part 347 of the Commission's regulations in Order No. 571. Section 347.1(e)(5)(x) provides that a carrier must submit a Service Life Data Form (FERC Form No. 73) if the proposed depreciation rate adjustment is based on the remaining physical life of the properties. The Commission is proposing that § 357.3(a) and (b), which address who must file FERC Form No. 73 and when the form must be submitted, be revised to include filings under § 347.1(e)(5)(x). The Commission also proposes to revise § 357.3(c) to update its mailing address.

F. Part 362

Part 362 sets forth the various requirements for valuation. Part 362 came into being as a result of Order No. 119,¹² which transferred the ICC's valuation section, in addition to several other sections pertaining to oil pipelines, from its regulations located at Title 49 of the Code of Federal

Regulations to the Commission's regulations at Title 18. In Opinion No. 154,¹³ the Commission intimated that it was considering abandoning the traditional ICC valuation formula; however, the Commission ultimately retained the valuation methodology. To the contrary, in Opinion No. 154-B,¹⁴ the Commission adopted a methodology that is currently used in many oil pipeline rate cases. This new methodology is predicated on a trended original cost (TOC) rate base and it does not follow the ICC's historic valuation rate base. Because Opinion No. 154-B rejects the valuation rate base methodology and thus eliminates the need for any valuation of oil pipelines, the filing of valuation reports as now required by part 362 is no longer necessary. As a result, the Commission is proposing to remove part 362 in its entirety from its regulations. Order No. 561 removed parts 360 and 361 pertaining to reporting of data for valuation purposes. The proposal here would complete the task of removing unnecessary valuation regulations.

G. Part 385

Part 385 governs the Commission's rules of practice and procedure. Section 385.101(b)(3) excepts ICC rules from Part 385 in cases where regulations in the Commission's Rules of Practice and Procedure are inconsistent with ICC rules that were not replaced by a Commission rule or order. Because the Commission has promulgated and codified its own rules governing oil pipelines, this section has become unnecessary; therefore, the Commission proposes to remove this section from its Rules of Practice and Procedure. Section 385.102(a), which defines "decisional authority" refers to authority or responsibility under "49 CFR Chapter X." As this is a reference to ICC regulations which have been replaced, the Commission proposes the removal of this section.

Section 385.1403 discusses the filing requirements for protests to tariff filings. This section is inconsistent with, and has been superseded by, § 343.3, which was adopted in Order No. 561. Accordingly, the Commission proposes to delete § 385.1403 from the Commission's rules of practice and procedure.

Penultimately, §§ 385.1405 through 385.1414 set out the modified procedure rules for oil pipeline proceedings. Specifically, the Commission can order a proceeding to be heard under a modified procedure if it appears that substantially all important issues of fact may be resolved by means of written materials without an oral hearing. These rules were adopted from the ICC's procedural regulations, 49 CFR part 1100, pursuant to Order No. 225.¹⁵ The regulations concerning the modified procedure have been superseded by, and are in conflict with, procedures and filing requirements in parts 342, 343, 346, and 347 adopted in Order Nos. 561, 571, and 572. The Commission will continue to use paper hearing procedures in individual cases where warranted. These procedures, however, are not used frequently enough to warrant continuing to include them in the regulations. Consequently, the Commission proposes to remove these regulations from the rules of practice and procedure. Since the Commission is proposing to remove the modified procedure rules, this NOPR is also proposing to remove § 385.101(b)(4)(i) because it excepts §§ 385.1404 through 1414 from Part 385.

Finally, some of the Commission's regulations still contain references to the now defunct Oil Pipeline Board. Section 385.102, the definitions section, contains Oil Pipeline Board references in paragraphs (a) and (e)(2). Part 3 pertains to organization, operation, information and requests. Section 385.502(a)(3), rules concerning the initiation of a hearing, contains an Oil Pipeline Board reference. Section 385.1902, rules for appealing staff action, also makes reference to the Oil Pipeline Board. Due to the fact that the Commission abolished the Oil Pipeline Board in Order No. 561, the Commission is proposing to revise the foregoing sections by removing all references to the Oil Pipeline Board.

IV. 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.¹⁶ The Commission has categorically excluded certain actions

¹² Regulation of Interstate Oil Pipelines, Order No. 119, 46 FR 9043 (January 28, 1981), FERC Stats. & Regs. (Regulations Preambles, 1977-1981) ¶ 30,226 (May 5, 1981).

¹³ *Farmers Union Central Exchange, Inc. v. FERC*, 734 F.2d 1486 (D.C. Cir. 1984), cert. denied sub nom., *Williams Pipeline Company v. Farmers Union Central Exchange, Inc.*, 105 S.Ct. 507 (1984). The Commission's opinion appears at 21 FERC ¶ 61,086 (1983).

¹⁴ *Williams Pipeline Company*, 31 FERC ¶ 61,377 (1985).

¹⁵ Revisions of Rules of Practice and Procedure to Expedite Trial-Type Hearings, Order No. 225, 47 FR 19014 (May 3, 1982), FERC Stats. & Regs. (Regulations Preambles, 1982-1985) ¶ 30,358 (January 18, 1983).

¹⁶ Order No. 486, Regulations Implementing the National Environmental Policy Act, 52 FR 47897 (December 17, 1987), FERC Stats. & Regs. (Regulations Preambles, 1986-1990) ¶ 30,783 (1987).

from these requirements as not having a significant effect on the human environment.¹⁷ The action proposed here is procedural in nature and therefore falls within the categorical exclusions provided in the Commission's regulations.¹⁸ Therefore, neither an Environmental Impact Statement nor an Environmental Assessment is necessary and will not be prepared in this rulemaking.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act¹⁹ generally requires the Commission to describe the impact that a proposed 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. The Commission certifies that promulgating this rule does not represent a major federal action having a significant economic impact on a substantial number of small entities. Therefore, no regulatory flexibility analysis is required.

VI. Information Collection Statement

Office of Management and Budget (OMB) regulations²⁰ require that OMB approve certain information collection requirements imposed by agency rule. Since this rule does not impose new regulations and has no impact on current information collections, there is no need to obtain OMB approval as to the deletion and modification of these regulations. Nevertheless, the Commission is submitting a copy of the proposed rule to the OMB for informational purposes. Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 (Attention: Michael Miller, Office of the Chief Information Officer, (202) 208-1415). Comments on the requirements of this rule can be sent to the Office of Information and Regulatory Affairs of OMB (Attention: Desk Officer for Federal Energy Regulatory Commission), 725 17th Street, NW, Washington, DC 20503, Phone: (202) 395-3087 Fax: (202) 395-5167.

VII. Comment Procedures

Copies of this notice of proposed rulemaking can be obtained from the Public Reference and Files Maintenance Branch, Room 2-A, 888 First Street, NE,

Washington, DC 20426. Any person desiring to file comments should submit an original and fourteen (14) copies of such comments to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, not later than November 25, 1998.

All written comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Public Reference Room at 888 First Street, NE, Washington, DC 20426, during regular business hours.

List of Subjects

18 CFR Part 3

Organization and functions (Government agencies).

18 CFR Part 341

Maritime carriers, Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 342

Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 343

Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 346

Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 357

Pipelines, Reporting and recordkeeping requirements, Uniform System of Accounts.

18 CFR Part 362

Pipelines, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Electric power, Penalties, Pipelines, Reporting and recordkeeping requirements.

By direction of the Commission.

David P. Boergers,
Secretary.

In consideration of the foregoing, the Commission proposes to amend parts 3, 341, 342, 343, 346, 357, 362, and 385, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS

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

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142

(1978); Administrative Procedure Act, 5 U.S.C. 551-557 (1982); Natural Gas Act, 15 U.S.C. 717-717z (1982); Federal Power Act, 16 U.S.C. 791a-828c (1982); Natural Gas Policy Act, 15 U.S.C. 3301-3432 (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645 (1982); Interstate Commerce Act, 49 U.S.C. 1-27 (1976); Freedom of Information Act, 5 U.S.C. 552 (1982) as amended by Freedom of Information Reform Act of 1986.

§ 3.4 [Removed and Reserved]

2. Section 3.4 is removed and reserved.

PART 341—OIL PIPELINE TARIFFS: OIL PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT

3. The authority citation for Part 341 continues to read as follows:

Authority: 42 U.S.C. 7101-7352; 49 U.S.C. 1-27.

4. Section 341.6 is amended by revising paragraph (d)(3) to read as follows:

§ 341.6 Adoption Rule.

* * * * *

(d) * * *

(3) The former owner must immediately file a consecutively numbered supplement to each of its tariffs covered by the adoption notice, reading as follows:

Effective [date of adoption notice] this tariff became the tariff of [legal name of adopting carrier] for transportation movements [identify origin and destination points], as per its adoption notice FERC No. [number].

* * * * *

5. Section 341.7 is revised to read as follows:

§ 341.7 Concurrences.

Concurrences must be maintained at carriers' offices and produced upon request. Cancellations or changes to concurrences affecting FERC Tariffs must be shown in those tariffs. Carriers must provide to the Commission, in the letter of transmittal accompanying the filing of a tariff publication containing a joint carrier, the address, phone number, and a contact for each joint carrier listed in the tariff publication.

PART 342—OIL PIPELINE RATE METHODOLOGIES AND PROCEDURES

6. The authority citation for part 342 continues to read as follows:

Authority: 5 U.S.C. 571-583; 42 U.S.C. 7101-7532; 49 U.S.C. 60502; 49 App. U.S.C. 1-85.

7. Section 342.3 is amended by removing paragraph (b)(2), redesignating

¹⁷ 18 CFR 380.4 (1998).

¹⁸ 18 CFR 380.4(a)(2)(ii) (1998).

¹⁹ 5 U.S.C. 601-612 (1988).

²⁰ 5 CFR part 1320 (1998).

paragraph (b)(1) as paragraph (b), and revising redesignated paragraph (b) and paragraph (d)(3) to read as follows:

§ 342.3 Indexing.

* * * * *

(b) *Information required to be filed with rate changes.* The carrier must comply with part 341 of this chapter. Carriers must specify in their letters of transmittal required in § 341.2(c) of this chapter the rate schedule to be changed, the proposed new rate, the prior rate, the prior ceiling level, and the applicable ceiling level for the movement. No other rate information is required to accompany the proposed rate change.

(c) * * *

(d) * * *

(3) A carrier must compute the ceiling level each index year without regard to the actual rates filed pursuant to this section. All carriers must round their ceiling levels each index year to the nearest hundredth of a cent.

* * * * *

PART 343—PROCEDURAL RULES APPLICABLE TO OIL PIPELINE PROCEEDINGS

8. The authority citation for part 343 continues to read as follows:

Authority: 5 U.S.C. 571–583; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

9. Section 343.2 is amended by revising paragraph (c)(4) to read as follows:

§ 343.2 Requirements for filing interventions, protests and complaints.

* * * * *

(c) * * *

(4) A protest or complaint that does not meet the requirements of paragraphs (c)(1), (c)(2), or (c)(3) of this section, whichever is applicable, will be dismissed.

PART 346—OIL PIPELINE COST-OF-SERVICE FILING REQUIREMENTS

10. The authority citation for part 346 continues to read as follows:

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

11. Section 346.2 is amended by revising paragraph (c)(7) to read as follows:

§ 346.2 Material in support of initial rates or change in rates.

* * * * *

(c) * * *

(7) *Statement G—revenues.* This statement must set forth the gross revenues for the actual 12 months of experience as computed under both the presently effective rates and the proposed rates. If the presently effective rates are not at the maximum ceiling rate established under § 342.3 of this chapter, then gross revenues must also be computed and set forth as if the ceiling rates were effective for the 12 month period.

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

12. The authority citation for part 357 continues to read as follows:

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

13. Section 357.3 is revised to read as follows:

§ 357.3 FERC Form No. 73, oil pipeline data for depreciation analysis.

(a) *Who must file.* Any oil pipeline company requesting new or changed depreciation rates pursuant to part 347 of this chapter if the proposed depreciation rates are based on the remaining physical life of the properties or if directed by the Commission to file service life data during an investigation of its book depreciation rates.

(b) *When to submit.* Service life data is reported to the Commission by an oil pipeline company, as necessary, concurrently with a filing made pursuant to part 347 of this chapter and as directed during a depreciation rate investigation.

(c) *What to submit.* The format and data which must be submitted are prescribed in FERC Form No. 73, Oil Pipeline Data for Depreciation Analysis, available for review at the Commission's Public Reference Section, Room 2A, 888 First Street, NE, Washington, D.C. 20426.

PART 362—[REMOVED AND RESERVED]

14. Part 362 is removed in its entirety and reserved.

PART 385—RULES OF PRACTICE AND PROCEDURE

15. The authority citation for part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352; 49 U.S.C. 60502; 49 App. U.S.C. 1–85.

§ 385.101 [Amended]

16. Section 385.101 is amended by removing paragraphs (b)(3) and (b)(4)(i), and redesignating paragraph (b)(4)(ii) as paragraph (b)(3).

17. Section 385.102 is amended by revising paragraphs (a) and (e)(2) to read as follows:

§ 385.102 Definitions (Rule 102).

(a) *Decisional authority* means the Commission or Commission employee that at the time for decision on a question, has authority or responsibility under this chapter to decide that particular question.

* * * * *

(e) * * *

(2) With respect to any proceeding not set for hearing under subpart E of this part, any employee designated by rule or order to conduct the proceeding.

* * * * *

18. Section 385.502 is amended by removing paragraph (a)(3) and revising paragraph (a)(1) to read as follows:

§ 385.502 Initiation of hearing (Rule 502).

(a) * * *

(1) Order of the Commission; or

* * * * *

19. Sections 385.1403 and 385.1405 through 385.1414 are removed and sections 385.1404 and 385.1415 are redesignated paragraphs 385.1403 and 385.1404.

20. Section 385.1902 is amended by removing paragraph (b), redesignating paragraph (c) as paragraph (b), and revising paragraph (a) to read as follows:

§ 385.1902 Appeals from action of staff (Rule 1902).

(a) Any staff action (other than a decision or ruling of presiding officer, as defined in Rule 102(e)(1), made in a proceeding set for hearing under subpart E of this part) taken pursuant to authority delegated to the staff by the Commission is a final agency action that is subject to a request for rehearing under Rule 713 (request for rehearing).

* * * * *

[FR Doc. 98–28545 Filed 10–23–98; 8:45 am]
BILLING CODE 6717–01–P