

(iv) Gross positions held in the personal accounts or "controlled accounts," as defined in § 1.3(j), of any person in the member's immediate family, unless such person is not a dependent of the member and does not reside at the member's residence;

(v) Net positions held in "customer" accounts, as defined in § 1.17(b)(2), at the member's affiliated firm; and,

(vi) Gross position of any customer who constitutes a significant portion of business for the member or the member's affiliated firm.

(3) Abstention Decision.

(i) Prior to the start of any self-regulatory organization's governing board, disciplinary committee or oversight panel deliberations or voting on a matter, appropriate self-regulatory organization staff shall:

(A) review the positions described in paragraph (b)(2) of this section for each member of such body based upon:

(1) The most recent large trader reports and clearing records available to the staff;

(2) Position information provided by the member to the staff pursuant to Paragraph (c) of this section; and,

(3) Any other source of position information which is readily available to the staff;

(B) Determine whether any such member is subject to any of the conditions listed in paragraphs (b)(1) or (2) of this section; and,

(C) Direct any such member to abstain from deliberations and voting on the matter.

(ii) Whenever the staff of a self-regulatory organization makes an abstention determination pursuant to paragraph (b)(3)(i) of this section, the appropriate governing board, disciplinary committee or oversight panel shall include in the minutes or records of its subsequent meeting the following information regarding any such determination:

(A) The names of all members who attended the meeting in person or who otherwise were present by electronic means;

(B) The name of any member who voluntarily recused himself from deliberations and/or voting on a matter and the reason for the recusal, if stated;

(C) The names of the individuals reviewing the positions described in paragraph (b)(2) of this section;

(D) A list referencing the position information which was reviewed for each member;

(E) The name of any member who was directed to abstain from any deliberations and voting on a matter and the reason for the abstention;

(F) A description of the procedures followed in making any determination

on abstentions from deliberations and voting; and,

(G) In those instances when a committee member is permitted to deliberate but not vote on a matter pursuant to this paragraph (b)(4) of this section, a full description of the views expressed by such member during deliberations.

(4) Participation in Deliberations.

(i) A self-regulatory organization governing board, disciplinary committee or oversight panel may permit a member to participate in deliberations prior to a vote on a matter for which he otherwise would be required to abstain under the self-regulatory organization's rules implementing the requirements of paragraph (b)(2) of this section. In making such a determination, the presiding body should consider the following factors:

(A) Whether the member has expertise, knowledge or experience in the matter under consideration which few or no other members of the presiding body have;

(B) Whether the ability of the presiding body to deliberate meaningfully would be adversely affected by the non-participation of the member; and,

(C) Whether the member's participation in deliberations is necessary for the presiding body to achieve a quorum in the matter.

(ii) Any determination to so allow a member to participate in deliberations on a matter shall be approved by each of those members of the presiding body who are present and who are non-members of the self-regulatory organization.

(c) Disclosure Requirement. Each member of a self-regulatory organization governing board, disciplinary committee or oversight panel which is to consider a matter referred to in paragraph (b)(2) of this section shall disclose to the appropriate self-regulatory organization staff prior to such consideration the position information referred to in paragraph (b)(2) of this section which is known or should be known to the member at that time. For these purposes, members shall be presumed to have knowledge of those positions referred to in paragraphs (b)(2) (i) through (iv) of this section.

(d) Violations of Self-Regulation Organization Rules. No self-regulatory organization may permit a person to engage in deliberations or voting on a matter if it would violate any rule adopted by the self-regulatory organization in compliance with paragraphs (b) (1) or (2) of this section.

(e) Liability to Other Parties. No self-regulatory organization or self-

regulatory organization official, employee or member, other than the member whose position or positions are being reviewed, or delegee or agent thereof, shall be subject to liability under this section, except for liability in an action initiated by the Commission, in connection with the review required by paragraph (b)(3) and any action taken or required to be taken thereunder.

PART 156—BROKER ASSOCIATIONS

1. The authority citation for Part 156 continues to read as follows:

Authority: 7 U.S.C. 6b, 6c, 6j(d), 7a(b) and 12a.

2. Section 156.4 would be proposed to be added to read as follows:

§ 156.4 Disclosure of Broker Association Membership

Each contract market shall post in a location accessible to the public a list of all registered broker associations which identifies for each such association the name of each person who is a member or otherwise has a direct beneficial interest in the association. This list shall be updated at least semi-annually.

Issued in Washington, D.C. on April 29, 1996, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 96-10936 Filed 5-2-96; 8:45 am]

BILLING CODE 6351-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 346

[Docket No. RM96-10-000]

Oil Pipeline Cost-of-Service Filing Requirements; Notice of Proposed Rulemaking

April 29, 1996.

AGENCY: Federal Energy Regulatory Commission (Commission).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to revise Part 346 of its regulations to make the cost-of-service filing requirements of that Part applicable to the Trans-Alaska Pipeline System (TAPS) carriers and carriers delivering oil directly or indirectly to TAPS. These carriers were inadvertently excluded from the streamlined procedural rules in Part 346 required by the Energy Policy Act of 1992.

DATES: Comments are due on or before June 3, 1996.

ADDRESSES: An original and 14 copies of written comments on this proposed rule must be filed in Docket No. RM96-10-000. All filings should refer to Docket No. RM96-10-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT: Jacob Silverman, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 208-2078.

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 2-A, 888 First Street, N.E. Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397 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 1200bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS indefinitely in ASCII and WordPerfect 5.1 format for one year. 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 2-A, 888 First Street, N.E., Washington, D.C. 20426.

The Commission's bulletin board system can also be accessed through the FedWorld system directly by modem or through the Internet. To access the FedWorld system by modem: Dial (703) 321-3339 and logon to the FedWorld system.

- After logging on, type: /go FERC
To access the FedWorld system, through the Internet:
- Telnet to: fedworld.gov
- Select the option: [1] FedWorld
- Logon to the FedWorld system
- Type: /go FERC

The Federal Energy Regulatory Commission (Commission) proposes to revise Part 346 of its regulations to make the cost-of-service filing requirements of that Part applicable to the Trans-Alaska Pipeline System (TAPS) carriers and

carriers delivering oil directly or indirectly to TAPS.

I. Background

Order No. 561¹ was issued on October 22, 1993, to comply with the Energy Policy Act of 1992 (Act of 1992),² which required the Commission to establish a simplified and generally applicable ratemaking methodology for oil pipelines and to streamline its procedures relating to oil pipeline rates. The Act of 1992 excluded TAPS, and any pipeline delivering oil directly or indirectly to TAPS, from its provisions for ratemaking purposes. Thus, Order No. 561 stated that TAPS and the other excluded pipelines would continue to be governed by their existing rate methodologies,³ but also would be subject to the Commission's new procedural rules. Thereafter, on October 28, 1994, as a companion to Order No. 561, the Commission issued Order No. 571, establishing in Part 346 of its regulations cost-of-service filing requirements for oil pipelines.⁴ These procedural requirements include all the information necessary to support a rate filing under the Opinion No. 154-B methodology. However, the existing provisions of Part 346 do not apply to TAPS or its feeder lines.⁵

II. Public Reporting Burden

The Commission estimates the public reporting burden for the collection of information under the proposed rule will remain unchanged for rate filings, since what the Commission proposes to codify as the information to be provided is that which the Commission's staff routinely has requested of oil pipelines for cost-of-service rate filings in the past. The information will be collected on FERC-550, "Oil Pipeline Rates: Tariff Filings."⁶ This estimate includes 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 associated with this information collection requirement was described in Order No. 571 and included the burden attributable to all oil pipelines, including TAPS and its feeder lines, as follows: FERC-550: 5,350 hours, 535 responses, and 140 respondents.

Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, can be sent to the Federal Energy Regulatory Commission, 888 First 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. Discussion

It has always been the Commission's intent to exclude TAPS and its feeder lines only from the simplified ratemaking methodology adopted in Order No. 561, not from the streamlined procedural rules required by the Act of 1992. Thus, the Commission stated in Order No. 561:⁷

For ratemaking purposes, TAPS and those excluded pipelines [the TAPS feeder lines] will continue to be regulated under the ratemaking standards that are currently in effect. However, it is the Commission's judgment that such exclusion [of TAPS and its feeder lines from the provisions of the Energy Policy Act of 1992] was intended to apply only to the simplified and generally applicable rate methodology, not to the procedural rules that the Act of 1992 required the Commission to consider. Otherwise, the Commission would be required to enforce one set of procedural rules for TAPS and excluded pipelines and another for all other pipelines under its jurisdiction under the ICA. This would not be consistent with Congress' intent for the Commission to streamline its procedures for oil pipelines.

Likewise, the Commission meant the procedural rules of Part 346 to apply to TAPS and its feeder lines, but Order No. 571 neglected to include them. This is the interpretation that is consistent with the mandate of the Act of 1992 that the Commission streamline its procedures in order to avoid unnecessary regulatory costs and delays, and with the Commission's explicit desire to enforce one set of procedural rules for all pipelines. However, Part 346 of the regulations governing oil pipeline filing requirements inadvertently excluded TAPS and its feeder pipelines.

¹ Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992, Order No. 561, FERC Statutes & Regulations ¶ 30,985 (1993); Order on Rehearing, Order No. 561-A, FERC Statutes & Regulations ¶ 31,000 (1994); 58 FR 58778, Nov. 4, 1993.

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

³ TAPS and the excluded pipelines would continue to justify their rates either in accordance with an applicable settlement methodology such as, for example, the TAPS Settlement Methodology, or under the Opinion No. 154-B cost-of-service methodology.

⁴ Cost-of-Service Reporting and Filing Requirements for Oil Pipelines, FERC Statutes & Regulations 31,006 (1994).

⁵ See, Milne Point Pipeline Company, 75 FERC ¶ 61,050 (1996).

⁶ FERC-550 is the designation covering oil pipeline tariff filings made to the Commission.

⁷ FERC Statutes & Regulations ¶ 30,985 at 30,961.

Accordingly, the Commission proposes to amend Part 346 to apply to TAPS and its feeder lines. Thus, the TAPS carriers and the TAPS feeder lines will be required to comply with the cost-of-service filing requirements of Part 346 when they seek to establish rates under the Opinion No. 154-B methodology. These requirements are no more than a codification of the information that these carriers now must provide routinely in response to the Commission staff's requests for information to support their cost-of-service rate filings, and, thus, should not create any additional burden for carriers making cost-of-service filings. Carriers' including cost-of service supporting information with their initial filings instead of filing it at a time later in the regulatory process also will satisfy the requirement of the Act of 1992 to avoid unnecessary regulatory costs and delays.

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.⁸ The Commission has categorically excluded certain actions from these requirements as not having a significant effect on the human environment.⁹ The action proposed here is procedural in nature and therefore falls within the categorical exclusions provided in the Commission's regulations.¹⁰ 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 Act¹¹ 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. An analysis is not required if a proposed rule will not have such an impact.¹²

Pursuant to section 605(b), the Commission certifies that the proposed rules and amendments, if promulgated, will not have a significant adverse economic impact on a substantial number of small entities.

⁸ 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).

⁹ 18 CFR 380.4.

¹⁰ See 18 CFR 380.4(a)(2)(ii).

¹¹ 5 U.S.C. 601-612.

¹² 5 U.S.C. 605(b).

VI. Information Collection Requirements

Office of Management and Budget (OMB) regulations require OMB to approve certain information collection requirements imposed by an agency.¹³ The information collection requirements in this proposed rule are contained in FERC-550 "Oil Pipeline Rates: Tariff filings" (1902-0089).

The Commission's Office of Pipeline Regulation uses the data collected in these information requirements to investigate the rates charged by oil pipeline companies subject to its jurisdiction, to determine the reasonableness of rates, and when appropriate prescribe just and reasonable rates.

The revisions in the proposed rule will not change the reporting requirements of FERC-550. This rule therefore is not subject to OMB review. Nevertheless, the Commission is submitting a copy of the proposed rule to OMB for informational purposes. Interested persons may obtain information on these reporting requirements by contacting the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426 [Attention: Michael Miller, Information Services Division, (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), 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, N.E., Washington, D.C. 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, N.E., Washington, D.C. 20426, not later than June 3, 1996.

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, N.E., Washington, DC 20426, during regular business hours.

List of Subjects

18 CFR Part 346

Pipelines, Reporting and recordkeeping requirements.

¹³ 5 CFR 1320.11.

By direction of the Commission.
Linwood A. Watson, Jr.,
Acting Secretary.

In consideration of the foregoing, the Commission gives notice of its proposal to amend Part 346, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

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

1. 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.

2. Sections 346.1 introductory text and 346.2 introductory text are proposed to be revised as follows:

§ 346.1 Content of filing for cost-of-service rates.

A carrier that seeks to establish rates pursuant to § 342.2(a) of this chapter, or a carrier that seeks to change rates pursuant to § 342.4(a) of this chapter, or a carrier that otherwise seeks to establish or change rates by filing cost, revenue, and throughput data supporting such rates, must file:

* * * * *

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

A carrier that files for rates pursuant to § 342.2(a) or § 342.4(a) of this chapter, or a carrier that otherwise files to establish or change rates by filing cost, revenue, and throughput data supporting such rates, must file the following statements, schedules, and supporting workpapers. The statement, schedules, and workpapers must be based upon an appropriate test period.

* * * * *

[FR Doc. 96-11048 Filed 5-2-96; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Extension of Port Limits of Columbus, OH

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments concerning the proposal to amend the Customs Regulations pertaining to the field organization of