establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures (SIAPs) will be altered to include ''or GPS'' in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove ''or GPS'' from these non-localizer, non-precision instrument approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on April 5, 1996.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.27, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective June 20, 1996*

Winfield/Arkansas City, KS, Strother Field, NDB or GPS RWY 35, Amdt 3A CANCELLED
Winfield/Arkansas City, KS, Strother Field, NDB RWY 35, Amdt 3A
Farmington, MO, Farmington Regional, NDB or GPS RWY 2, Amdt 2A CANCELLED
Farmington, MO, Farmington Regional, NDB RWY 2, Amdt 2A
Roosevelt, UT, Roosevelt Muni, RNAV or GPS RWY 25, Amdt 1A CANCELLED
Roosevelt, UT, Roosevelt Muni, RNAV RWY 25, Amdt 1A
Renton, WA, Renton Muni, NDB or GPS RWY 15, Amdt. 2 CANCELLED
Renton, WA, Renton Muni, NDB RWY 15, Amdt. 2

[FR Doc. 96–10017 Filed 4–23–96; 8:45 am]

BILLING CODE 4910–13–M

Office of the Secretary

14 CFR Part 221

[Docket No. 50355; Notice No. 12]

RIN 2105–AC23

Electronic Filing of International Airline Passenger Rules Tariffs

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This rule authorizes airlines to electronically file tariff rules governing availability of passenger fares and their conditions of service, subject to certain minimal format requirements. The Department's regulations have permitted the electronic filing of passenger fares since 1989. The Department is undertaking this action in support of the administration's campaign to reinvent government and at the request of tariff publishing agents in order to extend the efficiencies of electronic data transmission and processing to the filing of passenger rules tariffs.

EFFECTIVE DATE: This regulation is effective on April 24, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Keith A. Shangraw or Mr. John H. Kiser, Office of the Secretary, Office of International Aviation, Pricing and Multilateral Affairs Division, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366–2435.

SUPPLEMENTARY INFORMATION:

Background

On May 19, 1995, the Department published a Notice of Proposed Rulemaking (NPRM) to authorize electronic filing of airline tariff rules governing international passenger fares and the general conditions of service associated with their use (60 FR 26848). The proposed action would largely eliminate the filing of paper tariff rules, an archaic system that no longer meets the data transmission and processing requirements of the industry or the Department. In addition, it will save the airline industry over a million dollars in tariff submission, printing and distribution costs and will substantially reduce the Department's review, filing and storage expenses.

The Department's regulations have permitted the electronic filing of

international passenger fare *levels* and associated data in tariffs since 1989, as an alternative to the filing of paper fares tariffs (54 FR 2087, January 19, 1989).[1] The regulation, contained in Subpart W of Part 221, established a number of criteria that must be met for carriers or their agents to make such filings, including a signed agreement or agreements providing for the maintenance and security of the on-line tariff database. Approval by the Department of an application containing various hardware and software service commitments, as well as the filer's proposed format, is also required.

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

In February 1992, the Department permitted ATPCO to begin filing electronic passenger rules that apply to specific fare types on an unofficial test basis. The official fare rules, however, continue to be filed on paper. In addition, ATPCO has not completed development of electronic formats for general passenger rules relating to conditions of carriage; these too, continue to be filed on paper.

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

Requests for Further Action

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

In addition, another entity demonstrated interest in filing international tariffs electronically with the Department. The Societé Internationale de Télécommunications Aéronautiques (SITA), a tariff publishing service which developed an electronic tariff filing system for use in Europe and elsewhere, demonstrated its ProFile system to the Department's staff and made modifications to accommodate U.S. requirements and procedures. On June 21, 1994, SITA submitted an application under section 221.260 for the necessary Department approvals to permit it to begin filing international passenger tariffs, encompassing fares and rules to the extent authorized by the Department, and SITA has filed passenger fares on an unofficial test basis. However, on November 10, 1995, SITA withdrew its application, stating that its proposed filing service has not encountered the anticipated international endorsement by government authorities and airlines.

The Proposal

In the May 1995 NPRM the Department proposed to amend section 221.251 of Subpart W of its tariff filing regulations, 14 CFR Part 221, to authorize the electronic filing by all airlines and tariff publishing agents of any or all rules relating to the provision of passenger services.[2] Like the filing of passenger fare levels already authorized, this alternative to the traditional paper format and procedures set forth in Part 221 would be permissive in nature, and would be governed by the provisions of Subpart W. This Subpart would authorize the electronic filing of all tariff material relating to passenger services that airlines are required to file with the Department, although the existing requirements for final approval of a particular electronic tariff filing system and its associated formats, set forth in Subpart W, must be complied with before the Department will accept authorized electronic filings as official tariffs.

The Department also proposed to amend section 221.283 of subpart W to add certain minimum tariff format requirements to provide a basic working framework for the processing of tariff rules, which differ from fare filings in many technical respects. The existing format requirements set forth in section 221.283(b)(8), developed largely for the processing of fares and associated data, would not be changed but would be described as specifically applicable to the filing of fares. The new format requirements for the filing of rules would be set forth in a new section 221.283(b)(9).[3] The provisions would not necessarily have to be presented in the same order as listed in proposed section 221.283(b)(9), but each rule would have to include at least all of the listed provisions.[4] Consequential amendments would be made to provisions regarding maintenance of historical data (paragraph (c) of section 221.283, and section 221.260(b)(7)).

Three format issues were raised for comment in the NPRM. First, our proposed format criteria did not address the filing format of so-called ''general'' fare rules and ''unpublished fare'' rules. General fare rules typically include provisions, applicable to all passengers, relating to general conditions of carriage such as liability, baggage, fare construction, and refunds. Unpublished fare rules typically establish discounts for certain classes of traffic not limited to specific markets, e.g., children and infants, agents, tour conductors, emigrants and cargo attendants. Electronic formats for filing general and unpublished fare rules are still under development by the industry.

Second, we proposed not to accept ''Intentionally Left Blank'' as a category entry in an electronic fare rule, nor would we accept the complete omission of a rule category to serve as a default to a general rule.[5] These practices, which have been a source of confusion in the paper filing environment, would become increasingly confusing in an environment where the fare rules are filed electronically but the general rules are still filed on paper. Where carriers wish to default to a general rule for a particular condition, we proposed to require that electronic rules contain a specific entry for each category in the rule. The entry could be either a specific reference to the relevant general rule or

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

[2] The proposed amendment to section 221.251, as drafted, did not encompass the filing of cargo rates and rules tariffs. By a final rule issued November 30, 1995, the Department exempted all carriers from the statutory and regulatory duty to file international property (cargo) tariffs with the Department, and the carriers ceased filing all cargo rates and rules tariffs on that date (60 FR 61472).

[3] The NPRM also noted that most individual format issues have been and will continue to be resolved through consultations between the Department and individual filing agents, as provided in section 221.260(b)(1) of the current regulations. However, the Department recognizes that there may be a need to propose further amendments to Part 221 to deal comprehensively with general format and procedural issues, as well as with the question of the appropriate filing fees to be charged in the future, as soon as more data and experience are available.

[4] We would consider each provision of an electronic tariff rule to be a ''record'' for purposes of assessing filing fees under 14 CFR sections 389.20(b) and 389.25(b).

[5] Under the Department's interpretation, where a particular provision is intentionally left blank in a rule, no such provision applies to the fare covered by the rule. For example, where the ''group requirements'' section is left blank, it means there are no group requirements.

specific conditions extracted from the general rule.

Third, in the test electronic rules we have received thus far, carriers have been including some extraneous material that is not properly part of a tariff and of which we take no regulatory notice, e.g., provisions concerning ticket and booking codes and annotations, wait listing procedures, and reservation record requirements. We recognize that carriers submit such material to their filing agents along with associated fare and rule changes for non-regulatory purposes, such as notifying computer reservations systems of the carrier's technical procedures. However, this extraneous material is not approved by the Department, and its inclusion in official electronic rules would cause confusion. Therefore, our proposal precluded inclusion of such material in official electronic tariff filings.

Comments

We received comments on our proposal from Aer Lingus; Air France; ATPCO; American Airlines, Inc.; British Airways, PLC; SITA; United Air Lines, Inc.; and USAir, Inc.[6] In general, all commenters support the proposal in principle. Most, however, expressed reservations concerning the formatting issues discussed in the NPRM. The formatting drawing the most extensive comments from carriers and agents involves the filing of ''extraneous material''. ATPCO also commented extensively on issues relating to general rule defaults and formats.

Decision

We have decided to adopt the rule substantially as proposed. However, we will make certain changes regarding the formatting issues in response to the comments.

Discussion of Comments and Issues

Scope of the Proposed Rule

ATPCO requests that the Department take a broader, more flexible approach that authorizes electronic filing of *all* tariff material, subject only to DOT's approval of the filer's format, rather than the narrow approach, limited to passenger fare rules, it believes has been taken here. ATPCO contends that Departmental references to future Part 221 amendments, relating to general format and procedural issues and to filing fees, suggest that the Department is contemplating future massive changes to Part 221 which would substantially change requirements governing electronic filing. APTCO has no objection if these are references to future rulemaking proceedings to ''tie up loose ends''. However, it does object if the Department is contemplating sweeping changes to electronic filing rules in place. At a minimum, ATPCO believes that the Department should explain its future plans for adopting a comprehensive electronic tariff-filing rule.

It appears that ATPCO has misunderstood the scope and intent of our NPRM and believes that the proposed rule only authorizes the electronic filing of passenger fare rules. In fact, proposed Part 221.251 (a) states that ''[a]ny carrier * * * may file its international passenger fare tariffs and international passenger rules tariffs electronically * * *''. This includes passenger fare rules and general rules. While the Department has indicated that additional changes in Part 221 may be necessary to deal with general format and procedural issues, we have resolved most individual format issues, in the past, through consultations with individual filing agents, as provided in section 221.260(b)(1) of the current regulations, and fully expect to make use of this process in the future. Thus ATPCO's general rule format, when it is developed, could be reviewed and approved by the Department independently of any future amendments to Part 221. The same process could also apply to formats for the electronic filing of unpublished fare rules and for routing tariffs.

Intentionally Left Blank

ATPCO also requested elimination of the proposed format criteria under which the Department would not accept ''Intentionally Left Blank'' as a category entry in an electronic fare rule, or the complete omission of a rule category to serve as a default to a general rule. While not objecting to the exclusion of ''Intentionally Left Blank'', ATPCO is concerned about a required specific reference to the general rule or conditions extracted from the general rule. It argues that this would impose a greater regulatory burden than is now required for paper filings where, in the absence of a provision in a fare rule, the general rules tariff applies without the need to specify the general rule. In addition, while ATPCO is presently developing a general rules format which will provide a ''logical path'' from the fare rule to the general rule, it maintains that this will not be operational until the second half of 1996. This delay, it contends, should not prevent users from reaping the benefits of the electronic filing of fare rules. Otherwise, it would have to continue to file its rules on paper until its general rules system is operational, or longer if the Department requires another rulemaking proceeding.

As noted in the NPRM, the use of ''Intentionally Left Blank'' can be quite misleading, especially in an electronic filing environment. This language can be interpreted in two quite different ways: it can be perceived to mean that there are no provisions applicable for that rule category, or it can be viewed as a default to provisions set forth in the general rule. This kind of ambiguity is not acceptable in an electronic filing environment. Clarity of tariff material has always been a prime objective of the Department's tariff regulations, and we affirm our proposal not to accept ''Intentionally Left Blank'' in electronic rules. We are, however, mindful of ATPCO's statement that it is developing a logical path from the fare rule to the general rule, and, therefore, we will not adopt our proposal in the NPRM to require that the fare rule contain either a specific reference to the applicable portion of the general rule or an actual extract taken from the general rule. We believe that any remaining issues related to the exclusion of ''Intentionally Left Blank'' can be resolved in the context of an application by ATPCO for approval of its specific electronic rule filing formats.

''Extraneous Material''

As noted, the formatting issue prompting the most extensive comments from carriers and agents involves the filing of ''extraneous material'', such as ticket and booking codes, wait list procedures and reservations requirements. In general, ATPCO and the U.S. carriers argue that this information is vital not only to carrier CRS's, but also to travel agents and the public, since it is essential for the proper handling of passenger reservations. ATPCO maintains that its existing, unified filing system is designed to present this information to all users in the most cost effective, efficient and flexible way. However, were the requirement regarding non-filing of extraneous material adopted, the respondents contend that ATPCO would have to either undertake an expensive and time consuming creation of a separate data base for the Department, or would have to continue to file carrier fare rules on paper. ATPCO estimates that ''extraneous information'' constitutes no more than ten percent of the fare rule information, and believes that filing it on a ''for information purposes only'' basis would not unduly burden DOT.

[6] The submissions of Aer Lingus and Air France were both accompanied by motions to file comments out of time, which we will grant.

In addition, SITA, supported by British Airways and Air France, asserts that the Department should accept ticket codes and annotations, wait listing procedures and reservations record requirements as proper material for filing in official electronic tariffs. They contend that this material is part of the conditions imposed by the carriers on a passenger's use of a fare and, therefore, should be part of the official filed tariff. This viewpoint, they argue, is supported by two of the new format requirements proposed in the NPRM which would require carriers to include specific material relating to reservations/ticketing and capacity control in their official tariff filings.

Upon consideration of the comments, we have decided not to preclude inclusion of such material in official electronic tariff filings at this time, provided that it is sufficiently identified as unofficial and non-binding. As a threshold matter, we are not persuaded by SITA and the two foreign carriers that this material should be filed for approval in official tariffs. While these codes, procedures and other provisions may have certain informational value for agents and other carriers, they are not needed by the Department to evaluate proper tariff material or otherwise perform its regulatory duties, and they are not, nor have they ever been, reviewed for legal sufficiency or approved in amy manner under our statute. Moreover, we believe that the presence of such unofficial material in official filings could potentially mislead passengers, courts or other carriers into the assumption that it has the binding legal effect normally accorded to official tariff material. At the same time, however, we are persuaded that requiring the immediate exclusion of such material would create an implementation burden and impose additional programming costs on carriers and filing agents. While, in the long run, we expect that all filers will review their software formats and procedures to minimize the amount of extraneous material appearing in official electronic filings with the Department, material of the nature may accompany tariffs provided that it is clearly identified as ''for information only; not part of official tariff'' in a manner acceptable to the Department.[7] Should confusion persist that such material may be binding on carriers and passengers as a matter of statute, we may have to take further action to alleviate the problem.

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

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

We find good cause to make this rule effective upon publication because it allows an alternative means of compliance and relieves current restrictions.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

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

Executive Order 12612

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

Regulatory Flexibility Act

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

Paperwork Reduction Act

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

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

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

The reduction in reporting and recordkeeping requirements associated with this rule are being submitted to

[7] The determination of whether certain fare rule elements are extraneous and not proper tariff material can be complex. Therefore, we reserve the right to determine whether material filed ''for information only; not part of official tariff'' is proper tariff material or not, and to take appropriate regulatory action should we decide that it is.

OMB for approval in accordance with 44 U.S.C. chapter 35 under OMB NO. 2137–AC23; Administration: Department of Transportation; TITLE: Electronic Filing of Passenger Service Rules Tariffs; NEED FOR INFORMATION: Authorizes the electronic filing of rules governing the provision of passenger services; PROPOSED USE OF INFORMATION: Authorization is based on the request of tariff publishing agents to extend the efficiencies of electronic data transmission and processing to the filing of rules tariffs; FREQUENCY: An initial passenger tariff rule filing is required of each respondent; changes are voluntary, whenever an air carrier elects; ESTIMATED TOTAL ANNUAL BURDEN UNDER NEW RULE: 1,312,480 hours; RESPONDENTS: 230; FORM(S) 26,681 electronic filings, pages or applications per annum; AVERAGE BURDEN HOURS PER RESPONDENT: 5706 hours.

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

Regulation Identifier Number

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 14 CFR Part 221

Air rates and fares, Agents, Reporting and recordkeeping requirements.

For the reasons set forth herein, and under authority delegated in 49 CFR 1.56(j)(2)(ii), the Department of Transportation amends 14 CFR Part 221 as follows:

PART 221—TARIFFS

Subpart W—Electronically Filed Tariffs

1. The authority citation for Part 221 continues to read as follows:

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

2. Section 221.251 is amended by revising paragraph (a) to read as follows:

§ 221.251 Applicability of the subpart.

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

* * * * *

3. Paragraph (b)(7) of section 221.260, is revised to read as follows:

§ 221.260 Requirements for filing.

* * * * *

(b) * * *

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

* * * * *

4. Section 221.283 is amended by revising the introductory text of paragraph (b)(8) and by adding new paragraphs (b)(9) and (b)(10) to read as follows:

§ 221.283 The filing of tariffs and amendments to tariffs.

* * * * *

(b) * * *

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

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

(i) Rules tariffs shall include:

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

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

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

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

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

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

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

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

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

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

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

(L) Group Requirements: Specific description of group size, travel conditions, group eligibility, and documentation;

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

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

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

(P) Miscellaneous provisions: Any other applicable conditions.

(ii) Rules tariffs shall not contain the phrase ''intentionally left blank''.

(10) Any material accepted by the Department for informational purposes only shall be clearly identified as ''for information only, not part of official tariff'', in a manner acceptable to the Department.

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

§ 221.283 The filing of tariffs and amendments to tariffs.

* * * * *

(c) * * *

(8) Rule text.

* * * * *

Issued in Washington DC, on this 15th day of April, 1996.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 96–9960 Filed 4–23–96; 8:45 am]

BILLING CODE 4910–62–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 422

RIN 0960–AD74

Statement of Earnings and Benefit Estimates

AGENCY: Social Security Administration (SSA).

ACTION: Final rules.

SUMMARY: We are amending our rules on sending statements of earnings and benefit information to individuals. Under our current rules, which implement section 1143(a) of the Social Security Act (the Act), we are required to send a statement to an eligible individual who requests it. Under these final rules, we will provide the statement without a request to an eligible individual, as required by section 1143(c) of the Act.

EFFECTIVE DATE: These rules are effective April 24, 1996.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Legal Assistant, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–8471. For information on eligibility or claiming benefits, call our national toll-free number 1–800–772–1213.

SUPPLEMENTARY INFORMATION: Section 1143 of the Act requires the Commissioner of Social Security (the Commissioner) to provide to eligible individuals ''a social security account statement'' (statement). We must fulfill this requirement in three phases. In the first phase, we were required, by October 1, 1990, to provide, upon the request of an ''eligible individual,'' a statement that contains certain information described below. Section 1143 defines an ''eligible individual'' as one who has a social security account number, has attained age 25 or over, and has wages or net earnings from self-employment.

The statement we provide under section 1143 of the Act must contain the following information as of the date of the request:

1. The amount of wages paid to and self-employment income derived by the individual;

2. An estimate of the aggregate of the employee and self-employment contributions of the individual for old-age, survivors', and disability insurance benefits;

3. A separate estimate of the aggregate of the employee and self-employment contributions of the individual for medicare hospital insurance coverage; and

4. An estimate of the potential monthly retirement (old-age), disability, dependents', and survivors' insurance benefits payable on the individual's earnings record and a description of medicare hospital insurance coverage.

We are carrying out this first phase, which is required by section 1143(a) of the Act and which we explained in the final rules published November 23, 1992, in the Federal Register (57 FR 54917). In these final rules, we explain how we will fulfill our obligations in the second and third phases of section 1143.

The second phase of providing statements, as stated in section 1143(c)(1) of the Act, requires that by not later than September 30, 1995, we must furnish this statement to each ''eligible individual'' who has attained age 60 by October 1, 1994 (i.e., by the beginning of fiscal year 1995), is not receiving benefits under title II of the Act, and for whom we can determine a current mailing address by methods we consider appropriate. We must also send this statement to each ''eligible individual'' who attains age 60 in fiscal years 1995 through 1999, i.e., October 1, 1994 through September 30, 1999, if the individual is not receiving benefits under title II of the Act, and if we can determine a current mailing address by methods we consider appropriate. In the case of an individual who attains age 60 in fiscal years 1995 through 1999, we will mail a statement to the individual either in the fiscal year in which he or she attains age 60 or in an earlier fiscal year, as resources allow. We will mail the statement without requiring a request from the individual. We will also advise individuals receiving these statements that the information in our records will be updated annually and is available upon request. In February 1995, we began mailing the statements to individuals who attained age 60 by October 1, 1994.

The third phase of providing statements, as stated in section 1143(c)(2) of the Act, requires that beginning not later than October 1, 1999, we must provide this statement on an annual basis to each ''eligible individual'' who is not receiving benefits under title II and for whom we can determine a current mailing address by methods we consider appropriate. We must provide a statement without a request from the eligible individual and, unlike the second phase, regardless of whether the eligible individual has attained age 60.

To implement the second and third phases of section 1143, we are using our records of assigned social security account numbers to identify eligible individuals who are not receiving benefits under title II of the Act. We have decided that the appropriate method now for determining an individual's current mailing address is to obtain it from the individual taxpayer files of the Internal Revenue Service (IRS). The IRS is authorized by section 6103(m)(7) of the Internal Revenue Code (26 U.S.C. 6103(m)(7)), as added by section 5111 of Public Law 101–508 (the Omnibus Budget Reconciliation Act of 1990), to disclose this information to us for our use in mailing the statements required by section 1143 of the Act. This source of address information is readily available to us, i.e., electronically accessible, using social security numbers as identifiers, and was clearly contemplated by Congress in the enactment of section 6103(m)(7) of the Internal Revenue Code.

Because individuals who live in Puerto Rico, the Virgin Islands, and Guam generally are not required to pay Federal income taxes, the IRS does not have their addresses. We have arranged to use the addresses from their local taxpayer records, which the tax agencies in these three entities will provide to us.

In these final regulations, we state the circumstances under which we will not send an unrequested statement. Those circumstances, stated in the new § 404.812(b), are based on our judgment that sending, or attempting to send, a statement to specified categories of individuals is not reasonably required under section 1143 of the Act.

We will mail the statements on a flow basis throughout the fiscal year, rather than in one mass mailing. This is an administratively effective and cost-efficient method of handling the more than 6 million statements we mailed in fiscal year 1995 and the 10 to 120 million we expect to mail annually beginning in 1996. As resources allow, we may mail statements to some eligible individuals, who attain age 60 in fiscal years 1996 through 1999, even before the fiscal year in which they attain age 60.