

Name of Respondent	This Report Is: <input type="checkbox"/> (1) An Original <input type="checkbox"/> (2) A Resubmission	Date of Report (Mo, Da, Yr) / /	Year/Period of Report End of _____
<b>Annual Cost of Service Based Analysis Schedule</b>			
<p>1.) Use footnotes when particulars are required or for any explanations.</p> <p>2.) Enter on lines 1-9, columns (b) and (c), the value the respondent's Operating &amp; Maintenance Expenses, Depreciation Expense, AFUDC Depreciation, Amortization of Deferred Earnings, Rate Base, Rate of Return, Return, Income Tax Allowance, and Total Cost of Service, respectively, for the end of the current and previous calendar years. The values shall be computed consistent with the Commission's Opinion No. 154-B et al. methodology. Any item(s) not applicable to the filing, the pipeline company shall report nothing in columns (b) and (c).</p> <p>3.) Enter on line 10, columns (b) and (c), total interstate operating revenue, as reported on page 301, for the current and previous calendar years.</p> <p>4.) Enter on line 11, columns b and c, the interstate throughput in barrels for the current and previous calendar years.</p> <p>5.) Enter on line 12, columns b and c, the interstate throughput in barrel-miles for the current and previous calendar years.</p> <p>6.) If the company makes major changes to its application of the Opinion No. 154-B et al. methodology, it must describe such changes in a footnote, and calculate the amounts in columns (b) and (c) of lines No. 1-12 using the changed application.</p> <p>7.) A respondent may be requested by the Commission or its staff to provide its workpapers which support the data reported on page 700.</p>			
Line No.	Item (a)	Current Year Amount (in dollars) (b)	Previous Year Amount (in dollars) (c)
1	Operating and Maintenance Expenses		
2	Depreciation Expense		
3	AFUDC Depreciation		
4	Amortization of Deferred Earnings		
5	Rate Base		
6	Rate of Return % (10.25% -10.25)		
7	Return on Rate Base		
8	Income Tax Allowance		
9	Total Cost of Service		
10	Total Interstate Operating Revenues		
11	Total Interstate Throughput in Barrels		
12	Total Interstate Throughput in Barrel-Miles		

FERC FORM No. 6 (REV. 12-00)

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[FR Doc. 2012-23806 Filed 9-28-12; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 375**

[Docket No. RM12-20-000; Order No. 766]

**Delegation of Authority Regarding Electric Reliability Organization's Budget, Delegation Agreement, and Policy and Procedure Filings****AGENCY:** Federal Energy Regulatory Commission, DOE.**ACTION:** Final rule.

**SUMMARY:** The Commission is issuing this Final Rule to revise its delegations of authority to align with an internal Commission reorganization, which reassigned certain responsibilities for specific Electric Reliability Organization (ERO) filings. In particular, this Final Rule transfers delegated authority, from

the Director of the Commission's Office of Electric Reliability to the Director of the Commission's Office of Energy Market Regulation, to act on ERO filings pertaining to ERO annual budgets, ERO delegation agreements, and ERO policies and procedures.

**DATES:** This rule is effective October 1, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Christine A. Powell, Office of the General Counsel, Federal Energy Regulatory Commission, Room 104-04, 888 First Street NE., Washington, DC 20426, 202-502-6608.

**SUPPLEMENTARY INFORMATION:****140 FERC ¶ 61,202**

Before Commissioners: Jon Wellinghoff, Chairman; Philip D. Moeller, John R. Norris, Cheryl A. LaFleur, and Tony T. Clark.

(Issued September 20, 2012)

**I. Background**

1. The Energy Policy Act of 2005 added section 215 to the Federal Power Act (FPA), which requires a Commission-certified Electric

Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval.<sup>1</sup> Under this section, the ERO must, among other things, "allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section,"<sup>2</sup> and the Commission also must issue regulations authorizing the ERO to enter into an agreement to delegate authority to a Regional Entity if the Regional Entity meets certain conditions.<sup>3</sup>

2. In Order No. 672, the Commission adopted regulations in accordance with FPA sections 215(c)(2)(B) and 215(e)(4): 39.4, Funding of the Electric Reliability Organization; 39.8, Delegation to a Regional Entity; and 39.10, Changes to an Electric Reliability Organization Rule or Regional Entity Rule.<sup>4</sup>

3. Section 39.4 of the Commission's regulations requires the ERO to file with

<sup>1</sup> 16 U.S.C. 824o.<sup>2</sup> *Id.* 824o(c)(2)(B).<sup>3</sup> *Id.* 840o(e)(4).<sup>4</sup> *Id.*

the Commission its proposed annual budget for statutory and non-statutory activities 130 days before the beginning of its fiscal year.<sup>5</sup> This filing must also contain the line item budgets of each Regional Entity for statutory and non-statutory activities, and include supporting materials, including the ERO's and each Regional Entity's complete business plan and organization chart, and an explanation of the proposed collection of all dues, fees and charges and the proposed expenditure of funds collected.<sup>6</sup> After notice and opportunity for hearing, the Commission will issue an order accepting, rejecting, remanding or modifying the ERO's proposed budget and business plan no later than sixty days in advance of the beginning of the ERO's fiscal year.<sup>7</sup> If the ERO requires additional funding before or after the fiscal budget review process, it may file with the Commission for authority to collect a special assessment; it must demonstrate that the request is pursuant to an unforeseen, extraordinary circumstance.<sup>8</sup>

4. Section 39.8 of the Commission's regulations requires the ERO to submit to the Commission for Commission approval any proposal to delegate the ERO's authority to a Regional Entity for the purpose of proposing or enforcing Reliability Standards.<sup>9</sup> Alternatively, if a Regional Entity is unable to negotiate a delegation agreement with the ERO within a reasonable amount of time, it may apply to the Commission to assign to it the ERO's authority.<sup>10</sup>

5. Section 39.10 of the Commission's regulations requires the ERO to file with the Commission for Commission approval any proposed organization rule or rule change, including any Regional Entity rule or rule change.<sup>11</sup>

## II. Discussion

6. Due to an internal Commission reorganization, the Office of Energy Market Regulation (OEMR) will be responsible to review ERO filings made pursuant to sections 39.4, 39.8, and 39.10 of the Commission's regulations. Accordingly, this Final Rule revises the delegations to the Director of OEMR, contained in section 375.307, to add authority to act pursuant to delegated authority on filings made pursuant to the aforementioned sections; thus, it reassigns from the Director of the Office

of Electric Reliability (OER) to the Director of OEMR the delegations authorizing OER to act pursuant to sections 39.4, 39.8, and 39.10.

7. New section 375.307(a)(2)(v) delegates to the Director of OEMR the authority to take appropriate action on budget, business plan, and special assessment filings made pursuant to section 39.4.

8. New section 375.307(a)(2)(vi) delegates to the Director of OEMR the authority to take appropriate action on proposed ERO or Regional Entity organization rules or rule changes made pursuant to section 39.10.

9. New section 375.307(a)(2)(vii) delegates to the Director of OEMR the authority to take appropriate action on delegation agreement filings by the ERO or a Regional Entity made pursuant to section 39.8.

10. This Final Rule also revises that portion of section 375.303(a)(2)(i) stating that OER has the authority to approve revisions to ERO and Regional Entity rules or procedures, to reflect the change in Commission organization.

## III. Information Collection Statement

11. Office of Management and Budget (OMB) regulations require OMB to approve certain information collection requirements imposed by agency rule.<sup>12</sup> This Final Rule contains no new or revised information collections. Therefore, OMB review of this Final Rule is not required.

## IV. Environmental Analysis

12. 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.<sup>13</sup> Excluded from this requirement are rules that are procedural, ministerial, or internal administrative and management actions, programs or decisions.<sup>14</sup> This Rule falls within this exception; consequently, no environmental consideration is necessary.

## V. Regulatory Flexibility Act

13. The Regulatory Flexibility Act of 1980 (RFA)<sup>15</sup> generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. This Final Rule concerns a matter of internal agency procedure and

it will not have such an impact. An analysis under the RFA is therefore not required.

## VI. Document Availability

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

15. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document (i.e., the sub docket number, 000) in the docket number field.

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

## VII. Effective Date and Congressional Notification

17. The provisions of 5 U.S.C. 801 regarding Congressional review of Final Rules do not apply to this Final Rule because the rule concerns internal agency procedure and practice and will not substantially affect the rights of non-agency parties.

18. These regulations are effective on October 1, 2012. The Commission finds that notice and public comments are unnecessary because this Rule concerns only internal agency procedure and practice. Therefore the Commission finds good cause to waive the notice period otherwise required before the effective date of this Final Rule.

## List of Subjects in 18 CFR Part 375

The Commission.

By the Commission.

**Kimberly D. Bose,**  
Secretary.

In consideration of the foregoing, the Commission amends Part 375, Chapter I, Title 18, Code of Federal Regulations, as follows:

<sup>5</sup> 18 CFR 39.4(b).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* 39.4(c).

<sup>8</sup> *Id.* 39.4(d).

<sup>9</sup> 18 CFR 39.8.

<sup>10</sup> *Id.* 39.8(f).

<sup>11</sup> *Id.* 39.10(b).

<sup>12</sup> 5 CFR 1320.

<sup>13</sup> *Regulations Implementing the National Environmental Policy Act of 1969*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987).

<sup>14</sup> 18 CFR 380.4(a)(1).

<sup>15</sup> 5 U.S.C. 601-612.

**PART 375—THE COMMISSION**

■ 1. The authority citation for part 375 continues to read as follows:

**Authority:** 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791–825r, 2601–2645; 42 U.S.C. 7101–7352.

■ 2. In § 375.303, paragraph (a)(2)(i) is revised to read as follows:

**§ 375.303 Delegations to the Director of the Office of Electric Reliability.**

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(i) Approve uncontested applications.

\* \* \* \* \*

■ 3. Section 375.307 is amended by revising (a)(2)(iv) and adding paragraphs (a)(2)(v), (vi), and (vii) to read as follows:

**§ 375.307 Delegations to the Director of the Office of Energy Market Regulation.**

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(iv) Sign and issue deficiency letters for filings under Federal Power Act sections 203, 204, 215, and 305(b).

(v) Take appropriate action on uncontested Electric Reliability Organization budget, business plan, and special assessment filings made pursuant to § 39.4 of this chapter.

(vi) Take appropriate action on uncontested filings proposing Electric Reliability Organization or Regional Entity organization rules or rule changes made pursuant to § 39.10 of this chapter.

(vii) Take appropriate action on uncontested delegation agreement filings by the Electric Reliability Organization or Regional Entity made pursuant to section 39.8 of this chapter.

\* \* \* \* \*

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**DEPARTMENT OF THE TREASURY**

**Financial Crimes Enforcement Network**

**31 CFR Part 1010**

**RIN 1506–AA63**

**Repeal of the Final Rule Imposing Special Measures and Withdrawal of the Findings of Primary Money Laundering Concern Against Myanmar Mayflower Bank and Asia Wealth Bank**

**AGENCY:** Financial Crimes Enforcement Network (“FinCEN”), Treasury.

**ACTION:** Final rule.

**SUMMARY:** This document repeals FinCEN’s final rule, “Imposition of Special Measures Against Myanmar Mayflower Bank and Asia Wealth Bank” of April 12, 2004, and withdraws the findings of Myanmar Mayflower Bank and Asia Wealth Bank as Financial Institutions of Primary Money Laundering Concern of November 25, 2003, issued pursuant to 31 U.S.C. 5318A of the Bank Secrecy Act (the “BSA”).

**DATES:** *Effective Date:* October 1, 2012.

**FOR FURTHER INFORMATION CONTACT:** Regulatory Policy and Programs Division, Financial Crimes Enforcement Network, (800) 949–2732 and select Option 1.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. Statutory Provisions*

On October 26, 2001, the President signed into law the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56 (“USA PATRIOT Act”). Title III of the USA PATRIOT Act amends the anti-money laundering provisions of the BSA, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5314 and 5316–5332, to promote the prevention, detection, and prosecution of money laundering and the financing of terrorism. Regulations implementing the BSA appear at 31 CFR Chapter X.<sup>1</sup> The Secretary of the Treasury (the “Secretary”) has delegated his authority to administer the BSA and its implementing regulations to the Director of the Financial Crimes Enforcement Network.<sup>2</sup>

Section 311 of the USA PATRIOT Act (“section 311”) added Section 5318A to the BSA, granting the Secretary the authority, upon finding that reasonable grounds exist for concluding that a foreign jurisdiction, foreign financial institution, class of international transactions, or type of account is of “primary money laundering concern,” to require domestic financial institutions and domestic financial agencies to take certain “special

measures” against the primary money laundering concern.<sup>3</sup>

Taken as a whole, Section 5318A provides the Secretary with a range of options that can be adapted to target specific money laundering and terrorist financing concerns most effectively. These options provide the authority to bring additional and useful pressure on those jurisdictions and institutions that pose money-laundering threats and the ability to take steps to protect the U.S. financial system. Through the imposition of various special measures, FinCEN can: Gain more information about the concerned jurisdictions, financial institutions, transactions, and accounts; monitor more effectively the respective jurisdictions, financial institutions, transactions, and accounts; and, ultimately, protect U.S. financial institutions from involvement with jurisdictions, financial institutions, transactions, or accounts that pose a money laundering concern.

*B. Myanmar Mayflower Bank and Asia Wealth Bank*

Myanmar Mayflower Bank was incorporated in 1996 as a full-service commercial bank in Rangoon, Burma. At the time of the final rule, the bank maintained 25 branches and had 1,153 employees. The Banker’s Almanac and Dun and Bradstreet reports indicated that Mayflower Bank was incorporated in 1994.

Asia Wealth Bank started its banking operation in 1995, was one of the largest private banks in Burma, and offered a wide variety of banking services. In August 2000, Asia Wealth Bank held 52 percent of the market share in fixed deposits of Burmese banks (over U.S. \$23 billion). At the end of March 2001, it had 39 branches with a total of 3,200 employees (in December 2002, Dun and Bradstreet indicated only 2,200 employees).

**II. The Finding, Final Rule, and Subsequent Developments**

*A. The Finding and Final Rule*

Based upon review and analysis of relevant information, consultations with relevant Federal agencies and departments, and after consideration of

<sup>1</sup> On October 26, 2010, FinCEN issued a final rule creating a new Chapter X in Title 31 of the Code of Federal Regulations for the BSA regulations. See 75 FR 65806 (October 26, 2010) (Transfer and Reorganization of Bank Secrecy Act Regulations Final Rule) (referred to herein as the “Chapter X Final Rule”). The Chapter X Final Rule became effective on March 1, 2011.

<sup>2</sup> Therefore, references to the authority of the Secretary under section 311 of the USA PATRIOT Act apply equally to the Director of the Financial Crimes Enforcement Network.

<sup>3</sup> Available special measures include requiring: (1) Recordkeeping and reporting of certain financial transactions; (2) collection of information relating to beneficial ownership; (3) collection of information relating to certain payable-through accounts; (4) collection of information relating to certain correspondent accounts; and (5) prohibition or conditions on the opening or maintaining of correspondent or payable-through accounts. 31 U.S.C. 5318A(b)(1)–(5). For a complete discussion of the range of possible countermeasures, see 68 FR 18917 (April 17, 2003) (proposing to impose special measures against Nauru).