

Dated: October 24, 2007.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 07-5348 Filed 10-24-07; 11:39 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2007-29086; Airspace Docket No. 07-ASO-22]

**Amendment of Class E Airspace; Aguadilla, PR**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Class E2 and E5 airspace at Aguadilla, PR. This action corrects the geographical position coordinates for the Rafael Hernandez Airport.

**DATES:** *Effective Date:* 0901 UTC, December 20, 2007. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Mark D. Ward, Manager, System Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5581.

**SUPPLEMENTARY INFORMATION:**

**History**

On March 16, 2007, the geographical position coordinates for Rafael Hernandez Airport, Aguadilla, PR, changed from lat. 18°29'38"N, long. 67°07'59"W to lat. 18°29'42"N, long. 67°07'46"W. This action corrects the geographical position coordinates of the airport.

This rule becomes effective on the date specified in the **EFFECTIVE DATE** section. Since this action will have no impact on aircraft operating in the vicinity of Rafael Hernandez Airport, Aguadilla, PR, notice and public procedure under 5 U.S.C. 553(b) are not necessary. Class E airspace areas designated as surface areas and Class E airspace areas designated as airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraphs 6002 and 6005, respectively, of FAA Order 7400.9P, Airspace Designations and Reporting

Points, dated September 1, 2006, and effective September 15, 2006, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

**The Rule**

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends Class E2 and E5 airspace at Rafael Hernandez Airport, Aguadilla, PR.

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71—[AMENDED]**

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

*Paragraph 6000. Class E Airspace.*

\* \* \* \* \*

**ASO PR E2 Aguadilla, PR [Revised]**

Rafael Hernandez Airport, PR  
(Lat. 18°29'42" N, long. 67°07'46" W)  
Borinquen VORTAC  
(Lat. 18°29'53" N, long. 67°06'30" W)

Within a 4.5-mile radius of Rafael Hernandez Airport and within 2.4 miles each

side of the Borinquen VORTAC 257° radial, extending from the 4.5-mile radius to 7 miles west of the VORTAC. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

**ASO PR E5 Aguadilla, PR [Revised]**

Rafael Hernandez Airport, PR  
(Lat. 18°29'42" N, long. 67°07'46" W)  
Eugenio Maria De Hostos Airport  
(Lat. 18°15'21" N, long. 67°08'55" W)

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Rafael Hernandez Airport and within a 10-mile radius of Eugenio Maria De Hostos Airport.

\* \* \* \* \*

Issued in College Park, Georgia, on October 5, 2007.

**Barry A. Knight,**

*Acting Manager, System Support Group, Eastern Service Center.*

[FR Doc. 07-5264 Filed 10-26-07; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Parts 33, 35, 154, 157, 300, 375, 376**

[Docket No. RM07-22-000; Order No. 701]

**Delegations to Office of Electric Reliability**

Issued October 19, 2007.

**AGENCY:** Federal Energy Regulatory Commission, Department of Energy.

**ACTION:** Final Rule.

**SUMMARY:** This Final Rule revises the Commission's regulations to delegate authority to the newly established Office of Electric Reliability to allow that office to process routine, non-controversial matters efficiently. The rule also makes conforming changes to account for changes in office names.

**DATES:** *Effective Date:* This rule will become effective October 29, 2007.

**FOR FURTHER INFORMATION CONTACT:** Wilbur Miller, Office of the General Counsel, 888 First Street, NE., Washington, DC 20426, (202) 502-8953. [wilbur.miller@ferc.gov](mailto:wilbur.miller@ferc.gov).

**SUPPLEMENTARY INFORMATION:**

Before Commissioners: Joseph T. Kelliher, Chairman; Sudeen G. Kelly, Marc Spitzer, Philip D. Moeller, and Jon Wellingshoff.

**I. Discussion**

1. On September 20, 2007, the Commission announced the creation of

the Office of Electric Reliability (OER) to focus on the development and implementation of mandatory and enforceable reliability standards for the nation's bulk power system. OER was formerly a division of the Office of Energy Markets and Reliability, which will now be called the Office of Energy Market Regulation (OEMR). The organizational change will help implement the Commission's new regulatory authorities under section 215 of the Energy Policy Act of 2005.<sup>1</sup> To enable OER to carry out its functions as efficiently as possible, this Final Rule adds a new section to the Commission's regulations, 18 CFR 375.314, to delegate to OER the authority necessary to process routine matters. These delegations are intended to apply to uncontested, non-controversial matters. This Final Rule also revises a number of regulations to update office names.

## II. Information Collection Statement

2. The Office of Management and Budget's (OMB) regulations require that OMB approve certain information collection requirements imposed by agency rule.<sup>2</sup> This Final Rule does not contain information reporting requirements and is not subject to OMB approval.

## III. Environmental Analysis

3. 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 quality of the human environment.<sup>3</sup> Issuance of this Final Rule does not represent a major federal action having a significant adverse effect on the quality of the human environment under the Commission's regulations implementing the National Environmental Policy Act. Part 380 of the Commission's regulations lists exemptions to the requirement to draft an Environmental Analysis or Environmental Impact Statement. Included is an exemption for procedural, ministerial or internal administrative actions.<sup>4</sup> This rulemaking is exempt under that provision.

## IV. Regulatory Flexibility Act

4. The Regulatory Flexibility Act of 1980 (RFA)<sup>5</sup> generally requires a

description and analysis of final rules that will have a significant economic impact on a substantial number of small entities. This Final Rule concerns matters of internal agency procedure and the Commission therefore certifies that it will not have such an impact. An analysis under the RFA is not required.

## V. Document Availability

5. 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.

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

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

## VI. Effective Date and Congressional Notification

8. These regulations are effective immediately upon publication in the **Federal Register**. In accordance with 5 U.S.C. 553(d)(3), the Commission finds that good cause exists to make this Final Rule effective immediately. It concerns only matters of internal operations and will not affect the rights of persons appearing before the Commission. There is therefore no reason to make this rule effective at a later time.

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

10. The Commission is issuing this as a Final Rule without a period for public comment. Under 5 U.S.C. 553(b), notice and comment procedures are unnecessary where a rulemaking concerns only agency procedure and

practice, or where the agency finds that notice and comment is unnecessary. This rule concerns only matters of internal agency procedure and will not significantly affect regulated entities or the general public.

## List of Subjects

### 18 CFR Part 33

Electric utilities, Reporting and recordkeeping requirements, Securities.

### 18 CFR Part 35

Electric power, Reporting and recordkeeping requirements.

### 18 CFR Part 154

Alaska, Natural gas, Natural gas companies, Pipelines, Rate schedules and tariffs, Reporting and recordkeeping requirements.

### 18 CFR Part 157

Administrative practice and procedure, Natural gas, Reporting and recordkeeping requirements.

### 18 CFR Part 300

Electric power, Reporting and recordkeeping requirements.

### 18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

### 18 CFR Part 376

Civil defense, Organization and functions (Government agencies).

By the Commission.

**Nathaniel J. Davis, Sr.,**

*Acting Deputy Secretary.*

■ In consideration of the foregoing, the Commission amends parts 33, 35, 154, 157, 300, 375 and 376, Chapter I, Title 18, *Code of Federal Regulations*, as follows.

## PART 33—APPLICATIONS UNDER FEDERAL POWER ACT SECTION 203

■ 1. The authority citation for part 33 continues to read as follows:

**Authority:** 16 U.S.C. 791a-825r, 2601-2645; 31 U.S.C. 9701; 42 U.S.C. 7101-7352; Pub. L. 109-58, 119 Stat. 594.

### § 33.10 [Amended]

■ 2. Section 33.10 is amended by removing the phrase "Markets and Reliability" and adding in its place the phrase "Market Regulation."

## PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 3. The authority citation for part 35 continues to read as follows:

<sup>1</sup> Pub. L. 109-58, sections 1211, 119 Stat. 594, 941-46 (2005) (to be codified at 16 U.S.C. 824o).

<sup>2</sup> 5 CFR Part 1320.

<sup>3</sup> *Regulations Implementing the National Environmental Policy Act*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987).

<sup>4</sup> 18 CFR 380.4(1) and (5).

<sup>5</sup> 5 U.S.C. 601-12.

**Authority:** 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

**§ 35.2 [Amended]**

■ 4. Section 35.2(c) is amended by removing the phrase “Markets and Reliability” and adding in its place the phrase “Market Regulation.”

**§ 35.5 [Amended]**

■ 5. Section 35.5(b) is amended by removing the phrase “Markets and Reliability” and adding in its place the phrase “Market Regulation.”

**§ 35.13 [Amended]**

■ 6. Section 35.13(a)(3) is amended by removing the phrase “Markets and Reliability” and adding in its place the phrase “Market Regulation.”

**PART 154—RATE SCHEDULES AND TARIFFS**

■ 7. The authority citation for part 154 continues to read as follows:

**Authority:** 15 U.S.C. 717–717w; 31 U.S.C. 9701; 42 U.S.C. 7102–7352.

**§ 154.5 [Amended]**

■ 8. Section 154.5 is amended by removing the phrase “Markets and Reliability” and adding in its place the phrase “Market Regulation.”

**§ 154.302 [Amended]**

■ 9. Section 154.302(b) is amended by removing the phrase “Markets and Reliability” and adding in its place the phrase “Market Regulation.”

**PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT**

■ 10. The authority citation for part 157 continues to read as follows:

**Authority:** 15 U.S.C. 717–717w.

**§ 157.8 [Amended]**

■ 11. Section 157.8(a) and (c) are amended by removing the phrase “Markets and Reliability” and adding in its place the phrase “Market Regulation”.

**PART 300—CONFIRMATION AND APPROVAL OF THE RATES OF FEDERAL POWER MARKETING ADMINISTRATIONS**

■ 12. The authority citation for part 300 continues to read as follows:

**Authority:** 16 U.S.C. 825s, 832–832l, 838–838k, 839–839h; 42 U.S.C. 7101–7352; 43 U.S.C. 485–485k.

**§ 300.10 [Amended]**

■ 13. Section 300.10(h)(2) is amended by removing the phrase “Markets and Reliability” and adding in its place the phrase “Market Regulation.”

**§ 300.20 [Amended]**

■ 14. Section 300.20(b)(1)(i) is amended by removing the phrase “Markets and Reliability” and adding in its place the phrase “Market Regulation.”

**PART 375—THE COMMISSION**

■ 15. 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; / 42 U.S.C. 16451–16463.

■ 16. Section 375.307 is amended by revising the section heading to read as set forth below, by removing paragraph (a)(2), by redesignating paragraphs (a)(3) through (a)(11) as paragraphs (a)(2) through (a)(10), and by amending paragraphs (b)(1)(i), (b)(2)(i), and (b)(3)(ii) to remove the phrase “Markets and Reliability” and add in its place the phrase “Market Regulation.”

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

\* \* \* \* \*

■ 17. Part 375 is amended by adding new § 375.314 as follows:

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

The Commission authorizes the Director or the Director’s designee to:

(a) *Program-Specific Delegated Authority:* Take the following actions with respect to the following programs:

(1) *Section 206 of the Public Utility Regulatory Policy Act of 1978 and corresponding Section 202(g) of the Federal Power Act.*

(i) Accept for filing all uncontested contingency plans regarding shortages of electric energy or capacity, circumstances which may result in such shortages, and accommodations of any such shortages or circumstances, if said contingency plans comply with all applicable statutory requirements, and with all applicable Commission rules, regulations and orders for which waivers have not been granted, or if waivers have been granted by the Commission, if the filings comply with the terms of the waivers;

(ii) Reject a contingency plan regarding shortages of electric energy or capacity, unless accompanied by a

request for waiver in conformity with § 385.2001 of this chapter, if it fails patently to comply with applicable statutory requirements and with all applicable Commission rules, regulations and orders;

(iii) Sign and issue deficiency letters;

(iv) Act on any request or petition for waiver, consistent with Commission policy.

(2) *Section 215 of the Federal Power Act.*

(i) Approve uncontested applications, including uncontested revisions to Electric Reliability Organization or Regional Entity rules or procedures;

(ii) Reject an application, unless accompanied by a request for waiver in conformity with § 385.2001 of this chapter, if it fails patently to comply with applicable statutory requirements or with all applicable Commission rules, regulations or orders;

(iii) Act on any request or petition for waiver, consistent with Commission policy;

(iv) Sign and issue deficiency letters; and

(v) Direct the Electric Reliability Organization, Regional Entities, or users, owners, and operators of the Bulk-Power System within the United States (not including Alaska and Hawaii) to provide such information as is necessary to implement Section 215 of the Federal Power Act (16 U.S.C. 824o) pursuant to §§ 39.2(d) and 39.11 and Part 40 of this chapter.

(b) *Non-Program-Specific Delegated Authority:*

(1) Take appropriate action on:

(i) Any notice of intervention or motion to intervene filed in an uncontested proceeding processed by the Office of Electric Reliability; and

(ii) Applications for extensions of time to file required filings, reports, data and information and to perform other acts required at or within a specific time by any rule, regulation, license, permit, certificate, or order by the Commission.

(2) Take appropriate action on requests or petitions for waivers of filing requirements for the appropriate statements and reports processed by the Office of Electric Reliability pursuant to §§ 141.51 and 141.300 of this chapter; and

(3) Undertake the following actions:

(i) Issue reports for public information purposes. Any report issued without Commission approval must:

(A) Be of a noncontroversial nature, and

(B) Contain the statement, “This report does not necessarily reflect the views of the Commission,” in bold face type on the cover;

(ii) Upon request or otherwise, issue staff position papers to further the

Electric Reliability Organization and Regional Entity reliability standard development process. Any such staff position paper issued without Commission approval must contain the statement, "This position paper does not necessarily reflect the views of the Commission," in bold face type on the cover;

(iii) Issue and sign requests for additional information regarding applications, filings, reports and data processed by the Office of Electric Reliability.

(iv) Accept for filing, data and reports required by Commission regulations, rules or orders, or presiding officers' initial decisions upon which the Commission has taken no further action, if such filings are in compliance with such regulations, rules, orders or decisions and, when appropriate, notify the filing party of such acceptance.

#### **PART 376—ORGANIZATION, MISSION, AND FUNCTIONS; OPERATIONS DURING EMERGENCY CONDITIONS**

■ 18. The authority citation for part 376 continues to read as follows:

**Authority:** 5 U.S.C. 553; 42 U.S.C. 7101–7352; E.O. 12009; 3 CFR 1978 Comp., p. 142.

■ 19. Section 376.204 is amended by revising paragraph (b)(2) to read as follows:

#### **§ 376.204 Delegation of Commission's authority during emergency conditions.**

\* \* \* \* \*

(b) \* \* \*

(2) The list referred to in paragraph (b)(1) of this section is:

- (i) The Executive Director;
- (ii) Director of the Office of Energy Market Regulation;
- (iii) Director of the Office of Energy Projects;
- (iv) Director of the Office of Electric Reliability;
- (v) General Counsel;
- (vi) Director of the Office of Enforcement;
- (vii) Deputy Directors, Office of Energy Market Regulation, in order of seniority;
- (viii) Deputy Directors, Office of Energy Projects, in order of seniority;
- (ix) Deputy Directors, Office of Electric Reliability, in order of seniority;
- (x) Deputy General Counsels, in order of seniority;
- (xi) Associate General Counsels and Solicitor, in order of seniority;
- (xii) Assistant Directors and Division heads, Office of Energy Market Regulation; Assistant Directors and Division heads, Office of Energy Projects; Assistant Directors and Division heads, Office of Electric

Reliability; Deputy Associate General Counsels; and Assistant Directors and Division heads, Office of Enforcement; in order of seniority.

\* \* \* \* \*

[FR Doc. E7–20969 Filed 10–26–07; 8:45 am]

**BILLING CODE 6717–01–P**

## **DEPARTMENT OF THE TREASURY**

### **Monetary Offices**

#### **31 CFR Part 82**

#### **Prohibition on the Exportation, Melting, or Treatment of 5-Cent and One-Cent Coins; Correction**

**AGENCY:** United States Mint, Treasury.

**ACTION:** Correcting amendments.

**SUMMARY:** This document corrects the United States Mint's regulations that prohibit the exportation, melting, and treatment of 5-cent and one-cent coins. These regulations, added in December 2006, were inadvertently allowed to expire on April 14, 2007. A final rule, which was published in the **Federal Register** of Monday, April 16, 2007 (72 FR 18880), was intended to extend the effectiveness of these requirements. However, that document failed to set out the revised 31 CFR Part 82 in its entirety, and this document corrects the agency's regulations by doing so.

**DATES:** Effective on October 29, 2007.

**FOR FURTHER INFORMATION CONTACT:** Kristie Bowers, Attorney-Advisor, United States Mint, at (202) 354–7631 (not a toll-free call).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The final rule was based on an interim rule, which was published Wednesday, December 20, 2006 (71 FR 76148). The regulations are intended to protect the coinage of the United States, by prohibiting the exportation, melting, and treatment of 5-cent and one-cent coins. The regulations were issued pursuant to 31 U.S.C. 5111(d), which authorizes the Secretary of the Treasury to prohibit or limit the exportation, melting, or treatment of United States coins when the Secretary decides the prohibition or limitation is necessary to protect the coinage of the United States. The regulations' purpose is to ensure that sufficient quantities of 5-cent and one-cent coins remain in circulation to meet the needs of the United States.

##### **II. Need for Correction**

The interim rule was scheduled to expire on April 14, 2007, unless extended by a further rulemaking

document published in the **Federal Register**. Because of an administrative oversight, the final rule was published on April 16, 2007, two days after the interim rule had expired. Instead of setting the amended 31 CFR Part 82 out in its entirety, the final rule attempted to adopt the interim rule with certain changes. However, because the interim rule had already expired when the final rule was published, there were no regulations at 31 CFR Part 82 to adopt. This correction is intended to set out the revised 31 CFR Part 82 in its entirety.

#### **List of Subjects in 31 CFR Part 82**

Administrative Practice and Procedure, Currency, Penalties.

#### **Authority and Issuance**

■ Accordingly, Chapter 1 of Subtitle B of title 31 of the Code of Federal Regulations is corrected by adding part 82 to read as follows:

#### **PART 82—5-CENT AND ONE-CENT COIN REGULATIONS**

Sec.

82.1 Prohibitions.

82.2 Exceptions.

82.3 Definitions.

82.4 Penalties.

**Authority:** 31 U.S.C. 5111(d).

##### **§ 82.1 Prohibitions.**

Except as specifically authorized by the Secretary of the Treasury (or designee) or as otherwise provided in this part, no person shall export, melt, or treat:

- (a) Any 5-cent coin of the United States; or
- (b) Any one-cent coin of the United States.

##### **§ 82.2 Exceptions.**

(a) The prohibition contained in § 82.1 against the exportation of 5-cent coins and one-cent coins of the United States shall not apply to:

(1) The exportation in any one shipment of 5-cent coins and one-cent coins having an aggregate face value of not more than \$100 that are to be legitimately used as money or for numismatic purposes. Nothing in this paragraph shall be construed to authorize export for the purpose of sale or resale of coins for melting or treatment by any person.

(2) The exportation of 5-cent coins and one-cent coins carried on an individual, or in the personal effects of an individual, departing from a place subject to the jurisdiction of the United States, when the aggregate face value is not more than \$5, or when the aggregate face value is not more than \$25 and it