

**Applicability**

(c) This AD applies to Boeing Model 767–200 and –300 series airplanes, certificated in any category; as identified in Boeing Special Attention Service Bulletin 767–25–0336, Revision 2, dated August 11, 2005.

**Unsafe Condition**

(d) This AD results from test data indicating that outboard overhead stowage bins are unable to withstand the 4.5g down-load standard intended to protect passengers during flight turbulence or a hard landing. We are issuing this AD to prevent the stowage bins from opening during flight turbulence or a hard landing, which could result in the contents of the stowage bins falling onto the passenger seats below and injuring passengers, or blocking the aisles, impeding the evacuation of passengers in an emergency.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Replacement of Placards and Installation of Partial Divider Panels and Life Raft Straps**

(f) Within 72 months after the effective date of this AD: Replace the placards on certain stowage bins with new placards, install partial dividers in certain other stowage bins, and install straps on stowage bins containing life rafts, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767–25–0336, Revision 2, dated August 11, 2005.

**Actions Required To Be Accomplished Prior to or Concurrently With Paragraph (f) of This AD**

(g) For Group 1 airplanes as identified in Boeing Special Attention Service Bulletin 767–25–0336, Revision 2, dated August 11, 2005: Prior to or concurrently with the accomplishment of paragraph (f) of this AD, replace the door latches, strikes, and thresholds on the outboard overhead stowage compartments with new latches, strikes, and thresholds. Do the replacement in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–25–0211, Revision 1, dated July 14, 1994.

**Actions Accomplished Previously**

(h) Accomplishment of the stowage bin modifications required by paragraph (f) of this AD in accordance with Boeing Special Attention Service Bulletin 767–25–0336, dated May 15, 2003; or Revision 1, dated October 21, 2004; and paragraph (g) of this AD in accordance with Boeing Service Bulletin 767–25–0211, dated August 12, 1993; before the effective date of this AD; is considered acceptable for compliance with the corresponding requirements of this AD.

**Parts Installation**

(i) As of the effective date of this AD, no person may install on any airplane a stowage bin having a part number identified in Table 2 of Figure 1 of Boeing Special Attention Service Bulletin 767–25–0336, Revision 2, dated August 11, 2005, unless it has been

modified by performing the applicable actions in paragraph (f) of this AD.

**Alternative Methods of Compliance (AMOCs)**

(j)(1) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with 14 CFR 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

**Material Incorporated by Reference**

(k) You must use Boeing Special Attention Service Bulletin 767–25–0336, Revision 2, dated August 11, 2005; and Boeing Service Bulletin 767–25–0211, Revision 1, dated July 14, 1994; as applicable; to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., room PL–401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on May 9, 2006.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–4803 Filed 5–24–06; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 358**

[Docket No. RM01–10–005]

**Standards of Conduct for Transmission Providers**

Issued May 18, 2006.

**AGENCY:** Federal Energy Regulatory Commission; DOE.

**ACTION:** Order on Request for Additional Clarification.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is issuing this Order to clarify that, in the

event of a grid disturbance, a Transmission Provider may communicate to an affiliated nuclear power plant specific information about transmission system conditions on a real-time basis.

**DATES:** *Effective Date:* The Order on Request for Additional Clarification will become effective May 25, 2006.

**FOR FURTHER INFORMATION CONTACT:** Mary Kipp, Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. (202) 502–8228. [mary.kipp@ferc.gov](mailto:mary.kipp@ferc.gov).

**SUPPLEMENTARY INFORMATION:**

Before Commissioners: Joseph T. Kelliher, Chairman; Nora Mead Brownell, and Suedeen G. Kelly.

**Order on Request for Additional Clarification**

1. In this order, the Commission addresses the request seeking clarification of the Commission's February 16, 2006 "Interpretive Order Relating to the Standards of Conduct" (Interpretive Order).<sup>1</sup> The Interpretive Order clarified that, subject to the no-conduit rule, Transmission Providers may communicate with affiliated nuclear power plants regarding certain matters related to the safety and reliability of the transmission system, in order to comply with requirements of the Nuclear Regulatory Commission (NRC). For the reasons discussed herein, we grant the request for additional clarification.

2. On March 20, 2006, Exelon Corporation ("Exelon") filed comments and a request for clarification of the Interpretive Order. Specifically, Exelon requests that the Commission clarify that a Transmission Provider can provide its affiliated nuclear power plants ("NPPs") with specific information concerning the location and nature of grid disturbances that potentially threaten the grid's ability to provide power to a plant's safety systems. On March 21, 2006, the Nuclear Energy Institute ("NEI") filed comments in support of Exelon's position. In this order, the Commission clarifies that, in the event of a grid disturbance, a Transmission Provider may communicate to an affiliated NPP specific information about transmission system conditions on a real-time basis, including: (i) A technical description of the grid disturbance, along with its specific location on the system; (ii) the grid elements, whether lines, substations, or other elements, that may

<sup>1</sup> *Interpretive Order Relating to the Standards of Conduct*, 71 FR 9446 (Feb. 24, 2006), FERC Stats. & Regs. ¶ 31,206 (2006).

be affected by the disturbance, and their specific locations on the system; (iii) the projected duration of the disturbance; and (iv) steps being taken by the Transmission Provider to resolve the disturbance. This order benefits customers because it clarifies that Transmission Providers and NPPs may share information necessary to maintain the safety and reliability of the transmission grid while ensuring that there is no undue preference or services.

## I. Background

3. On November 25, 2003, the Commission issued a Final Rule adopting Standards of Conduct for Transmission Providers (Order No. 2004).<sup>2</sup> Under Order No. 2004, the Standards of Conduct govern the relationships between Transmission Providers and all of their Marketing Affiliates and Energy Affiliates. The Standards of Conduct also contain various information-sharing prohibitions to help ensure that Transmission Providers do not use their access to information about transmission to unfairly benefit their own or their affiliates' sales to the detriment of competitive markets. Absent one of the exceptions articulated in section 358.5 of the Commission's regulations, if a Transmission Provider discloses transmission information to its Marketing or Energy Affiliate, the Transmission Provider is required to immediately post that information on its OASIS or Internet Web site.

4. On February 16, 2006, the Commission issued the Interpretive Order. The Interpretive Order clarified that sections 358.5(a) and (b) of the Commission's regulations, 18 CFR 358.5(a) and (b) (2005), do not prohibit a Transmission Provider and its affiliated NPP from engaging in necessary communications related to the safety and reliability of the transmission system or the NPP, including information relating to the loss of or potential loss of transmission lines that provide off-site power to the NPP.<sup>3</sup> The Commission issued the Interpretive Order to clarify that Transmission Providers may communicate with affiliated and non-

affiliated NPPs to enable the NPPs to comply with the requirements of the NRC as described in the NRC's February 1, 2006 Generic Letter 2006-002, Grid Reliability and the Impact on Plant Risk and the Operability of Offsite Power (the "Generic Letter").<sup>4</sup> The Commission also reemphasized that, although such communications are permitted, the NPP operator is prohibited from being a conduit for sharing this information with employees of other Marketing or Energy Affiliates. 18 CFR 358.5(b)(7) (2005).<sup>5</sup>

5. Although no public notice or comment on the Interpretive Order was required pursuant to section 4(b)(A) of the Administrative Procedure Act, 5 U.S.C. 533(b)(A) (2000), which exempts from such notice or comment "interpretive rules, general statements of policy or rules of agency organization, procedure or practice," the Commission invited all interested persons to submit written comments.<sup>6</sup> Comments were due March 20, 2006. Reply comments were due on April 19, 2006. The Generic Letter and the Interpretive Order were also discussed at the first ever joint meeting of the Commission and the NRC held on April 24, 2006.

6. Exelon filed timely comments in which it expresses agreement with the Commission that the clarifications set forth in the Interpretive Order will enhance safe operations at nuclear facilities. Exelon also requests that the Commission make additional clarifications. NEI filed comments in support of Exelon's position. No other comments or reply comments were filed.

7. Exelon argues that, while the Interpretive Order expressly held that Transmission Providers may communicate information on grid disturbances and the duration of power unavailability, the Interpretive Order only implicitly approved disclosure of the location and nature of the disturbance. Exelon asserts that such information clearly encompasses the "necessary communications related to safety or reliability that the Standards of Conduct are not intended to impede." Thus, Exelon asks that the Commission further clarify that, subject to the no-conduit rule, a Transmission Provider may provide its affiliated NPPs with specific information concerning the location and nature of grid disturbances

that potentially threaten the grid's ability to provide power to a plant's safety systems.

8. Exelon asserts that grid conditions may not only interfere with NPP access to offsite power, but may also require the Transmission Provider to ask the NPP to take some action, such as reducing output or operating switchyard equipment. In addition, Exelon points out that grid conditions may involve actual system emergencies or transmission element outages that create contingencies. Finally, Exelon states that grid conditions that may impact an NPP may occur on transmission system elements directly connected to the NPP, on more remote elements on the Transmission Provider's system, or even on elements in the system of another Transmission Provider. Exelon argues that under any and all such conditions, the NPP needs to know whether an affiliated Transmission Provider may disclose to an NPP specific information about transmission system conditions on a real-time basis, including: (i) A technical description of the grid disturbance, along with its specific location on the system; (ii) the grid elements, whether lines, substations, or other elements, that may be affected by the disturbance, and their specific locations on the system; (iii) the projected duration of the disturbance; and (iv) steps being taken by the Transmission Provider to resolve the disturbance.

## II. Commission Decision

9. In the Interpretive Order the Commission recognized that, in addition to permitting communications necessary to operate and maintain the transmission system, the Transmission Provider and its interconnected NPP must engage in certain limited communications to operate and maintain the interconnection and the safety and reliability of the NPP.<sup>7</sup> Consequently, the Commission clarified that permitted communications may include, *inter alia*, information on grid disturbances and the duration of power unavailability in order for the NPP to plan for off-site power in the event of a grid-related loss of power or station blackout, as required by the NRC.<sup>8</sup>

10. The Commission did not intend to restrict to generalized information the types of communications that comprise "information on grid disturbances and the duration of power unavailability" as used in the Interpretive Order. Rather, the Commission intends that, subject to the no conduit rule, Transmission

<sup>2</sup> *Standards of Conduct for Transmission Providers*, Order No. 2004, FERC Stats. & Regs., Regulations Preambles ¶ 31,155 (2003), *order on reh'g*, Order No. 2004-A, III FERC Stats. & Regs. ¶ 31,161 (2004), 107 FERC ¶ 61,032 (2004), *order on reh'g*, Order No. 2004-B, III FERC Stats. & Regs. ¶ 31,166 (2004), 108 FERC ¶ 61,118 (2004), *order on reh'g*, Order No. 2004-C, 109 FERC ¶ 61,325 (2004), *order on reh'g*, Order No. 2004-D, 110 FERC ¶ 61,320 (2005), *appeal docketed sub nom., National Gas Fuel Supply Corporation v. FERC*, No. 04-1183 (DC Cir. June 9, 2004).

<sup>3</sup> Interpretive Order at P 1.

<sup>4</sup> *Id.* referencing Nuclear Regulatory Commission's Generic Letter 2006-002, Grid Reliability and the Impact on Plant Risk and the Operability of Offsite Power, February 1, 2006, OMB Control No.: 3150-0011.

<sup>5</sup> *Interpretive Order* at P 6.

<sup>6</sup> *Id.* at P 10.

<sup>7</sup> *Id.* at P 7.

<sup>8</sup> *Id.*

Providers and their affiliated NPPs may communicate as necessary to preserve the safety and reliability of the grid, the interconnection, and the NPP. The Commission agrees with Exelon that it may be necessary for the Transmission Provider and the NPP to discuss specific technical information.

11. Accordingly, the Commission specifically clarifies that “information on grid disturbances and the duration of power unavailability” as used in the Interpretive Order encompasses specific information about transmission system conditions on a real-time basis, including: (i) A technical description of the grid disturbance, along with its specific location on the system; (ii) the grid elements, whether lines, substations, or other elements, that may be affected by the disturbance, and their specific locations on the system; (iii) the projected duration of the disturbance; and (iv) steps being taken by the Transmission Provider to resolve the disturbance.

### III. Document Availability

12. 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.

13. From the Commission’s Home Page on the Internet, this information is available in the Commission’s document management system, 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.

14. User assistance is available for eLibrary and the Commission’s Web site during normal business hours. For assistance, please contact FERC Online Support at 1-866-208-3676 (toll free) or (202) 502-8222 (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 at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov)).

By the Commission.

**Magalie R. Salas,**  
Secretary.

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD08-06-016]

RIN 1625-AA09

#### Drawbridge Operation Regulations; Massalina Bayou, Panama City, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary rule.

**SUMMARY:** The Commander, Eighth Coast Guard District, has temporarily changed the regulation governing the operation of the Tarpon Dock bascule span drawbridge across Massalina Bayou, mile 0.0, at Panama City, Bay County, Florida. The regulation will allow the draw of the bridge to remain closed to navigation for one hour to facilitate the American Heart Walk.

**DATES:** This temporary rule is effective from 9 a.m. to 10 a.m. on October 28, 2006.

**ADDRESSES:** Documents indicated in this preamble as being available in the docket are part of docket [CGD08-06-016] and are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, 500 Poydras Street, New Orleans, Louisiana 70130-3310, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. The Eighth District Bridge Administration Branch maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** David Frank, Bridge Administration Branch, (504) 589-2965.

#### SUPPLEMENTARY INFORMATION:

#### Good Cause for Not Publishing an NPRM

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Thousands of pedestrians will cross the bridge during the event and this temporary rule is necessary to ensure their safety as they cross the bridge. Additionally, the event will only impact the waterway users for one hour and will open for vessels in distress.

#### Background and Purpose

The American Heart Association, on behalf of the City of Panama City, has requested a temporary rule changing the operation of the Tarpon Dock bascule span drawbridge across Massalina

Bayou, mile 0.0, in Panama City, Bay County, Florida. This temporary rule is needed to accommodate approximately 2,000 pedestrians that are expected to participate in a 3.5-mile walk. The bridge is near the beginning of the walk and allowing the bridge to open for navigation during this short time period would disrupt the event and could result in injury. The bridge has a vertical clearance of 7 feet above mean high water in the closed-to-navigation position and unlimited in the open-to-navigation position. Navigation on the waterway consists primarily of commercial fishing vessels, sailing vessels and other recreational craft. Presently, 33 CFR 117.301 states: “The draw of the Tarpon Dock bascule span bridge, Massalina Bayou, mile 0.0, shall open on signal; except that from 9 p.m. until 11 p.m. on July 4, each year, the draw need not open for the passage of vessels. The draw will open at any time for a vessel in distress.” This temporary rule will allow the bridge to be maintained in the closed-to-navigation position from 9 a.m. to 10 a.m. on October 28, 2006 to facilitate the American Heart Walk.

#### Discussion of Rule

The Coast Guard is temporarily changing the regulation in 33 CFR part 117. The temporary change allows the bridge to remain closed for one hour to facilitate a community activity and will minimally affect waterway users wishing to transit through the bridge on this date. This event is an annual event and waterway users have never expressed any concerns regarding the delays to facilitate this event.

#### Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not “significant” under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This temporary rule will be only one hour in duration and is therefore expected to have only a minor affect on the local economy.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered