

requirements of §§ 366.2 and 366.21 (applicable to holding companies) and §§ 366.2, 366.22, and 366.23 (applicable to the holding companies' associated service companies), pursuant to the notification procedure contained in § 366.4(b):

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(vii) Natural gas companies that distribute natural or manufactured gas at retail to industrial or electric generation customers and/or distribute *de minimis* amounts of natural or manufactured gas at retail to farmer or rancher customers located adjacent to the natural gas company's rights-of-way.

(c) *Waivers*. Any person that is a holding company solely with respect to one or more of the following may file to obtain a waiver of the accounting, record-retention, and reporting requirements of § 366.21 (applicable to holding companies) and §§ 366.22 and 366.23 (applicable to the holding companies' associated service companies), pursuant to the notification procedures contained in § 366.4(c):

(1) Single-state holding company systems; for purposes of § 366.3(c)(1), a holding company system will be deemed to be a single-state holding company system if the holding company system derives no more than 13 percent of its public-utility company revenues from outside a single state (for purposes of this waiver, revenues derived from exempt wholesale generators, foreign utility companies and qualifying facilities will not be considered public-utility company revenues);

\* \* \* \* \*

■ 4. In § 366.7, paragraphs (a) and (b) are revised to read as follows, and paragraph (e) is added to read as follows:

**§ 366.7 Procedures for obtaining exempt wholesale generator and foreign utility company status.**

(a) *Self-certification notice procedure*. An exempt wholesale generator or a foreign utility company, or its representative, may file with the Commission a notice of self-certification demonstrating that it satisfies the definition of exempt wholesale generator or foreign utility company (including stating the location of its generation); such notices of self-certification must be subscribed, consistent with § 385.2005(a) of this chapter, but need not be verified. In the case of exempt wholesale generators, the person filing a notice of self-certification under this section must also file a copy of the notice of self-certification with the state regulatory authority of the state in which the facility is located, and that

person must also represent to this Commission in its submittal with this Commission that it has filed a copy of the notice of self-certification with the state regulatory authority of the state in which the facility is located. Notice of the filing of a notice of self-certification will be published in the **Federal Register**. Persons that file a notice of self-certification must include a form of notice suitable for publication in the **Federal Register** in accordance with the specifications in § 385.203(d) of this chapter. A person filing a notice of self-certification in good faith will be deemed to have temporary exempt wholesale generator or foreign utility company status. If the Commission takes no action within 60 days from the date of filing of the notice of self-certification, the self-certification shall be deemed to have been granted; however, consistent with section 32(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-5a (c)) any self-certification of an exempt wholesale generator may not become effective until the relevant state commissions have made the determinations provided for therein if such determinations are necessary (if such determinations are not necessary, the notice of self-certification should state so). The Commission may toll the 60-day period to request additional information, or for further consideration of the request; in such cases, the person's exempt wholesale generator or foreign utility company status will remain temporary until such time as the Commission has determined whether to grant or deny exempt wholesale generator or foreign utility company status; however, consistent with section 32(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-5a (c)), any self-certification of an exempt wholesale generator may not become effective until the relevant state commissions have made the determinations provided for therein if such determinations are necessary (if such determinations are not necessary, the notice of self-certification should state so). Authority to toll the 60-day period is delegated to the Secretary or the Secretary's designee, and authority to act on uncontested notices of self-certification is delegated to the General Counsel or the General Counsel's designee.

(b) *Optional procedure for Commission determination of exempt wholesale generator status or foreign utility company status*. A person may file for a Commission determination of exempt wholesale generator status or foreign utility company status under § 366.1 by filing a petition for

declaratory order pursuant to § 385.207(a) of this chapter, justifying the request for such status; however, consistent with section 32(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-5a (c)), a Commission determination of exempt wholesale generator status may not become effective until the relevant state commissions have made the determinations provided for therein if such determinations are necessary. (If such determinations are not necessary, the petition for declaratory order should state so.) Persons that file petitions must include a form of notice suitable for publication in the **Federal Register** in accordance with the specifications in § 385.203(d) of this chapter.

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(e) An exempt wholesale generator shall not be subject to any requirements of this part other than § 366.7, *i.e.*, procedures for obtaining exempt wholesale generator status. A foreign utility company shall not be subject to any requirements of this part other than § 366.7, *i.e.*, procedures for obtaining foreign utility company status.

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**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[DOD-2006-OS-0077; 0790-AG31]

**32 CFR Part 202**

**Department of Defense Restoration Advisory Boards**

**AGENCY:** Department of Defense.

**ACTION:** Final rule; correction.

**SUMMARY:** The Department of Defense (DoD) published a final rule document on May 12, 2006 promulgating the Restoration Advisory Board (RAB) rule regarding the scope, characteristics, composition, funding, establishment, operation, adjournment, and dissolution of RABs. That rule implemented the requirement established in 10 U.S.C. 2705(d)(2)(A), which requires the Secretary of Defense to prescribe regulations regarding RABs. That rule was based on DoD's current policies for establishing and operating RABs, as well as the Department's experience over the past ten years. This document makes administrative corrections to the preamble of that document.

**DATES:** This rule is effective July 28, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Patricia Ferree, Office of the Deputy

Under Secretary of Defense (Installations & Environment), 703-571-9060.

**SUPPLEMENTARY INFORMATION:** On Friday, May 12, 2006 (71 FR 27610), the Department of Defense published a final rule, "Department of Defense Restoration Advisory Boards". On page 27612, Section B. 202.2, "Criteria for Establishment", in the fourth paragraph, in the first sentence, the term "bi-annually" is corrected to read "biennially" and on page 27613, Section F., "Developing Operating Procedures", in the sixth paragraph, in the second sentence, "§ 202.9(a)(3)" is corrected to read "§ 202.9(a)(4)".

Dated: July 24, 2006.

**L.M. Bynum,**

*OSD Federal Register Liaison Officer,  
Department of Defense.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD07-05-162]

RIN 1625-AA09

#### **Drawbridge Operation Regulation; N.E. 14th Street Bridge, Atlantic Intracoastal Waterway, Mile 1055.0, Pompano, FL**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is temporarily changing the regulations governing the operation of the N.E. 14th Street Bridge, Atlantic Intracoastal Waterway mile 1055.0, Pompano, Florida. This temporary rule provides for solely single-leaf bridge operations twice an hour between July 5, 2006 and September 30, 2006. During this period, the bridge will operate on a single-leaf schedule unless a four hour notice is provided for double-leaf openings.

**DATES:** This temporary rule is effective from July 5, 2006 until September 30, 2006.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD07-05-162] and are available for inspection or copying at Commander (dpb), Seventh Coast Guard District, 909 S.E. 1st Avenue, Room 432, Miami, FL 33131, between 7:30 a.m. and

4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Lieberum, Project Officer, Seventh Coast Guard District, Bridge Branch, at (305) 415-6744.

#### **SUPPLEMENTARY INFORMATION:**

##### **Regulatory Information**

On February 23, 2006, we published a notice of proposed rulemaking (NRPM) entitled Drawbridge Operation Regulations; N.E. 14th Street, Atlantic Intracoastal Waterway, Mile 1055.0, at Pompano Beach, FL, in the **Federal Register** (71 FR 9300). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. These repairs are necessary to protect the safety of the public, and delaying them would be contrary to the public interest. In addition, we received no objections to this rule during the NPRM comment period and this rule provides for scheduled single-leaf bridge openings, as well as double-leaf openings after four hours notice, for vessels to transit past the bridge.

##### **Background and Purpose**

PCL Civil Constructors, Inc. on behalf of the Florida Department of Transportation has requested the Coast Guard temporarily change the existing regulations governing the operation of the N.E. 14th Street Bridge across the Atlantic Intracoastal Waterway by allowing single-leaf operation during bridge rehabilitation. The N.E. 14th Street Bridge is located on the Atlantic Intracoastal Waterway, mile 1055.0, Pompano, Florida. The current regulation governing the operation of the N.E. 14th Street Bridge is published in 33 CFR 117.261(cc) and requires the bridge to open on signal except that, from 7 a.m. to 6 p.m., the draw need open only on the quarter-hour and three-quarter hour.

The Coast Guard is temporarily changing the operating regulations of the N.E. 14th Street Bridge from July 5, 2006 to September 30, 2006 so that the bridge will operate a single-leaf twice an hour unless a four hour notice is given for double-leaf openings.

##### **Discussion of Rule**

We received no comments on the NPRM. This temporary change will allow the owner to make necessary repairs to the bridge.

##### **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). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary, because the rule will allow for bridge openings during the repairs to this bridge.

##### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities, because the regulations provide for bridge openings, short closure periods and will provide for the reasonable needs of navigation.

##### **Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If this rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Enforcement Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by