

7400.9 and publication of conforming amendments.

**FOR FURTHER INFORMATION CONTACT:** Gary Rolf, AAL-538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; e-mail: [gary.ctr.rolf@faa.gov](mailto:gary.ctr.rolf@faa.gov). Internet address: <http://www.alaska.faa.gov/at>.

**SUPPLEMENTARY INFORMATION:**

**History**

On Thursday, January 18, 2007, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise Class E airspace upward from 700 ft. and 1,200 ft. above the surface at Valdez Pioneer Field, AK (72 FR2213). The action was proposed in order to create Class E airspace sufficient in size to contain aircraft while executing two new SIAPs for the Valdez Pioneer Field Airport. The approaches are (1) Localizer Type Directional Aid (LDA)/Distance Measuring Equipment (DME)-G, Original and (2) LDA-H, Original. The LDA-G is a Special SIAP and will not be published in the U.S. Terminal Procedures (Alaska) publication. Class E controlled airspace extending upward from 700 ft. and 1,200 ft. above the surface in the Valdez, AK area is revised by this action. In the Notice of Proposed Rulemaking, the airport name was not fully articulated. The full and proper designation (Valdez Pioneer Field) is included in this rule. The location of the localizer has also been updated to reflect accurate position.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received; thus the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1,200 ft. transition areas are published in paragraph 6005 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 14 CFR part 71 revises Class E airspace at the Valdez Pioneer Field Airport, Alaska. This

Class E airspace is revised to accommodate aircraft executing SIAPs, and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at the Valdez Pioneer Field Airport, Valdez, Alaska.

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 the criteria of the Regulatory Flexibility Act.

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart 1, Section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it creates Class E airspace sufficient in size to contain aircraft executing instrument procedures for the Valdez Pioneer Field Airport and represents the FAA’s continuing effort to safely and efficiently use the navigable airspace.

**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—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

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

**Authority:** 49 U.S.C. 106(g), 30103, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9P, *Airspace Designations and Reporting Points*, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

\* \* \* \* \*

*Paragraph 6005 Class E Airspace Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**AAL AK E5 Valdez, AK**

Valdez Pioneer Field, AK  
(Lat. 61°08’02” N, long. 146°14’54” W.)

Valdez Localizer  
(Lat. 61°08’10” N, long. 146°13’15” W.)

Johnstone Point VORTAC  
(Lat. 60°28’51” N, long. 146°35’58” W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Valdez Pioneer Field Airport, AK, and within 3.1 miles each side of the Valdez Localizer front course extending from the 6.6-mile radius to 12.8 miles southwest of the Valdez Localizer; and that airspace extending upward from 1,200 feet above the surface within 50 miles of the Johnstone Point VORTAC, AK, extending clockwise from the Johnstone Point VORTAC, AK, 200° radial to the 076° radial.

\* \* \* \* \*

Issued in Anchorage, AK, on April 2, 2007.

**Anthony M. Wylie,**

*Manager, Alaska Flight Services Information Area Group.*

[FR Doc. 07-1812 Filed 4-12-07; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Parts 35 and 37**

**[Docket Nos. RM05-17-000 and RM05-25-000; Order No. 890]**

**Preventing Undue Discrimination and Preference in Transmission Service**

Issued April 6, 2007.

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

**ACTION:** Final rule; Notice of electronic filing guidelines.

**SUMMARY:** On February 16, 2007, the Federal Energy Regulatory Commission issued Order No. 890, which amended the regulations and the *pro forma* open access transmission tariff (OATT). This notice contains guidelines for the electronic submission of OATT tariffs and other information required by Order No. 890.

**DATES:** *Effective Date:* These guidelines became effective on April 6, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Hedberg (Technical Information), Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6243.

W. Mason Emmett (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6540.

Kathleen Barrón (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6461.

**SUPPLEMENTARY INFORMATION:**

**Notice of Electronic Filing Guidelines for Open Access Transmission Tariffs and Related Filings Pursuant to Commission Order No. 890 and 18 CFR Part 35 and 37**

On February 16, 2007, the Federal Energy Regulatory Commission issued Order No. 890,<sup>1</sup> which amends the regulations and the *pro forma* open access transmission tariff (OATT) to ensure that transmission services are provided on a basis that is just, reasonable and not unduly discriminatory or preferential.

This document contains guidelines for the electronic submission of OATT tariffs and other information required by Order No. 890. The table attached to the guidelines includes specific filing instructions and references to the pertinent paragraph(s) in Order No. 890 for each type of submission.

The Commission's electronic filing system can be accessed on its Web site at: <http://www.ferc.gov/docs-filing/docs-filing.asp>. An eRegistration account is required for all persons logging in to the system and for persons who will be listed as a primary contact or person

responsible for the filing. At the present time, only public information can be submitted via the eFiling system.

However, all Order No. 890 OATT filings are considered public. The Commission prefers filings in text-searchable formats.

The electronic filing guidelines attached to this notice will also be available on the Commission's Web site at <http://www.ferc.gov/help/how-to.asp> and updated when necessary.

**Philis J. Posey,**  
*Acting Secretary.*

**Filing Guidelines for Open Access Transmission Tariffs and Related Filings Pursuant to Commission Order No. 890 and 18 CFR Part 35 and 37**

On February 16, 2007, the Federal Energy Regulatory Commission issued Order No. 890,<sup>2</sup> which amends the regulations and the *pro forma* open access transmission tariff (OATT) adopted in Order Nos. 888<sup>3</sup> and 889<sup>4</sup> to ensure that transmission services are provided on a basis that is just, reasonable and not unduly discriminatory or preferential.

This document contains guidelines for the electronic submission of OATT tariffs and other information required by Order No. 890. The attached table includes specific filing guidelines and references to the pertinent paragraph(s) in Order No. 890 for each type of submission.

The Commission's electronic filing system can be accessed on its web site at: <http://www.ferc.gov/docs-filing/docs-filing.asp>. An eRegistration account is required for all persons logging in to the system and for persons who will be listed as a primary contact or person responsible for the filing. At the present time, only public information can be submitted via the eFiling system.

<sup>2</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 FR 12266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007), *reh'g pending*.

<sup>3</sup> *Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, 61 FR 21540 (May 10, 1996), FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g*, Order No. 888-A, 62 FR 12274 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000) (*TAPS v. FERC*), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

<sup>4</sup> *Open Access Same-Time Information System (Formerly Real-Time Information Networks) and Standards of Conduct*, Order No. 889, 61 FR 21737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035 (1996), *order on reh'g*, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049 (1997), *order on reh'g*, Order No. 889-B, 81 FERC ¶ 61,253 (1997).

However, all Order No. 890 OATT filings are considered public.

The Commission prefers filings in text-searchable formats. Our standard word processing application is MS Word, but the eFiling system can also accept documents in WordPerfect and PDF formats. The Commission will add notice of these filings to its Combined Notice of Filing Report, so it is not necessary to include a "Form of Notice" file as part of an Order No. 890 OATT compliance submission.

The general eFiling procedure for Order No. 890 compliance OATT efilings is:

1. For Order No. 890 OATT compliance related submissions, the header of the document should contain OA07\_\_\_\_000 (or OA08 after September 30, 2007) unless you are filing a correction or supplement to a previously assigned OA docket. NERC/NAESB submissions should refer to RM05-17 and RM05-25.

2. Select the filing type "Order No. 890 OATT". For NERC/NAESB status reports only, select "Production of Document".

3. On the Select Docket screen, enter OA07-1 in the docket number search block and select OA7-1-000 from the search results. A new OA Docket will be assigned to your submission. For NERC/NAESB status reports only, query and select dockets RM05-17 and RM05-25.

4. Before you browse, select, and attach the file(s) make sure that the file name is less than 25 characters and contains no spaces or special characters. There is a maximum number of 10 files per session and no file should be larger than 10 Mb.

5. On the Submission Description Screen, modify the default description:

(1) For OATT submissions, replace "Order No. 890 OATT" with the description information in the table for the appropriate filing type, or a comparable description, to describe your submission.

(2) For NERC/NAESB status reports only, replace "Production of Document" with the description information in the table for the appropriate filing type or a comparable description.

(3) For any amendment or correction to a prior submission, select the OA Docket assigned to the prior filing and add "Correction to", "Supplement to", or other appropriate indicator to the edited description of the filing.

6. Upon receipt, the eFiling system will send a Confirmation of Receipt e-mail to the e-mail address for the log in account.

Order No. 890 OATT submissions will be stored in eLibrary in the "Electric" library with Class =

<sup>1</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, 72 FR 12266 (March 15, 2007), FERC Stats. & Regs. ¶ 31,241 (2007), *reh'g pending*.

Application/Petition/Request, Type = Report, and docket numbers RM05–17 and RM05–25. pro forma OATT adopted in Order No. 890 will continue to be assigned ER Tariff Filing, and the OA docket number assigned to the submission. Please be advised that all voluntary section 205 OATT related filings proposing variations from the non-rate terms and conditions contained in the Docket Numbers and will not be assigned OA Docket Numbers associated with the implementation of the Order No. 890 compliance filings.<sup>5</sup>

NERC/NAESB status reports will be stored in the “Electric” library with Class = Status Report, Type = Status

Deadline: Days from Mar. 15, 2007 (FR publication)	Compliance action	Final rule paragraph No.
30 Days, or April 16, 2007.	Optional Implementation FPA section 205 filings allowing transmission providers to propose previously approved variations from the <i>pro forma</i> OATT that have been affected by <i>pro forma</i> OATT Final Rule reforms to remain in effect subject to a demonstration that such variations continue to be consistent with or superior to the revised Final Rule <i>pro forma</i> OATT (non RTO/ISO transmission providers). Such optional filings must request a 90 day effective date to facilitate Commission review under section 205. Filing Type: Order No. 890 OATT. File Under Docket OA07–1; new OA Docket will be assigned. Description: Implementation FPA section 205 filing.	¶ 139
60 days, or May 14, 2007.	Non-ISO/RTO transmission providers submit FPA section 206 filings that contain the non-rate terms and conditions set forth in Final Rule. These filings need only contain the revised provisions adopted in the Final Rule. Transmission providers utilizing the optional Implementation FPA section 205 filing described above, need only submit tariff sheets necessary to implement the remaining modifications required under the Final Rule, <i>i.e.</i> , modifications related to tariff provisions that did not implicate previously-approved variations. Filing Type: Order No. 890 OATT. File Under Docket OA07–1; new OA Docket will be assigned. Description: FPA section 206 filing with non-rate terms and conditions.	¶ 135
75 days, or May 29, 2007.	Transmission Providers must post a “strawman” proposal for compliance with each of the nine planning principles adopted in the Final Rule. This may be posted on the Transmission Providers Web site or its OASIS site. No Filing Requirement with FERC.	¶ 443
90 days, or June 13, 2007.	NERC/NAESB status report and work plan for completion of ATC related business practices and standards. Filing Type: Production of Document. File Under Docket RM05–17 and RM05–25. Description: NERC/NAESB status report and work plan for completion of ATC related business practices and standard.	¶ 223
90 days, or June 13, 2007.	NAESB status report and work plan for completion of OASIS functionality or uniform business practices (other than those related to ATC). Filing Type: Production of Document. File Under Docket RM05–17 and RM05–25. Description: NAESB status report and work plan for completion of OASIS functionality or uniform business practices.	¶ 141
120 days, or July 13, 2007.	Transmission providers must submit redesigned transmission charges that reflect the Capacity Benefit Margin set-aside through a limited issue section 205 rate filing as part of their initial ATC related compliance filings. Filing Type: Order No. 890 OATT. File Under Docket OA07–1; new OA Docket will be assigned. Description: Redesigned Transmission Charges.	¶ 263
180 days, or Sept.11, 2007.	Submit compliance filings with Attachment C (ATC) of the <i>pro forma</i> OATT ..... Filing Type: Order No. 890 OATT. File Under Docket OA07–1; new OA Docket will be assigned. Description: Attachment C Compliance Filing.	¶ 140
210 days, or Oct. 11, 2007.	ISOs and RTOs, and transmission providers located within an ISO/RTO footprint, submit FPA section 206 filings that contain the non-rate terms and conditions set forth in the Final Rule. These filings need only contain the revised provisions adopted in the Final Rule or a demonstration that previously approved variations continue to be consistent with or superior to the revised <i>pro forma</i> OATT. Filing Type: Order No. 890 OATT. File Under Docket OA07–1; new OA Docket will be assigned. Description: FPA Section 206 Filing With Non-Rate Terms and Conditions.	¶ 157, ¶ 161
210 days, or Oct. 11, 2007.	Submit compliance filings with Attachment K (Planning) of the <i>pro forma</i> OATT or RTOs and ISOs file a demonstration that their planning processes are consistent with or superior to the planning principles in the Final Rule. Filing Type: Order No. 890 OATT. File Under Docket OA07–1; new OA Docket will be assigned. Description: Attachment K Compliance Filing.	¶ 140, ¶ 442
N/A .....	Transmission Providers must file a revised Attachment C to incorporate any changes to NERC's and NAESB's reliability and business practice standards to achieve consistency in ATC within 60 days of completion of the NERC and NAESB processes. Filing Type: Order No. 890 OATT.	¶ 325

<sup>5</sup> With the exception of the optional section 205 implementation filing described in Order No. 890 at P 138–139.

Deadline: Days from Mar. 15, 2007 (FR publication)	Compliance action	Final rule paragraph No.
N/A .....	File Under Docket OA07-1; new OA Docket will be assigned. Description: Revised Attachment C Filing. After the submission of FPA section 206 compliance filings, transmission providers may submit FPA section 205 filings proposing rates for the services provided for in the tariff, as well as non-rate terms and conditions that differ from those set forth in the Final Rule if those provisions are "consistent with or superior to" the <i>pro forma</i> OATT. Do not eFile. File according to procedures current at the time of submission for FPA section 205 filings.	¶ 135

If you are unable to file electronically, you must submit original and 5 paper copies of the filing to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

[FR Doc. E7-7000 Filed 4-12-07; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 388

[Docket No. RM06-24-001; Order No. 683-A]

#### Critical Energy Infrastructure Information

Issued April 9, 2007.

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

**ACTION:** Final Rule, order on rehearing.

**SUMMARY:** On September 21, 2006, the Commission issued a final rule that clarified the definition of Critical Energy Infrastructure Information (CEII), required requesters of CEII to submit executed non-disclosure agreements with their requests, and provided that the notice and opportunity to comment on a CEII request would be combined with the notice of release of information. The Commission is denying the petition for rehearing filed by Edison Electric Institute.

**DATES:** *Effective Date:* This order denying rehearing of the final rule will become effective May 14, 2007.

**FOR FURTHER INFORMATION CONTACT:** Teresina A. Stasko, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, Phone (202) 502-8317.

#### SUPPLEMENTARY INFORMATION:

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

#### Order on Rehearing

(Issued April 9, 2007)

1. This order addresses the request for rehearing filed by Edison Electric Institute (EEI) of the Commission's September 21, 2006 Order in this proceeding (September 21 Order), a final rule that clarified the definition of Critical Energy Infrastructure Information (CEII), required requesters of CEII to submit executed non-disclosure agreements (NDA) with their requests, and provided that the notice and opportunity to comment on a CEII request would be combined with the notice of release of information. *Critical Energy Infrastructure Information*, Order No. 683.<sup>1</sup> This order denies EEI's request for rehearing for the reasons explained below.<sup>2</sup>

#### Background

2. The Commission began its efforts with respect to CEII shortly after the attacks of September 11, 2001. See *Statement of Policy on Treatment of Previously Public Documents*.<sup>3</sup> The Commission issued a final rule on CEII on February 21, 2003, defining CEII to include information about proposed facilities, as well as facilities already licensed or certificated by the Commission, and to exclude information that simply identified the location of the infrastructure. See Order No. 630.<sup>4</sup> The final rule also established the position of CEII Coordinator. The Commission issued Order No. 630-A on July 23, 2003,<sup>5</sup> which made several

<sup>1</sup> 71 FR 58,273 (October 3, 2006), FERC Stats. & Regs. ¶ 31,228 (2006).

<sup>2</sup> The California Coastal Commission, California Energy Commission, California Electricity Oversight Board, and California State Lands Commission (collectively the California State Agencies) filed a request for reconsideration. Although labeled as a "Request for Reconsideration," the request is actually an untimely request for rehearing. As explained below, the Commission has long held that it lacks authority to consider requests for rehearing filed more than 30 days after issuance of a Commission order.

<sup>3</sup> 66 FR 52917 (Oct. 18, 2001), 97 FERC ¶ 61,130 (2001).

<sup>4</sup> 68 FR 9857, FERC Stats. & Regs. ¶ 31,140 (Mar. 3, 2003).

<sup>5</sup> 68 FR 46456, FERC Stats. & Regs. ¶ 31,147 (Aug. 6, 2003)

minor procedural changes and clarifications, added a reference in the regulation regarding the filing of Non-Internet Public (NIP) information, a term first described in Order No. 630,<sup>6</sup> and added a commitment to review the effectiveness of the new process after six months.

3. Simultaneous with the issuance of the September 21 Order, the Commission issued a notice of proposed rulemaking (NOPR) in Docket No. RM06-23-000.<sup>7</sup> In the September 21 NOPR, the Commission sought comments on the revisions to its regulations to: (1) Allow an annual certification for repeat requesters; (2) allow an authorized representative of an organization to execute an NDA on behalf of the organization's employees; (3) include a fee provision; (4) respond to CEII requests by letters from the CEII Coordinator rather than by Commission orders with rights to rehearing; and (5) allow landowners access to alignment sheets for the routes across or in the vicinity of their properties. The September 21 NOPR also proposed to narrow the scope of information on Commission forms that are defined as containing CEII and proposed to abolish the NIP designation.

#### Requests for Rehearing

4. On October 23, 2006, EEI filed a timely request for rehearing of the September 21 Order, and requested that the Commission revoke its September 21 Order and reissue it as a new notice of proposed rulemaking to be considered with the September 21 NOPR. EEI alleged that the Commission did not provide the due process protections of the Administrative

<sup>6</sup> NIP information includes location maps and diagrams that do not rise to the level of CEII. Order No. 630 provided the following examples of NIP: "(1) USGS 7.5 minute topographic maps showing the location of pipelines, dams, or other aboveground facilities, (2) alignment sheets showing the location of pipeline and aboveground facilities, right of way dimensions, and extra work areas; (3) drawings showing site or project boundaries, footprints, building locations and reservoir extent; and (4) general location maps." 68 FR 9857, FERC Stats. & Regs. ¶ 31,140.

<sup>7</sup> 71 FR 58,325 (October 3, 2006), FERC Stats. & Regs. ¶ 32,607 (2006) (September 21 NOPR).