

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 40**

[Docket No. RM06-16-000]

**Mandatory Reliability Standards for the Bulk-Power System; Stay of Effective Date**

May 31, 2007.

**AGENCY:** Federal Energy Regulatory Commission, DOE.**ACTION:** Stay of effective date.

**SUMMARY:** This document contains corrections to the preamble of the Commission's Final Rule, which was published in the **Federal Register** of Wednesday, April 4, 2007 (72 FR 16,416). The Final Rule established mandatory Reliability Standards for the Bulk-Power System. The Government Accountability Office has determined that, pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(3)(A), the effective date of the Final Rule is June 18, 2007, rather than June 4, 2007.

**DATES:** The rule published April 4, 2007 (72 FR 16416) is stayed until June 18, 2007.

**FOR FURTHER INFORMATION CONTACT:** Jonathan First (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8529.

**SUPPLEMENTARY INFORMATION:** On March 16, 2007, the Commission issued a Final Rule in the above-docketed proceeding, *Mandatory Reliability Standards for the Bulk Power System*, Order No. 693, 72 FR 16416 (Apr. 4, 2007), FERC Stats. and Regs. ¶ 31,241 (2007). The Government Accountability Office has determined that, pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(3)(A), the effective date of the Final Rule is June 18, 2007, rather than June 4, 2007.

Kimberly D. Bose,  
Secretary.

[FR Doc. E7-10831 Filed 6-6-07; 8:45 am]

BILLING CODE 6717-01-P

**ACTION:** Final rule.

**SUMMARY:** The Department of State is amending the International Traffic in Arms Regulations (ITAR) by revising Note (1)(i) of U.S. Munitions List (USML) Category VIII(e) to add the term "primary" to references to a commercial standby instrument system. As a result, Category XII(d) and Category VIII(e) do not include quartz rate sensors if such items are integrated into and included as an integral part of a commercial primary or standby instrument system for use on civil aircraft prior to export or exported solely for integration into such systems. After this exclusion was instituted in 2004 for such standby systems, it became apparent that some primary systems also include the subject quartz rate sensors.

**DATES:** *Effective Date:* This rule is effective June 7, 2007.

**ADDRESSES:**

Interested parties may submit comments at any time by any of the following methods:

- *E-mail:*

*DDTCResponseTeam@state.gov* with subject line Regulatory Change: Quartz Rate Sensors Change.

- *Mail:* Department of State, Directorate of Defense Trade Controls, Office of Defense Trade Controls Policy, ATTN: Regulatory Change, 12th Floor, SA-1, Washington, DC, 20522-0112.

- *Fax:* 202-261-8199.

- *Hand Delivery or Courier (regular work hours only):* Department of State, Directorate of Defense Trade Controls, Office of Defense Trade Controls Policy, ATTENTION: Regulatory Change, SA-1, 12th Floor, 2401 E Street, NW., Washington, DC 20037.

Persons with access to the Internet may also view this notice by going to the regulations.gov Web site at: <http://www.regulations.gov/index.cfm>.

**FOR FURTHER INFORMATION CONTACT:** Ann K. Ganzer, Office of Defense Trade Controls Policy, Department of State, 12th Floor, SA-1, Washington, DC 20522-0112; Telephone 202-663-2792 or FAX 202-261-8199; e-mail: *DDTCResponseTeam@state.gov*. ATTN: Regulatory Change: Quartz Rate Sensors Change.

**SUPPLEMENTARY INFORMATION:** In conjunction with requests for Commodity Jurisdiction, the Department of State has determined that certain quartz rate sensors otherwise controlled under the ITAR are not subject to the licensing jurisdiction of the Department of State when integrated into primary or backup inertial navigation systems for civil aircraft or exported solely for integration into such

systems. The applicability of these determinations to a particular system will be made on a case-by-case basis in response to U.S. exporters' requests for Commodity Jurisdiction by the Directorate of Defense Trade Controls. These requests will be favorably considered only where the sensor is an integral part of the commercial system or is exported solely for integration into such a system and is important for the safe operation of the civil aircraft. In making these determinations, other factors also will be considered. Among them is the extent to which the sensors can be extracted without damage and used for a significant military application, the extent to which diversion of the sensors alone or in small quantities poses a threat to the national security or foreign policy interests of the United States, and the scope of controls that would be applicable to the commercial system if licensing jurisdiction were transferred to the Department of Commerce. Exports of quartz rate sensors determined by the State Department to not be subject to USML controls will be subject to the licensing jurisdiction of the Department of Commerce whether the sensors are being exported for integration abroad or being exported as an integral part of a commercial primary or standby inertial navigation system.

**Regulatory Analysis And Notices***Administrative Procedure Act*

This amendment involves a foreign affairs function of the United States and, therefore, is not subject to the procedures required by 5 U.S.C. 553 and 554.

*Regulatory Flexibility Act*

This rule does not require analysis under the Regulatory Flexibility Act.

*Unfunded Mandates Act of 1995*

This rule does not require analysis under the Unfunded Mandates Reform Act.

*Small Business Regulatory Enforcement Fairness Act of 1996*

This amendment has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996. It will not have substantial direct effects on the States, the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

*Executive Orders 12372 and 13132*

It is determined that this rule does not have sufficient federalism implications

**DEPARTMENT OF STATE****22 CFR Part 121**

[Public Notice: 5823]

**Amendment of the International Traffic in Arms Regulations: United States Munitions List****AGENCY:** Department of State.

to warrant application of the consultation provisions of Executive Orders 12372 and 13132.

#### *Executive Order 12866*

This amendment is exempt from review under Executive Order 12866, but has been reviewed internally by the Department of State to ensure consistency with the purposes thereof.

#### *Paperwork Reduction Act*

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

#### **List of Subjects in 22 CFR Part 121**

Arms and munitions, Exports, U.S. Munitions List.

■ Accordingly, for the reasons set forth above, Title 22, Chapter I, Subchapter M, part 121 is amended as follows:

#### **PART 121—THE UNITED STATES MUNITIONS LIST**

■ 1. The authority citation for part 121 continues to read as follows:

**Authority:** Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp., p. 79; 22 U.S.C. 2651a; Pub. L. 105–261, 112 Stat. 1920.

■ 2. Section 121.1 is amended in paragraph (c) by revising paragraph (e), Note (1)(i) and (ii) of Category VIII—Aircraft and Associated Equipment to read as follows:

#### **§ 121.1 General. The United States Munitions List.**

\* \* \* \* \*

#### **Category VIII—Aircraft and Associated Equipment**

\* \* \* \* \*

(e) \* \* \*

**Note:** (1) \* \* \*

(i) Are integrated into and included as an integral part of a commercial primary or commercial standby instrument system for use on civil aircraft prior to export or exported solely for integration into such a commercial primary or standby instrument system, and

(ii) When the exporter has been informed in writing by the Department of State that a specific quartz rate sensor integrated into a commercial primary or standby instrument system has been determined to be subject to the licensing jurisdiction of the Department of Commerce in accordance with this section.

\* \* \* \* \*

Dated: March 26, 2007.

**John C. Rood,**

*Assistant Secretary for International Security and Nonproliferation, Department of State.*  
[FR Doc. E7–11012 Filed 6–6–07; 8:45 am]

**BILLING CODE 4710–25–P**

#### **DEPARTMENT OF LABOR**

#### **Occupational Safety and Health Administration**

#### **29 CFR Part 1910**

#### **Interpretation of OSHA's Standard for Process Safety Management of Highly Hazardous Chemicals**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Interpretation.

**SUMMARY:** This Notice constitutes the Occupational Safety and Health Administration's official interpretation and explanation of the phrase "on site in one location" in the "Application" section of OSHA's Process Safety Management of Highly Hazardous Chemicals standard. ("PSM").

**DATES:** *Effective Date:* June 7, 2007.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Kevin Ropp, Director, Office of Communications, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3647, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–1999; fax (202) 693–1635. For technical information contact: Mike Marshall, PSM Coordinator, Directorate of Enforcement Programs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3119, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–1850; fax (202) 693–1681.

**SUPPLEMENTARY INFORMATION:** This Federal Register Notice addresses OSHA's interpretation of the term "on site in one location" in the scope and application section of the PSM standard. As set forth below, OSHA interprets this term to mean that the standard applies when a threshold quantity (TQ) of a highly hazardous chemical (HHC) exists within contiguous areas under the control of an employer, or group of affiliated employers, in any group of vessels that are interconnected, or in separate vessels that are located in such proximity that the HHC could be involved in a potential catastrophic release, as indicated in the regulatory definition of "process."<sup>1</sup>

<sup>1</sup> The term "contiguous" has been found to mean either "nearby" or "in actual contact" in terms of the application of an OSHA standard. Empire Company, Inc., 17 BNA OSHC 1990 (Docket No. 93–1861, 1997), affirmed 136 F.3d 873 (1st Cir. 1998). See also 136 F.3d at 878, citing Black's Law Dictionary 320 (6th ed. 1990) ("In close proximity; neighboring \* \* \*"). References to "contiguous" areas in this Notice carry the same meaning.

#### **A. Introduction**

The meaning of "on site in one location" was at issue in a recent case before the Occupational Safety and Health Review Commission. *Motiva Enterprises*, 21 BNA OSHC 1696 (OSHRC No. 02–2160, 2006). In that decision the Review Commission queried whether that language was meant to limit in some way the applicability of the standard to a highly-hazardous-chemical process. In the absence of an authoritative interpretation, the Review Commission decided it could not determine that the cited activities were "on site" and "in one location," and it vacated the citations. Recognizing that OSHA is the policymaking actor under the Occupational Safety and Health Act, it left it to the agency to decide "in the first instance \* \* \* the meaning of these terms and offer an 'authoritative interpretation.'" It also said that "[a]ny such subsequent interpretation" would be reviewed in a future case "under 'standard deference principles.'"

The PSM standard provides, in pertinent part:

(a) *Application.* (1) This section applies to the following:

(i) A process which involves a chemical at or above the specified threshold quantities listed in appendix A to this section;

(ii) A process which involves a flammable liquid or gas (as defined in § 1910.1200(c) of this part) on site in one location, in a quantity of 10,000 pounds (4535.9 kg) or more \* \* \* .

29 CFR 1910.119(a).

The standard defines "process" to mean:

\* \* \* any activity involving a highly hazardous chemical including any use, storage, manufacturing, handling, or the on-site movement of such chemicals, or combination of these activities. For purposes of this definition, any group of vessels which are interconnected and separate vessels which are located such that a highly hazardous chemical could be involved in a potential release shall be considered a single process.,

29 CFR 1910.119(b).

The standard defines "highly hazardous chemical" to mean:

\* \* \* a substance possessing toxic, reactive, flammable, or explosive properties and specified by paragraph (a)(1) of this section.

*Ibid.*

The standard thus provides regulatory definitions for the application provision's key terms, "process" and "highly hazardous chemical." It omits, however, any definition for the phrase "on site in one location" that is