

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, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 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 FAA Order 7400.9P, Airspace Designations and Reporting Points, dated September 1, 2006, and effective September 15, 2006, is amended as follows:

Paragraph 2004 Jet Routes.

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J-510 [Remove]

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J-512 [New]

From; Emmonak, AK; Unalakleet, AK; to Galena, AK

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Paragraph 6009 (a) Green Federal airways.

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G-8 [Revised]

From Shemya, AK, NDB, 20 AGL; Mount Moffet, AK, NDB, 20 AGL; Dutch Harbor, AK, NDB, 20 AGL; INT Dutch Harbor NDB 041° and Elfee, AK, NDB 253° bearings, 20 AGL; Elfee, AK, NDB, 20 AGL; Saldo, AK, NDB; INT Saldo, AK, NDB 054° and Kachemak, AK, NDB 269° bearings; to Kachemak NDB, AK.

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G-11 [New]

From Campbell Lake, AK, NDB; INT Campbell Lake, AK, NDB 031° and Glenallen, AK, NDB 255° bearings; Glenallen, AK, NDB; INT Glenallen, AK, 052° and Nabesna, AK, NDB 252° bearings; to Nabesna, AK, NDB.

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Paragraph 6009 (c) Amber Federal airways.

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A-2 [Revised]

From Beaver Creek, YT, Canada, NDB; Nabesna, AK, NDB; to Delta Junction, AK, NDB. The airspace within Canada is excluded.

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A-9 [New]

From Browerville, AK, NDB.; Evansville, AK, NDB; to Chena, AK, NDB

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A-15 [Revised]

From Ethelda, BC, Canada, NDB; Nichols, AK, NDB; Sumner Strait, AK, NDB; Coghlan Island, AK, NDB; Haines, AK, NDB; Burwash, YT, Canada, NDB; Beaver Creek, YT, Canada, NDB; Nabesna, AK, NDB; to Delta Junction, AK, NDB. The airspace within Canada is excluded.

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A-17 [New]

From Chena, AK, NDB; Chandalar Lake, AK, NDB; to Put River, AK, NDB.

* * * * *

Issued in Washington, DC, on November 16, 2006.

Ellen Crum,

Acting Manager, Airspace and Rules.

[FR Doc. E6-19834 Filed 11-24-06; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****15 CFR Parts 738 and 740**

[Docket No. 061101286-6286-01]

RIN 0694-AD85

Addition of “Montenegro” and “Serbia” as Separate Countries in the Export Administration Regulations Based on U.S. Recognition of Montenegro as a Sovereign State

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to add “Montenegro” and “Serbia” as separate countries in the EAR and to establish separate export licensing requirements for Montenegro and Serbia. BIS is taking this action to update the EAR to reflect the United States’ recognition of Montenegro as a sovereign state by the United States.

EFFECTIVE DATE: This rule is effective November 27, 2006.

ADDRESSES: Although this is a final rule, comments are welcome and should be sent to publiccomments@bis.doc.gov, by fax to (202) 482-3355, or to Jeffery Lynch, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044. Please refer to regulatory identification number (RIN) 0694-AD85 in all comments, and in the subject line of email comments. Comments on the collection of information should be sent to David Rostker, Office of Management and Budget (OMB) by e-mail to

David_Rostker@omb.eop.gov, or by fax to (202) 395-7285.

FOR FURTHER INFORMATION CONTACT: Joan M. Maloney-Roberts, Foreign Policy Division, Office of Nonproliferation Treaty Compliance, Bureau of Industry and Security, *Telephone:* (202) 482-4196.

SUPPLEMENTARY INFORMATION: This final rule deletes “Serbia and Montenegro” and adds “Montenegro” and “Serbia” as separate entries on the Commerce Country Chart in Supplement No. 1 to part 738 of the EAR for export licensing purposes. In a press release dated June 13, 2006, the U.S. Department of State announced that the United States recognized Montenegro as a sovereign state based on an internationally recognized May 21, 2006 referendum. *See* Press Release, U.S. Department of State, U.S. Recognizes Montenegro as Independent State (June 13, 2006), available at <http://www.state.gov/secretary/rm/2006/67839.htm>. Previously, the EAR referred to “Serbia and Montenegro” as one country. This final rule also updates references to “Serbia and Montenegro” in part 740 of the EAR to reflect Montenegro’s legal separation from the state union of Serbia and Montenegro.

Specifically, this rule amends the EAR as follows:

1. In Supplement No. 1 to part 738 of the EAR, the Commerce Country Chart is amended by removing “Serbia and Montenegro” and by adding “Montenegro” and “Serbia.” This amendment does not affect any of the license requirements indicated on the Commerce Country Chart, since the Commerce Control List based license requirements that apply to “Montenegro” and “Serbia” are the same as those that applied to “Serbia and Montenegro” prior to the publication of this rule.

2. In Supplement No. 1 to part 740 of the EAR (Country Groups), Country Group B is amended by removing “Serbia and Montenegro” and adding “Montenegro” and “Serbia.”

3. Section 740.7(d)(1) of the EAR (Computer Tier 3 destinations) is amended by removing “Serbia and Montenegro” and adding “Montenegro” and “Serbia” for License Exception APP purposes.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as extended by the Notice of August 3, 2006, 71 FR 44551 (August 7, 2006), has continued the Export Administration Regulations in

effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has previously been approved by OMB under Control Number 0694-0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS-748. This rule is not expected to result in any change for collection purposes. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to David Rostker, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the **ADDRESSES** section of this rule.

3. This rule does not contain policies with Federalism implications as this

term is defined under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) are not applicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to publiccomments@bis.doc.gov, by fax to (202) 482-3355, or to Jeffery Lynch, Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 738

Administrative practice and procedure, Exports, Foreign trade.

15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

■ Accordingly, parts 738 and 740 of the Export Administration Regulations (15 CFR parts 730-774) are amended as follows:

PART 738—[AMENDED]

■ 1. The authority citation for 15 CFR part 738 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c; 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; Sec. 901-911, Pub. L. 106-387; Sec. 221, Pub. L. 107-56; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006).

Supplement No. 1 to Part 738 [Amended]

■ 2. Supplement No. 1 to Part 738 is amended by removing the entry for “Serbia and Montenegro” and by adding, in alphabetical order, new entries for “Montenegro” and “Serbia” to read as follows:

SUPPLEMENT NO. 1 TO PART 738—COMMERCE COUNTRY CHART
[Reason for control]

Countries	Chemical & Biological Weapons			Nuclear Nonproliferation		National Security		Missile Tech	Regional Stability		Firearms Convention	Crime Control			Anti-Terrorism	
	CB 1	CB 2	CB 3	NP 1	NP 2	NS 1	NS 2	MT 1	RS 1	RS 2	FC 1	CC 1	CC 2	CC 3	AT 1	AT 2
Montenegro ...	*	X	.....	X	.....	X	X	X	X	X	.....	X	X	X	.....	.....
Serbia	X	X	.....	X	.....	X	X	X	X	X	.....	X	X	X	.....	.....
	*		*		*	*		*		*		*		*		*

PART 740—[AMENDED]

■ 3. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901-911, Pub. L. 106-387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 3, 2006, 71 FR 44551 (August 7, 2006).

§ 740.7 [Amended]

■ 4. In Section 740.7, paragraph (d)(1) is amended by revising the phrase “Mongolia, Morocco, Oman, Pakistan, Qatar, Russia, Serbia and Montenegro, Saudi Arabia, Serbia Tajikistan” to read “Mongolia, Montenegro, Morocco, Oman, Pakistan, Qatar, Russia, Saudi Arabia, Serbia, Tajikistan.”.

Supplement No. 1 to Part 740 [Amended]

■ 5. In Supplemental No. 1 to part 740, Country Group B is amended by removing “Serbia and Montenegro” and by adding, in alphabetical order, “Montenegro” and “Serbia”.

Dated: November 16, 2006.

Christopher A. Padilla,

Assistant Secretary for Export Administration.

[FR Doc. 06-9414 Filed 11-24-06; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 42

[Docket No. RM06-8-001; Order No. 681-A]

Long-Term Firm Transmission Rights in Organized Electricity Markets

November 16, 2006.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order on Rehearing and Clarification.

SUMMARY: The Federal Energy Regulatory Commission is issuing an order on rehearing and clarification of *Long-Term Firm Transmission Rights in Organized Electricity Markets*, Order No. 681, 71 FR 43564 (Aug. 1, 2006). The order on rehearing denies rehearing and upholds Order No. 681 in all respects, and grants certain limited clarifications.

DATES: *Effective Date:* Order No. 681 became effective on August 31, 2006.

FOR FURTHER INFORMATION CONTACT: Udi E. Helman (Technical Information), Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8080.

Roland Wentworth (Technical Information), Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8262.

Harry Singh (Technical Information), Office of Enforcement, Division of Energy Market Oversight, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6341.

Jeffery S. Dennis (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6027.

Heidi Werntz (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8910.

SUPPLEMENTARY INFORMATION:

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

1. On July 20, 2006, the Commission issued a Final Rule in this proceeding.¹ In the Final Rule, the Commission amended its regulations to require each transmission organization that is a public utility with one or more organized electricity markets to make available long-term firm transmission rights that satisfy each of the guidelines established by the Commission in this Final Rule. We took this action pursuant to section 1233 of the Energy Policy Act of 2005 (EPA 2005), which added new section 217 to the Federal Power Act (FPA).² The Final Rule required each transmission organization subject to its requirements to file with the Commission, no later than January 29, 2007, either (1) tariff sheets and rate schedules that make available long-term firm transmission rights that satisfy each of the guidelines set forth in the final regulations, or (2) an explanation of how its current tariff and rate schedules already provide for long-term firm transmission rights that satisfy each of the guidelines. A transmission organization approved by the Commission for operation after January 29, 2007 will be required to satisfy the requirements of the Final Rule.

2. The guidelines adopted in the Final Rule give transmission organizations the flexibility to propose designs for long-term firm transmission rights that reflect regional preferences and accommodate their regional market designs, while also ensuring that the objectives of Congress expressed in new section 217(b)(4) of the FPA are met. The Commission allowed regional flexibility in setting the terms of the rights, but required that long-term firm transmission rights be made available with terms (and/or rights to renewal) that are sufficient to meet the reasonable needs of load serving entities to support long-term power supply arrangements used to satisfy their service obligations.

3. In this order, the Commission denies rehearing and upholds its determinations in the Final Rule. We also offer certain clarifications.

¹ *Long-Term Firm Transmission Rights in Organized Electricity Markets*, Order No. 681, 71 FR 43564 (Aug. 1, 2006), FERC Stats. & Regs. ¶ 31,226 (2006) (Final Rule).

² Pub. L. No. 109-58, § 1233, 119 Stat. 594, 957 (2005) (to be codified at 16 U.S.C. § 824q).

I. Background

A. The Development of ISOs and RTOs

4. In both our Notice of Proposed Rulemaking (NOPR)³ and the Final Rule, we discussed the development of Independent System Operators (ISOs) and Regional Transmission Organizations (RTOs). In Order No. 888, the Commission found that undue discrimination and anticompetitive practices existed in the provision of electric transmission service in interstate commerce.⁴ Accordingly, the Commission required all public utilities that own, control or operate facilities used for transmitting electric energy in interstate commerce to file open access transmission tariffs (OATTs) containing certain non-price terms and conditions and to “functionally unbundle” wholesale power services from transmission services.⁵ In addition, the Commission found in Order No. 888 that ISOs had the potential to aid in remedying undue discrimination and accomplishing comparable access.⁶

5. In light of the creation of ISOs and other changes in the electric industry, the Commission issued Order No. 2000.⁷ In that order, the Commission concluded that traditional management of the transmission grid by vertically integrated electric utilities was inadequate to support the efficient and reliable operation of transmission facilities necessary for continued development of competitive electricity

³ *Long-Term Firm Transmission Rights in Organized Electricity Markets*, Notice of Proposed Rulemaking, 71 FR 6693 (Feb. 9, 2006), FERC Stats. & Regs. ¶ 32,598 (2006) (NOPR).

⁴ *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 at 31,682 (1996), *order on reh'g*, Order No. 888-A, 62 FR 12274 (March 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), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002).

⁵ Under functional unbundling, the public utility is required to: (1) Take wholesale transmission services under the same tariff of general applicability as it offers its customers; (2) state separate rates for wholesale generation, transmission and ancillary services; and (3) rely on the same electronic information network that its transmission customers rely on to obtain information about the utility's transmission system. *Id.* at 31,654.

⁶ Order No. 888 at 31,655; Order No. 888-A at 30,184.

⁷ *Regional Transmission Organizations*, Order No. 2000, FERC Stats. & Regs. ¶ 31,089 (1999), *order on reh'g*, Order No. 2000-A, FERC Stats. & Regs. ¶ 31,092 (2000), *aff'd sub nom. Public Utility District No. 1 of Snohomish County, Washington v. FERC*, 272 F.3d 607 (D.C. Cir. 2001).