

extensive preparation period to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views of arguments concerning this suspension. One comment was filed supporting the suspension. No comments were filed in opposition to this action.

Therefore, good cause exists for making this order effective January 1, 1993.

List of Subjects in 7 CFR Part 1106

Milk marketing orders.

It is therefore ordered, That the following provisions in §§ 1106.6 and 1106.7 of the Southwest Plains order are hereby suspended for the periods indicated below.

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

1. The authority citation for 7 CFR Part 1106 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

For the period of January 1, 1993, through August 31, 1993:

§ 1106.6 [Suspended in part]

2. In § 1106.6 the words "during the month" are suspended.

§ 1106.7 [Suspended in part]

3. In § 1106.7(b)(1), the words "each of", the words "through January", and the words "of February through August until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) or (e) of this section. A plant not meeting such 20 percent requirement in any month of such February-August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) or (e) of this section are not less than 50 percent of receipts or diversions, as previously specified."

For the period of January 1, 1993, through December 31, 1994:

§ 1106.7 [Suspended in part]

4. In § 1106.7(b)(2), the following sentence: "Diversions in excess of three-fifths of the shipping requirement shall not be included as qualifying shipments."

Dated: February 10, 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-3580 Filed 2-17-93; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. 26852; Amendment No. 71-16]

RIN 2120-AE18

Terminal Airspace Reconfiguration; Puerto Rico, PR, Transition Area; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule; correction.

SUMMARY: This action corrects the amendment of the San Juan, Puerto Rico (PR) transition area that was promulgated on August 27, 1992 (57 FR 38962) by suspending the amendment until November 11, 1993. The suspension is necessary to restore controlled airspace in the Puerto Rico area that was inadvertently deleted effective October 15, 1992.

EFFECTIVE DATE: This amendment is effective as of February 18, 1993 through November 10, 1993.

FOR FURTHER INFORMATION CONTACT: Mr. William M. Mosley, Air Traffic Rules Branch, (ATP-230), Airspace-Rules and Aeronautical Information Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-9251.

SUPPLEMENTARY INFORMATION: On August 27, 1992, the FAA published a final rule on terminal airspace reconfiguration which, among other things, simplified airspace descriptions (57 FR 38962). These airspace actions became effective October 15, 1992.

As part of the national airspace review conducted by the FAA to ensure that certain airspace areas would meet the new airspace classifications, the San Juan, Puerto Rico, Transition Area was reviewed. This review determined that the existing legal description encompassed a terminal transition area, a commonwealth transition area, and an offshore additional control area. In an effort to simplify the airspace and associated legal description and more accurately classify the airspace, it was decided that the airspace would be split into three separate airspace areas. The first would be a traditional terminal transition area designed for the Luis

Munoz Marin International Airport in San Juan. The second would be a commonwealth-wide transition area and provide controlled airspace for inter-island air traffic. The final area would become an offshore control area. However, in the rulemaking process, the first two transition areas were changed in the Terminal Airspace Reconfiguration Final Rule and the third area was to be changed in the Offshore Airspace Reconfiguration rulemaking project (57 FR 42810). Because the two rulemaking projects do not have identical effective dates, a gap in controlled airspace will occur. It is essential that the FAA air traffic control facility responsible for air traffic services for Puerto Rico and adjacent islands have sufficient controlled airspace available to provide necessary services.

The Terminal Airspace Reconfiguration Final Rule, which amended the San Juan, Puerto Rico transition area, also renamed the modified airspace the Puerto Rico, PR transition area, and created a transition area description for the San Juan, Luis Munoz Marin International Airport, which is not affected by this correction. By suspending the effective date of the Puerto Rico, PR transition area until November 11, 1993, this action restores the airspace to the pre-October 15, 1992 lateral dimensions and maintains sufficient airspace for air traffic services to be provided. The reinstated transition area will retain, however, the name of Puerto Rico, PR, to distinguish it from the San Juan, Luis Munoz Marin International Airport transition area.

Accordingly, the San Juan, Puerto Rico, transition area, as it existed prior to October 15, 1992, is reinstated until November 11, 1993. Because this controlled airspace was not intended to be deleted and is urgently needed to avoid interruption of air commerce in the area, I find that notice and public procedure in this matter is impracticable and contrary to the public interest. For the same reason, I find that good cause exists for making this correction effective in less than 30 days from publication. The Puerto Rico, PR, transition area, as published in the Federal Register on August 27, 1992 (57 FR 38692) will again become effective November 11, 1993. The coordinates for the reinstated transition area described in this docket are based on North American Datum 83. Transition areas are published in section 71.181 of FAA Order 7400.7A dated November 2, 1992, and effective November 27, 1992, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this

docket will be published subsequently in the Order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Transition areas.

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, REPORTING POINTS, JET ROUTES, AND AREA HIGH ROUTES

Accordingly, 14 CFR part 71 is corrected by making the following correcting amendments

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.7A, Compilation of Regulations, dated November 2, 1992, and effective November 27, 1992, is corrected as follows:

Section 71.181 Designation of Transition Areas.

ASO PR TA Puerto Rico, PR

San Juan-Fernando Luis Ribas Dominici Airport, PR

(lat. 18°27'25" N, long. 66°05'43" W)

That airspace extending upward from 1,200 feet above the surface beginning at lat. 18°50' N, long. 66°00' W; to lat. 18°33' N, long. 64°22' W; to lat. 17°20' N, long. 62°22' W; to lat. 17°29' N, long. 64°54' W; to lat. 17°50' N, long. 65°34' W; to lat. 17°42' N, long. 68°00' W; to the point of beginning; excluding that airspace within Warning Areas W-370, W-371, W-373, W-374, W-428B, and W-428C; and that airspace extending upward from 2,700 feet above the surface beginning at lat. 18°33' N, long. 64°22' W, to lat. 18°25' N, long. 62°52' W; to lat. 17°47' N, long. 62°23' W; to lat. 17°22' N, long. 62°59' W; to lat. 16°58' N, long. 63°00' W; to lat. 17°20' N, long. 64°22' W; to the point of beginning; and that airspace extending upward from 2,700 feet above the surface beginning at lat. 18°45'22.62" N, long. 66°54'58.15" W; to lat. 19°00' N, long. 66°10' W; to lat. 19°00' N, long. 65°45' W; to lat. 18°45' N, long. 64°22' W; to lat. 18°33' N, long. 64°22' W; to the point of beginning; and that airspace extending upward from 5,500 feet MSL within a 100 mile radius of the Fernando Luis Ribas Dominici Airport, excluding that airspace that coincides with the 1,200 foot and 2,700 foot portions of the Puerto Rico, PR Transition Area.

Issued in Washington, D.C., on February 11, 1993.

Harold W. Becker,
Manager, Airspace-Rules and Aeronautical Information Division.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 365 and 381

Filing Requirements and Ministerial Procedures for Persons Seeking Exempt Wholesale Generator Status

[Docket No. RM93-1-000; Order No. 550]

Issued February 10, 1993.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is issuing this final rule to establish regulations implementing section 32 of the Public Utility Holding Company Act of 1935, as added by section 711 of the Energy Policy Act of 1992. The final rule establishes the filing requirements and ministerial procedures for persons seeking exempt wholesale generator status.

EFFECTIVE DATE: This final rule is effective March 22, 1993.

FOR FURTHER INFORMATION CONTACT: James H. Douglass, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, Telephone: (202) 208-2143.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the Federal Register, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, at 941 North Capitol Street, NE., Washington, DC 20426. The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208-1397. To access CIPS, set your communications software to use 300, 1200, or 2400 baud, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this Notice of Proposed Rulemaking will be available on CIPS for 10 days from the date of

issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street, NE., Washington, DC 20426.

Before Commissioners: Elizabeth Anne Moler, Chair; Charles A. Trabandt, Jerry J. Langdon, Martin L. Allday, and Branko Terzic.

Filing Requirements and Ministerial Procedures for Persons Seeking Exempt Wholesale Generator Status. Docket No. RM93-1-000. Order No. 550; Final Rule; Issued February 10, 1993.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is adopting as final an amendment to its regulations pertaining to the filing requirements and ministerial procedures for persons seeking exempt wholesale generator (EWG) status. The final rule will create a new subchapter T, part 365 under title 18, Chapter I of the Code of Federal Regulations for regulations under section 32 of the Public Utility Holding Company Act of 1935 (PUHCA), as added by section 711 of the Energy Policy Act of 1992 (Energy Act).¹

II. Background

Section 32(a) of PUHCA requires the Commission to promulgate rules implementing procedures for determining EWG status within 12 months after the date of enactment of the Energy Act.²

Section 32 of PUHCA creates a new category of electric entities, known as EWGs, that are exempt from regulation under PUHCA. Section 32(a) of PUHCA requires that applicants for EWG status file an application for a determination of their status by the Commission. The Commission is required to render its determination within 60 days of the receipt of an application. Section 32(a) provides that an applicant that has applied in good faith for a determination by the Commission is deemed an EWG pending the Commission's determination.

An EWG is defined as a person determined by the Commission to be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating all or part of one or more eligible facilities, as defined in section 32(a)(2) of PUHCA, and selling electric energy at wholesale. An EWG may sell power it generates, as well as power

¹ Pub. L. No. 102-486, 106 Stat. 2776 (1992).

² The Energy Act was enacted on October 24, 1992.