

That airspace extending upward from 1,200 feet above the surface bounded on the west by V-269; on the east by V-484; and on the south by V-32; excluding existing controlled airspace above 8,500 feet MSL; excluding that airspace designated for federal airways; excluding the portions within Restricted Area R-6404 and Lucin MOA during their published hours of designation.

Issued in Seattle, Washington, on March 12, 2010.

**Robert Henry,**

*Acting Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2010-6656 Filed 3-24-10; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2010-0001; Airspace Docket No. 10-ASO-10]

#### Revocation of Class D and E Airspace; Panama City, FL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action would remove Class D and Class E airspace areas at Panama City-Bay County Airport, Panama City, FL, as the old airport and control tower is scheduled to be closed. Controlled airspace will be established for the new airport under separate rulemaking.

**DATES:** Comments must be received on or before May 10, 2010.

**ADDRESSES:** Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001; Telephone: 1-800-647-5527; Fax: 202-493-2251. You must identify the Docket Number FAA-2010-0001; Airspace Docket No. 10-ASO-10, at the beginning of your comments. You may also submit and review received comments through the Internet at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Melinda Giddens, Airspace Specialist, Operations Support Group, Eastern Service Center, Air Traffic Organization, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-5610.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2010-0001 and Airspace Docket No. 10-ASO-10) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://222.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2010-0001; Airspace Docket No. 10-ASO-10." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the rule, any comments received, and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, to request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

### The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to remove Class D and E airspace at Panama City-Bay County Airport, Panama City, FL. Panama City-Bay County Airport is closing to allow establishment of controlled airspace at the new airport, which is being proposed under separate rulemaking. Also, Class E airspace for Tyndall AFB would be re-established under separate rulemaking.

Class D airspace designations, Class E airspace designations as extensions to a Class D surface area (E4), and Class E5 designations are published in Paragraphs 5000, 6004 and 6005, respectively, of FAA Order 7400.9T, signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed 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 proposed rule, when promulgated, would 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 I, 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 proposed rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with

prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it proposes to remove Class D and E airspace at Panama City-Bay County Airport, Panama City, FL.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 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 Federal Aviation Administration Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

*Paragraph 5000 Class D Airspace.*

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**ASO FL D Panama City, FL [Removed]**

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*Paragraph 6004 Class E Airspace*

*Designated as an Extension to a Class D Surface Area.*

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**ASO FL E4 Panama City, FL [Removed]**

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*Paragraph 6005 Class E Airspace Areas*

*Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ASO FL E5 Panama City, FL [Removed]**

Issued in College Park, Georgia, on March 17, 2010.

**Michael Vermuth,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2010-6665 Filed 3-24-10; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 40

[Docket No. RM10-6-000]

#### Interpretation of Transmission Planning Reliability Standard

March 18, 2010.

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** Requirement R1.3.10 of the Commission-approved transmission planning Reliability Standard TPL-002-0 provides that planning authorities and transmission planners must consider in their planning studies the effects of the operation of their protection systems, including backup and redundant protection systems. The North American Electric Reliability Corporation (NERC), the Commission-certified electric reliability organization, requests approval of an interpretation of Reliability Standard TPL-002-0. In this order, the Commission proposes to reject NERC's proposed interpretation of Requirement R1.3.10 of Reliability Standard TPL-002-0 and, instead, proposes an alternative interpretation of the provision.

**DATES:** Comments are due May 10, 2010.

**ADDRESSES:** You may submit comments, identified by docket number by any of the following methods:

- *Agency Web Site:* <http://ferc.gov>.

Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

- *Mail/Hand Delivery:* Commenters unable to file comments electronically must mail or hand deliver an original and 14 copies of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street, NE., Washington, DC 20426.

#### FOR FURTHER INFORMATION CONTACT:

Ron LeComte (Legal Information), Office of General Counsel, 888 First Street, NE., Washington, DC 20426, [ron.lecomte@ferc.gov](mailto:ron.lecomte@ferc.gov).

Eugene Blick (Technical Information), Office of Electric Reliability, 888 First Street, NE., Washington, DC 20426, [eugene.blick@ferc.gov](mailto:eugene.blick@ferc.gov).

Edward Franks (Technical Information), Office of Electric Reliability, 888 First Street, NE., Washington, DC 20426, [edward.franks@ferc.gov](mailto:edward.franks@ferc.gov).

Lauren Rosenblatt (Legal Information), Office of Enforcement, 888 First Street, NE., Washington, DC 20426, [lauren.rosenblatt@ferc.gov](mailto:lauren.rosenblatt@ferc.gov).

## SUPPLEMENTARY INFORMATION:

### Notice of Proposed Rulemaking

1. On November 17, 2009, the North American Electric Reliability Corporation (NERC) submitted a petition (NERC Petition) requesting approval of NERC's interpretation of Requirement R1.3.10 of Commission-approved transmission planning Reliability Standard TPL-002-0 (System Performance Following Loss of a Single Bulk Electric System Element). NERC developed the interpretation in response to a request for interpretation submitted to NERC by PacifiCorp on January 12, 2009. The Commission proposes to reject the NERC proposed interpretation of Requirement R1.3.10 of Reliability Standard TPL-002-0 and, instead, proposes an alternative interpretation of the provision.

#### I. Background

2. Section 215 of the Federal Power Act (FPA) requires a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval.<sup>1</sup> Specifically, the Commission may approve, by rule or order, a proposed Reliability Standard or modification to a Reliability Standard if it determines that the Standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest.<sup>2</sup> Once approved, the Reliability Standards may be enforced by the ERO, subject to Commission oversight, or by the Commission independently.<sup>3</sup>

3. Pursuant to section 215 of the FPA, the Commission established a process to select and certify an ERO,<sup>4</sup> and subsequently certified NERC.<sup>5</sup> On April 4, 2006, NERC submitted to the Commission a petition seeking approval of 107 proposed Reliability Standards. On March 16, 2007, the Commission issued a Final Rule, Order No. 693,<sup>6</sup> approving 83 of the 107 Reliability Standards, including transmission planning Reliability Standards TPL-

<sup>1</sup> 16 U.S.C. 824.

<sup>2</sup> *Id.* 824o(d)(2).

<sup>3</sup> *Id.* 824o(e)(3).

<sup>4</sup> *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards*, Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh'g*, Order No. 672-A, FERC Stats. & Regs. ¶ 31,212 (2006).

<sup>5</sup> *North American Electric Reliability Corp.*, 116 FERC ¶ 61,062, *order on reh'g & compliance*, 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa, Inc. v. FERC*, 564 F.3d 1342 (DC Cir. 2009).

<sup>6</sup> *Mandatory Reliability Standards for the Bulk-Power System*, Order No. 693, FERC Stats. & Regs. ¶ 31,242, *order on reh'g*, Order No. 693-A, 120 FERC ¶ 61,053 (2007).