

(i) By May 31, each handler shall submit to the Board a Treatment Plan for the upcoming crop year: *Provided*, That, for the 2007–08 crop year, which begins on August 1, 2007, each handler shall submit to the Board its Treatment Plan by May 1, 2007. A Treatment Plan shall describe how a handler plans to treat his or her almonds, and must address specific parameters as outlined by the Board for the handler to ship almonds. Such plan shall be reviewed by the Board, in conjunction with the inspection agency, to ensure it is complete and can be verified, and be approved by the Board. Almonds sent by a handler for treatment to an off-site facility affiliated with another handler shall be subject to the approved Treatment Plan utilized at that facility. Handlers shall follow their own approved Treatment Plans for almonds sent to an off-site facility that is not affiliated with another handler.

(ii) Handlers utilizing an on-site verification program shall cause the inspection agency to verify that their Treatment Plans have been followed, and that their almonds have been subjected to an acceptable treatment process that has been validated by a Board-approved process authority. Such handlers shall submit, or cause to be submitted, a verification report to the Board. The inspection agency must physically observe the treatment process to issue such report.

(iii) Handlers utilizing an audit-based verification program shall be subject to periodic audits conducted by the inspection agency. The inspection agency shall provide copies of the audit report to the Board. Handlers who do not comply with an audit-based verification program shall be required to revert to an on-site verification program.

(iv) Interhandler transfers of almonds may or may not be treated prior to transfer. Handlers receiving untreated almonds from another handler shall be responsible for treating the product. Handlers receiving treated almonds from another handler must have procedures outlined in their Treatment Plan addressing how the integrity of the treated almonds will be maintained. In all instances involving interhandler transfers, the receiving handler shall be responsible for ensuring that the almonds are treated prior to shipment and maintaining documentation to that effect.

(5) *Records.* Handlers shall maintain records and documentation that will be subject to audit by the Board for the purpose of verifying compliance with this section. Records must be maintained for two full years following the end of the crop year, and must

identify lots from the point of treatment forward to the point of shipment by the handler. Lot identification shall also provide the ability to differentiate treated from untreated product.

(6) *Exemptions.* Handlers may ship untreated almonds under the following conditions. For purposes of this section, container means a box, bin, bag, carton, or any other type of receptacle used in the packaging of bulk almonds.

(i) Handlers may ship untreated almonds for further processing directly to manufacturers located within the U.S., Canada or Mexico. This program shall be termed the Direct Verifiable (DV) program. Handlers may only ship untreated almonds to manufacturers who have submitted ABC Form No. 52, “Application for Direct Verifiable (DV) Program for Further Processing of Untreated Almonds,” and have been approved by the Board’s TERP. Such manufacturers must apply to the Board and be approved annually by the TERP. Should the applicant disagree with the TERP’s decision, it may appeal the decision in writing to the Board, and ultimately to USDA. The Board shall issue a DV User code to an approved manufacturer. Handlers must reference such code in all documentation accompanying the lot and identify each container of such almonds with the term “unpasteurized.” Such lettering shall be on one outside principal display panel, at least ½ inch in height, clear and legible. If a third party is involved in the transaction, the handler must provide sufficient documentation to the Board to track the shipment from the handler’s facility to the approved DV user. Approved DV Users shall:

(A) Subject such almonds to a treatment process or processes using technologies that achieve in total a minimum 4-log reduction of *Salmonella* bacteria as determined by the FDA, accepted by the Board’s scientific review panel, or established by a Board-approved process authority;

(B) Identify the manufacturing locations where treatment will occur;

(C) Have their treatment technology and equipment validated by a Board-approved process authority. Treatment technology and equipment that have been modified to the point where operating parameters such as time, temperature, or volume, change shall be revalidated;

(D) Have their technology and procedures verified by a Board-approved DV auditor to ensure they are being applied appropriately. On an annual basis, DV auditors must submit an application to the Board on ABC Form No. 53, “Application for Direct Verifiable (DV) Program Auditors,” and

be approved by the Board’s TERP. Should the applicant disagree with the TERP’s decision, it may appeal the decision in writing to the Board, and ultimately to USDA;

(E) Maintain all records regarding validation and verification of treatment methods, processing, and product traceability. Such records shall be retained for two years and shall be made available for review by the Board; and,

(F) Ship any almonds which will not be treated to a handler, to another approved DV User, to locations outside the U.S., Canada, and Mexico (containers must remain identified with the term “unpasteurized”), as specified in § 981.442(b)(6)(i), or dispose of such almonds in non-edible channels.

(ii) Handlers may ship untreated almonds directly or through a third party to locations outside the U.S., Canada, and Mexico, provided that each container of such almonds is identified with the term “unpasteurized.” Such lettering shall be on one outside principal display panel, at least ½ inch in height, clear and legible. If a third party is involved in the transaction, the handler must provide sufficient documentation to the Board to track the shipment from the handler’s facility to the importer in the foreign country.

(7) *Other restrictions.* The provisions of this section do not supersede any restrictions or prohibitions regarding almonds grown in California under the Federal Food, Drug and Cosmetic Act, or any other applicable laws or regulations or the need to comply with applicable food and sanitary regulations of city, county, State or Federal agencies.

Dated: December 1, 2006.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 06–9543 Filed 12–1–06; 12:43 pm]

**BILLING CODE 3410-02-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 2, 33, 365 and 366

[Docket No. AD07–2–000]

#### Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005; Transaction Subject to FPA Section 203; Supplemental Notice of Technical Conference

November 27, 2006.

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

**ACTION:** Supplemental notice of technical conference.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is holding a technical conference in Commission Docket No. AD07-2-000 on December 7, 2006, to discuss certain issues raised in rulemakings issued in Commission Docket Nos. RM05-32-000 and RM05-34-000. The Commission is providing the agenda for the conference, a list of participants and providing interested parties an opportunity to file written comments following the conference.

**DATES:** Comments may be filed on issues raised at the conference, on or before January 26, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Roshini Thayaparan (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6857.

Andrew P. Mosier, Jr. (Legal Information), Office of General Counsel, 888 First Street, NE., Washington, DC 20426, (202) 502-6274.

**SUPPLEMENTARY INFORMATION:** This conference addresses certain issues raised in rulemakings issued in Docket No. RM05-32-000 (70 FR 75592, December 20, 2005) and Docket No. RM05-34-000. (71 FR 1348, January 6, 2006).

As announced in the Notice of Technical Conference issued on October 6, 2006, the Federal Energy Regulatory Commission (Commission) will hold a technical conference on December 7, 2006, to discuss certain issues raised in rulemakings issued in Docket Nos. RM05-32 and RM05-34.<sup>1</sup> The technical conference will be held from 9:30 am to 4:30 pm (EST) at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in the Commission Meeting Room. All interested persons are invited to attend, and registration is not required.

The agenda for this conference, with a list of participating panelists, is attached. In order to allot sufficient time for questions and responses, each speaker will be provided with five (5)

minutes for prepared remarks. Due to the limitation of time, slides and graphic displays (e.g., PowerPoint® presentations) will not be permitted during the conference. Presenters who wish to distribute copies of their prepared remarks or handouts should bring 100 double-sided copies to the technical conference. Presenters who wish to include comments, presentations, or handouts in the record for this proceeding should file their comments with the Secretary of the Commission. Comments may either be filed on paper or electronically via the eFiling link on the Commission's Web site at <http://www.ferc.gov>. Following the conference, any interested person will be permitted to file written comments in the above docket on or before January 26, 2007.

A free webcast of this event will be available through <http://www.ferc.gov>. Anyone with Internet access who desires to view this event can do so by navigating to <http://www.ferc.gov>'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. Visit <http://www.CapitolConnection.org> or contact Danelle Perkowski or David Reininger at 703-993-3100 for more information about this service.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free 1-866-208-3372 (voice) or 202-208-1659 (TTY), or send a FAX to 202-208-2106 with the required accommodations.

For more information about this conference, please contact:

Andrew P. Mosier, Jr., Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-6274, [Andrew.Mosier@ferc.gov](mailto:Andrew.Mosier@ferc.gov).

Roshini Thayaparan, Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE.,

Washington, DC 20426, (202) 502-6857, [Roshini.Thayaparan@ferc.gov](mailto:Roshini.Thayaparan@ferc.gov).

Magalie R. Salas,  
Secretary.

**Agenda for Technical Conference on Public Utility Holding Company Act of 2005 and Federal Power Act Section 203 Issues<sup>2</sup>**

December 7, 2006

Welcome Remarks:

9:30 a.m.–9:45 a.m.

Panel 1: Panel on Cross-Subsidization  
9:45 a.m.–11:45 a.m.

The Commission invites panelists to discuss whether there are additional actions, under the Federal Power Act (FPA) or Natural Gas Act (NGA), that the Commission should take to supplement the protections against cross-subsidization that were implemented in Order No. 667, et al. and Order No. 669, et al. Specifically, the Commission seeks panelist input on any or all of the following issues:

*FPA Section 203 Authorities*

- In discussing the safeguards necessary to protect consumers under FPA section 203, Order No. 669 states that applicants “must adopt sufficient safeguards, including any necessary cash management controls (such as restrictions on upstream transfers of funds, ring fencing, etc.) to prevent any cross-subsidization between holding companies and their new subsidiaries before receiving section 203 approval.” As a general matter, the Commission and most states have authority to review proposed mergers/corporate dispositions involving public utilities and to impose cross-subsidization safeguards as a condition of approval; they also have rate related authorities to protect customers against inappropriate cross-subsidization. Should the Commission adopt specific generic cross-subsidization safeguards in its section 203 regulations or is it preferable, particularly in light of state authorities, for the Commission to permit applicants to implement safeguards on a case-by-case basis subject to audit oversight?

- With respect to FPA section 203 merger/corporate applications, should the Commission require more specific cross-subsidy protections in addition to

<sup>1</sup> Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2005, Order No. 667, FERC Stats. & Regs. ¶ 31,197 (2005), order on reh'g, Order No. 667-A, FERC Stats. & Regs. ¶ 31,213, order on reh'g, Order No. 667-B, FERC Stats. & Regs. ¶ 31,224 (2006), reh'g pending; Transactions Subject to FPA Section 203, Order No. 669, FERC Stats. & Regs. ¶ 31,200 (2006), order on reh'g, Order No. 669-A, FERC Stats. Regs. ¶ 31,214 (2006), order on reh'g, Order No. 669-B, FERC Stats. & Regs. ¶ 31,225 (2006).

<sup>2</sup> The lists of panelists for this technical conference may change. The Commission will issue a further notice of changes if time permits. Additionally, issues raised in the Order No. 667, et al. and Order No. 669, et al. rulemakings with respect to whether the Commission should change its merger policy, including its competition analysis, will be discussed at a subsequent technical conference.

the general requirement that there shall be no cross-subsidization resulting from or reasonably foreseeable as a result of a FPA section 203 transaction?

○ Should the Commission adopt, by regulation, generic “ring fencing” or other conditions of merger approvals (other than codifying a version of its current code of conduct/merger restrictions) or should the Commission continue to consider such conditions on a case-by-case basis? In light of the fact that most states have authority to adopt such protections, is further generic action by the Commission inappropriate or unnecessary at this time?

○ Is the Commission getting sufficient information in FPA section 203 applications to make a determination that a merger or other corporate transaction will not result in cross-subsidization or the encumbrance of utility assets? If not, what additional information should the Commission require FPA section 203 applicants to file?

#### *FPA and NGA Rate and Accounting Authorities*

○ Are there additional generic actions the Commission should take under its FPA or NGA authorities (other than FPA section 203, which is discussed in other questions above) to protect customers against inappropriate cross-subsidization or encumbrances of utility assets? Are reporting requirements, rather than restrictions, a better way in which to protect against cross-subsidization and the encumbrance of utility assets?

○ Should the Commission adopt regulations under FPA sections 205 and 206 to codify existing restrictions regarding power and non-power goods and services transactions between traditional public utilities and their “unregulated” affiliates? Should these existing restrictions apply to all traditional public utilities and their affiliates irrespective of whether they are seeking merger approval under FPA section 203 or market-based rate approval under FPA section 205? Should the scope of the existing power and non-power goods and services restrictions be expanded and, if so, how?

○ In light of the submissions to date of the FERC Form No. 60 (Service Company Report), which applies to centralized service companies, is the Commission getting sufficient information to protect against inappropriate cross-subsidization and the encumbrance of utility assets? Is there other information the Commission should routinely collect, or is case-by-case access to books and records in

audit and rate proceedings sufficient to ensure that customers are protected against inappropriate cross-subsidization?

#### *Panelists*

○ The Honorable Ray Baum, Commissioner, Oregon Public Utility Commission

○ The Honorable Robert Garvin, Commissioner, Wisconsin Public Service Commission

○ John Antonuk, President, The Liberty Consulting Group

○ Randolph Elliot, Principal, Miller, Balis & O’Neil, P.C., on behalf of the American Public Power Association and the National Rural Electric Cooperative Association

○ Brian Little, Assistant Controller, AGL Resources Inc.

○ Electric Utility Company Representative—TBA

○ Electric Utility Company Representative—TBA

○ Financial Representative—TBA

#### *Lunch:*

12 p.m.–1 p.m.

#### *Panel 2: Panel on Cash Management*

Programs and Money Pools

1 p.m.–2:30 p.m.

The Commission adopted its Cash Management Rule, Order No. 634, et al., prior to the Public Utility Holding Company Act of 2005 (PUHCA 2005), when the Commission had no direct authority over holding companies. The Commission invites panelists to discuss whether, and if so how, the Commission should modify its Cash Management Rule in light of PUHCA 2005. Should the Commission codify specific safeguards that must be adopted for cash management programs and money pool agreements and transactions? If so, what should those safeguards be?

#### *Panelists*

○ Denise Parrish, Deputy Administrator, Wyoming Office of Consumer Advocate

○ Denise M. Furey, Senior Director, Fitch Ratings

○ Gas Industry Representative—TBA

○ Electric Utility Company Representative—TBA

○ Electric Utility Company Representative—TBA

○ State/Customer Representative—TBA

#### *Break:*

2:30 p.m.–2:45 p.m.

#### *Panel 3: Panel on Exemptions, Waivers and Blanket Authorizations Set Forth in OrderNos. 667, et al. and 669, et al.*

2:45 p.m.–4:15 p.m.

In Order No. 667, et al. and Order No. 669, et al., the Commission set forth

specific exemptions, waivers and blanket authorizations from the regulatory requirements set forth in those orders. The Commission invites panelists to discuss whether modifications to the specific exemptions, waivers and blanket authorizations set forth in Order No. 667, et al. and Order No. 669, et al. are warranted. Specifically, the Commission seeks input as to the following issues:

—Exemptions and waivers set forth in Order No. 667, et al.:

○ Does the Commission need to consider additional or different exemptions and waivers than those set forth in Order No. 667, et al. or should it wait until it has had more experience under the current rules?

—Blanket authorizations set forth in Order No. 669, et al.:

○ Does the Commission need to consider additional or different blanket FPA section 203 authorizations than those set forth in Order No. 669, et al. or should it wait until it has had more experience under the current rules?

○ In Order No. 669, et al., the Commission granted a blanket authorization under FPA section 203(a)(2) for holding companies to acquire up to 10 percent of voting securities of a securities in a transmitting utility, an electric utility company, or a holding company in a holding company system that includes a transmitting utility or an electric utility company. Under what circumstances would it be appropriate for the Commission to grant a parallel blanket authorization under FPA section 203(a)(1) for transactions that (a) involve or permit transfers (dispositions) of up to 10 percent of a public utility’s voting stock; (b) involve a transfer of up to 10 percent of the voting stock of a holding company that directly or indirectly owns or controls a public utility?

#### *Panelists*

○ State/Customer Representative—TBA

○ Customer/Financial Representative—TBA

○ Walter R. Burkley, Vice President and Counsel, Capital Research and Management Company

○ Steven Bunkin, Managing Director and Associate General Counsel, Goldman, Sachs & Co./J. Aron & Company

○ Debra Bolton, Vice President and Assistant General Counsel, Mirant

○ Ike Gibbs, Vice President, Compliance Director and Assistant General Counsel, JPMorgan Chase & Co.

○ Electric Utility Company Representative—TBA

## Closing Remarks:

4:15 p.m.–4:30 p.m.

The Commissioners and staff may ask questions at the conclusion of presentations. All interested persons may file written comments following the technical conference on or before January 26, 2007.

[FR Doc. E6–20609 Filed 12–5–06; 8:45 am]

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

## 18 CFR Part 40

[Docket No. RM06–16–000]

## Mandatory Reliability Standards for the Bulk-Power System

November 27, 2006.

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

**ACTION:** Notice granting in part motions for extension of time to file comments and announcing rulemaking proceeding.

**SUMMARY:** On October 20, 2006, the Commission issued a Notice of Proposed Rulemaking on mandatory reliability standards for the Bulk-Power System. 71 FR 64770 (November 3, 2006). The Commission is extending the date to file comments on the proposed rule at the request of Edison Electric Institute and the ISO/RTO Council and is establishing a comment period for twenty revised proposed Reliability Standards that were filed in this docket on behalf of the North American Electric Reliability Council (NERC). The Commission is also opening a new rulemaking proceeding for three new proposed Reliability Standards that were filed by NERC.

**DATES:** Comments on the NOPR are due January 3, 2007. Comments on NERC's twenty revised proposed Reliability Standards are due January 3, 2007.

**ADDRESSES:** You may submit comments, identified by Docket No. RM06–16–000, by one of the following methods:

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

Follow the instructions for submitting comments via the eFiling link found in the Comment Procedures section of the Preamble.

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

preamble for additional information on how to file paper comments.

**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:**

Mandatory Reliability Standards for the Bulk-Power System, Docket No. RM06–16–000.

Facilities Design, Connections and Maintenance Reliability Standards, Docket No. RM07–3–000.

On October 20, 2006, in Docket No. RM06–16–000, the Commission issued a Notice of Proposed Rulemaking (NOPR) on Mandatory Reliability Standards for the Bulk-Power System.<sup>1</sup> Comments on the NOPR are due 60 days after publication in the *Federal Register*, or January 2, 2007. On November 17, 2006 and November 22, 2006, Edison Electric Institute (EEI) and the ISO/RTO Council, respectively, requested a seven day extension to file comments.

On November 15, 2006, the North American Electric Reliability Council, on behalf of its affiliate, the North American Electric Reliability Corporation (NERC Corporation, and collectively NERC), filed 20 revised proposed Reliability Standards and three new proposed Reliability Standards for Commission approval. The Commission certified NERC Corporation as the Electric Reliability Organization (ERO) pursuant to section 215 of the Federal Power Act in an order issued July 20, 2006 in Docket No. RR06–1–000.

NERC requested that the 20 revised proposed Reliability Standards be included as part of the NOPR issued by the Commission in Docket No. RM06–16–000. Because of their close relationship with Reliability Standards dealt with in the October 20, 2006 NOPR, the Commission will address these 20 Reliability Standards as part of that proceeding. The 20 revised proposed Reliability Standards are:

CIP–001–1—Sabotage Reporting  
COM–001–1—Telecommunications  
COM–002–2—Communications and Coordination  
EOP–002–2—Capacity and Energy Emergencies  
EOP–003–1—Load Shedding Plans  
EOP–004–1—Disturbance Reporting  
EOP–006–1—Reliability Coordination—System Restoration  
INT–001–2—Interchange Information  
INT–003–2—Interchange Transaction Information

<sup>1</sup> Mandatory Reliability Standards for the Bulk-Power System, 117 FERC ¶ 61,084 (2006), 71 FR 64770 (November 3, 2006).

IRO–001–1—Reliability Coordination—Responsibilities and Authorities  
IRO–002–1—Reliability Coordination—Facilities  
IRO–003–2—Reliability Coordination—Wide-Area View  
IRO–005–2—Reliability Coordination—Current-Day Operations  
PER–004–1—Reliability Coordination—Staffing  
PRC–001–1—System Protection Coordination  
TOP–001–1—Reliability Responsibilities and Authorities  
TOP–002–2—Normal Operations Planning  
TOP–004–1—Transmission Operations  
TOP–006–1—Monitoring System Conditions  
TOP–008–1—Response to Transmission Limit Violations

Comments on these 20 revised proposed Reliability Standards should be submitted by January 3, 2007, in Docket No. RM06–16–000. In addition, the deadline for filing comments on the NOPR is extended to January 3, 2007. Accordingly, the requests for extension of time filed by EEI and the ISO/RTO Council are granted to the limited extent set forth here.

The Commission is also opening a new Docket No. RM07–3–000 for processing the three new proposed Reliability Standards. No preliminary comments are being sought at this time. A proposed rulemaking will be issued later, and we will allow comments then. The three proposed new Reliability Standards included in this docket are:

FAC–010–1—System Operating Limits Methodology for the Planning  
FAC–011–1—System Operating Limits Methodology for the Operations Horizon  
FAC–014–1—Establish and Communicate System Operating Limits

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–20608 Filed 12–5–06; 8:45 am]

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