

Electric Reliability Organization and Regional Entity reliability standard development process. Any such staff position paper issued without Commission approval must contain the statement, "This position paper does not necessarily reflect the views of the Commission," in bold face type on the cover;

(iii) Issue and sign requests for additional information regarding applications, filings, reports and data processed by the Office of Electric Reliability.

(iv) Accept for filing, data and reports required by Commission regulations, rules or orders, or presiding officers' initial decisions upon which the Commission has taken no further action, if such filings are in compliance with such regulations, rules, orders or decisions and, when appropriate, notify the filing party of such acceptance.

PART 376—ORGANIZATION, MISSION, AND FUNCTIONS; OPERATIONS DURING EMERGENCY CONDITIONS

■ 18. The authority citation for part 376 continues to read as follows:

Authority: 5 U.S.C. 553; 42 U.S.C. 7101–7352; E.O. 12009; 3 CFR 1978 Comp., p. 142.

■ 19. Section 376.204 is amended by revising paragraph (b)(2) to read as follows:

§ 376.204 Delegation of Commission's authority during emergency conditions.

* * * * *

(b) * * *

(2) The list referred to in paragraph (b)(1) of this section is:

- (i) The Executive Director;
- (ii) Director of the Office of Energy Market Regulation;
- (iii) Director of the Office of Energy Projects;
- (iv) Director of the Office of Electric Reliability;
- (v) General Counsel;
- (vi) Director of the Office of Enforcement;
- (vii) Deputy Directors, Office of Energy Market Regulation, in order of seniority;
- (viii) Deputy Directors, Office of Energy Projects, in order of seniority;
- (ix) Deputy Directors, Office of Electric Reliability, in order of seniority;
- (x) Deputy General Counsels, in order of seniority;
- (xi) Associate General Counsels and Solicitor, in order of seniority;
- (xii) Assistant Directors and Division heads, Office of Energy Market Regulation; Assistant Directors and Division heads, Office of Energy Projects; Assistant Directors and Division heads, Office of Electric

Reliability; Deputy Associate General Counsels; and Assistant Directors and Division heads, Office of Enforcement; in order of seniority.

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DEPARTMENT OF THE TREASURY

Monetary Offices

31 CFR Part 82

Prohibition on the Exportation, Melting, or Treatment of 5-Cent and One-Cent Coins; Correction

AGENCY: United States Mint, Treasury.

ACTION: Correcting amendments.

SUMMARY: This document corrects the United States Mint's regulations that prohibit the exportation, melting, and treatment of 5-cent and one-cent coins. These regulations, added in December 2006, were inadvertently allowed to expire on April 14, 2007. A final rule, which was published in the **Federal Register** of Monday, April 16, 2007 (72 FR 18880), was intended to extend the effectiveness of these requirements. However, that document failed to set out the revised 31 CFR Part 82 in its entirety, and this document corrects the agency's regulations by doing so.

DATES: Effective on October 29, 2007.

FOR FURTHER INFORMATION CONTACT: Kristie Bowers, Attorney-Advisor, United States Mint, at (202) 354–7631 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Background

The final rule was based on an interim rule, which was published Wednesday, December 20, 2006 (71 FR 76148). The regulations are intended to protect the coinage of the United States, by prohibiting the exportation, melting, and treatment of 5-cent and one-cent coins. The regulations were issued pursuant to 31 U.S.C. 5111(d), which authorizes the Secretary of the Treasury to prohibit or limit the exportation, melting, or treatment of United States coins when the Secretary decides the prohibition or limitation is necessary to protect the coinage of the United States. The regulations' purpose is to ensure that sufficient quantities of 5-cent and one-cent coins remain in circulation to meet the needs of the United States.

II. Need for Correction

The interim rule was scheduled to expire on April 14, 2007, unless extended by a further rulemaking

document published in the **Federal Register**. Because of an administrative oversight, the final rule was published on April 16, 2007, two days after the interim rule had expired. Instead of setting the amended 31 CFR Part 82 out in its entirety, the final rule attempted to adopt the interim rule with certain changes. However, because the interim rule had already expired when the final rule was published, there were no regulations at 31 CFR Part 82 to adopt. This correction is intended to set out the revised 31 CFR Part 82 in its entirety.

List of Subjects in 31 CFR Part 82

Administrative Practice and Procedure, Currency, Penalties.

Authority and Issuance

■ Accordingly, Chapter 1 of Subtitle B of title 31 of the Code of Federal Regulations is corrected by adding part 82 to read as follows:

PART 82—5-CENT AND ONE-CENT COIN REGULATIONS

Sec.

- 82.1 Prohibitions.
- 82.2 Exceptions.
- 82.3 Definitions.
- 82.4 Penalties.

Authority: 31 U.S.C. 5111(d).

§ 82.1 Prohibitions.

Except as specifically authorized by the Secretary of the Treasury (or designee) or as otherwise provided in this part, no person shall export, melt, or treat:

- (a) Any 5-cent coin of the United States; or
- (b) Any one-cent coin of the United States.

§ 82.2 Exceptions.

(a) The prohibition contained in § 82.1 against the exportation of 5-cent coins and one-cent coins of the United States shall not apply to:

(1) The exportation in any one shipment of 5-cent coins and one-cent coins having an aggregate face value of not more than \$100 that are to be legitimately used as money or for numismatic purposes. Nothing in this paragraph shall be construed to authorize export for the purpose of sale or resale of coins for melting or treatment by any person.

(2) The exportation of 5-cent coins and one-cent coins carried on an individual, or in the personal effects of an individual, departing from a place subject to the jurisdiction of the United States, when the aggregate face value is not more than \$5, or when the aggregate face value is not more than \$25 and it

is clear that the purpose for exporting such coins is for legitimate personal numismatic, amusement, or recreational use.

(b) The prohibition contained in § 82.1 against the treatment of 5-cent coins and one-cent coins shall not apply to the treatment of these coins for educational, amusement, novelty, jewelry, and similar purposes as long as the volumes treated and the nature of the treatment makes it clear that such treatment is not intended as a means by which to profit solely from the value of the metal content of the coins.

(c) The prohibition contained in § 82.1 against the exportation, melting, or treatment of 5-cent and one-cent coins of the United States shall not apply to coins exported, melted, or treated incidental to the recycling of other materials so long as—

(1) Such 5-cent and one-cent coins were not added to the other materials for their metallurgical value;

(2) The volumes of the 5-cent coins and one-cent coins, relative to the volumes of the other materials recycled, makes it clear that the presence of such coins is merely incidental; and

(3) The separation of the 5-cent and one-cent coins from the other materials would be impracticable or cost prohibitive.

(d) The prohibition contained in § 82.1 against the exportation, melting, or treatment of 5-cent coins shall not apply to 5-cent coins inscribed with the years 1942, 1943, 1944, or 1945 that are composed of an alloy comprising copper, silver and manganese.

(e) The prohibition contained in § 82.1 against the exportation of 5-cent coins and one-cent coins shall not apply to 5-cent coins and one-cent coins exported by a Federal Reserve Bank or a domestic depository institution, or to a foreign central bank, when the exportation of such 5-cent coins and one-cent coins is for use as circulating money.

(f)(1) The prohibition contained in § 82.1 against exportation, melting, or treatment of 5-cent coins and one-cent coins of the United States shall not apply to coins exported, melted, or treated under a written license issued by the Secretary of the Treasury (or designee).

(2) Applications for licenses should be transmitted to the Director, United States Mint, 801 9th Street, NW., Washington, DC 20220.

§ 82.3 Definitions.

(a) *5-cent coin of the United States* means a 5-cent coin minted and issued by the Secretary of the Treasury pursuant to 31 U.S.C. 5112(a)(5).

(b) *One-cent coin of the United States* means a one-cent coin minted and issued by the Secretary of the Treasury pursuant to 31 U.S.C. 5112(a)(6).

(c) *Export* means to remove, send, ship, or carry, or to take any action with the intent to facilitate a person's removing, sending, shipping, or carrying, from the United States or any place subject to the jurisdiction thereof, to any place outside of the United States or to any place not subject to the jurisdiction thereof.

(d) *Person* means any individual, partnership, association, corporation, or other organization, but does not include an agency of the Government of the United States.

(e) *Treat or treatment* means to smelt, refine, or otherwise treat by heating, or by a chemical, electrical, or mechanical process.

§ 82.4 Penalties.

(a) Any person who exports, melts, or treats 5-cent coins or one-cent coins of the United States in violation of § 82.1 shall be subject to the penalties specified in 31 U.S.C. 5111(d), including a fine of not more than \$10,000 and/or imprisonment of not more than 5 years.

(b) In addition to the penalties prescribed by 31 U.S.C. 5111(d), a person violating the prohibitions of this part may be subject to other penalties provided by law, including 18 U.S.C. 1001(a).

Dated: October 24, 2007.

Edmund C. Moy,

Director, United States Mint.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08-07-035]

Drawbridge Operating Regulations; Gulf Intracoastal Waterway, Morgan City to Port Allen Alternate Route, Lower Grand River, Bayou Sorrel, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the State Route 75 (SR 75) pontoon span bridge across the Lower Grand River at mile

38.4, Gulf Intracoastal Waterway, Morgan City to Port Allen Alternate Route at Bayou Sorrel, Iberville Parish, Louisiana. This deviation provides for the bridge to remain closed to navigation for 24 consecutive hours to conduct scheduled maintenance to the drawbridge.

DATES: This deviation is effective from 7 a.m. on Tuesday, November 6, 2007 until 7 a.m. on Wednesday, November 7, 2007.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans, Louisiana, 70130-3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 671-2128. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 671-2128.

SUPPLEMENTARY INFORMATION: The Louisiana Department of Transportation and Development has requested a temporary deviation in order to replace the entire winch and related operating mechanism of the SR 75 pontoon span bridge across the Lower Grand River, Gulf Intracoastal Waterway, Morgan City to Port Allen Alternate Route at Bayou Sorrel, Iberville Parish, Louisiana. Replacement of the winch is necessary for continued operation of the draw span of the bridge. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 7 a.m. on Tuesday, November 6, 2007 until 7 a.m. on Wednesday, November 7, 2007. During the closure period, the draw will not be able to open for emergencies. Currently, the draw opens on signal; except that, from about August 15 to about June 5 (the school year), the draw need not be opened from 6 a.m. to 7:30 a.m. Monday through Friday except holidays. The draw opens on signal at any time for an emergency aboard a vessel.

The bridge is a floating pontoon span bridge with no available navigational clearance in the closed-to-navigation position. Thus, vessels will not be able to transit through the bridge site when the bridge is closed. Navigation on the waterway consists of tugs with tows, fishing vessels and recreational powerboats. Due to prior experience, as well as coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels.