

respect to the reliability of these parts must be clearly stated in the analysis and identified in the installation instructions under § 33.5 of this part.

(e) If the safety analysis depends on one or more of the following items, those items must be identified in the analysis and appropriately substantiated.

(1) Maintenance actions being carried out at stated intervals. This includes the verification of the serviceability of items that could fail in a latent manner. When necessary to prevent hazardous engine effects, these maintenance actions and intervals must be published in the instructions for continued airworthiness required under § 33.4 of this part. Additionally, if errors in maintenance of the engine, including the control system, could lead to hazardous engine effects, the appropriate procedures must be included in the relevant engine manuals.

(2) Verification of the satisfactory functioning of safety or other devices at pre-flight or other stated periods. The details of this satisfactory functioning must be published in the appropriate manual.

(3) The provisions of specific instrumentation not otherwise required.

(f) If applicable, the safety analysis must also include, but not be limited to, investigation of the following:

- (1) Indicating equipment;
- (2) Manual and automatic controls;
- (3) Compressor bleed systems;
- (4) Refrigerant injection systems;
- (5) Gas temperature control systems;
- (6) Engine speed, power, or thrust governors and fuel control systems;
- (7) Engine overspeed, overtemperature, or topping limiters;
- (8) Propeller control systems; and
- (9) Engine or propeller thrust reversal systems.

(g) Unless otherwise approved by the FAA and stated in the safety analysis, for compliance with part 33, the following failure definitions apply to the engine:

(1) An engine failure in which the only consequence is partial or complete loss of thrust or power (and associated engine services) from the engine will be regarded as a minor engine effect.

(2) The following effects will be regarded as hazardous engine effects:

- (i) Non-containment of high-energy debris;
- (ii) Concentration of toxic products in the engine bleed air intended for the cabin sufficient to incapacitate crew or passengers;
- (iii) Significant thrust in the opposite direction to that commanded by the pilot;
- (iv) Uncontrolled fire;

(v) Failure of the engine mount system leading to inadvertent engine separation;

(vi) Release of the propeller by the engine, if applicable; and

(vii) Complete inability to shut the engine down.

(3) An effect whose severity falls between those effects covered in paragraphs (g)(1) and (g)(2) of this section will be regarded as a major engine effect.

5. Amend § 33.76 to revise paragraph (b)(3) to read as follows:

**§ 33.76 Bird ingestion.**

\* \* \* \* \*

(b) \* \* \*

(3) Ingestion of a single large bird tested under the conditions prescribed in this section must not result in any condition described in § 33.75(g)(2) of this part.

\* \* \* \* \*

Issued in Washington, DC, on July 13, 2006.

**John J. Hickey,**

*Director, Aircraft Certification Service.*

[FR Doc. E6-11372 Filed 7-17-06; 8:45 am]

**BILLING CODE 4910-13-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 63**

**[EPA-HQ-OAR-2002-0051; FRL-8198-9]**

**RIN 2060-AJ78**

### **National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; reopening of public comment period.

**SUMMARY:** EPA is reopening the comment period for certain portions of the proposed amendments to National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry, published on December 2, 2005. The comment period is being reopened until August 1, 2006. The portions of the proposed amendments for which we are reopening the comment period are the proposed emission standards for mercury, hydrogen chloride, and total hydrocarbons.

**DATES:** Comments must be received on or before August 1, 2006.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-

OAR-2002-0051, by one of the following methods: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

• **E-mail:** [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), Attention Docket ID No. EPA-HQ-OAR-2002-0051.

• **Fax:** (202) 566-1741, Attention Docket ID No. EPA-HQ-OAR-2002-0051.

• **Mail:** U.S. Postal Service, send comments to: EPA Docket Center (6102T), Attention Docket ID No. EPA-HQ-OAR-2002-0051, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a total of two copies.

• **Hand Delivery:** In person or by courier, deliver comments to: EPA Docket Center (6102T), Attention Docket ID No. EPA-HQ-OAR-2002-0051, 1301 Constitution Avenue, NW., Room B-108, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Please include a total of two copies.

**Instructions.** Direct your comments to Docket ID No. EPA-HQ-OAR-2002-0051. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. Send or deliver information identified as CBI to only the following address: Mr. Roberto Morales, OAQPS Document Control Officer, EPA (C404-02), Attention Docket ID No. EPA-HQ-OAR-2002-0051, Research Triangle Park, NC 27711. Clearly mark the part or all of the information that you claim to be CBI. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA

cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket.** All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material,

will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the EPA Docket Center, Docket ID No. EPA-HQ-OAR-2002-0051, EPA West Building, Room B-102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the EPA Docket Center is (202) 566-1742. A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Mr. Keith Barnett, EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Metals and Minerals Group (D243-02), Research Triangle Park, NC 27711; telephone number (919) 541-5605; facsimile number (919) 541-3207; e-mail address [barnett.keith@epa.gov](mailto:barnett.keith@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entities.* Entities potentially affected by the proposed amendments to the national emission standards for hazardous air pollutants for the manufacturing of portland cement are those that manufacture portland cement. Regulated categories and entities include:

TABLE 1.—REGULATED ENTITIES TABLE

Category	NAICS <sup>1</sup>	Examples of regulated entities
Industry .....	32731 .....	Owners or operators of portland cement manufacturing plants.
State .....	32731 .....	Owners or operators of portland cement manufacturing plants.
Tribal Associations .....	32731 .....	Owners or operators of portland cement manufacturing plants.
Federal Agencies .....	None .....	None.

<sup>1</sup>North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that may potentially be regulated by this action. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in 40 CFR 63.1340 of the rule. If you have questions regarding the applicability of the proposed amendments to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

**Submitting CBI.** Do not submit this information through <http://www.regulations.gov> or e-mail. Send or deliver information identified as CBI only to the address listed in the **ADDRESSES** section of this document. Clearly mark the part or all the information you claim to be CBI. For CBI information submitted on a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be

disclosed except in accordance with procedures set forth in 40 CFR part 2.

**Tips for preparing your comments.** When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date, and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

**Worldwide Web (WWW).** In addition to being available in the docket, an electronic copy of today's proposal will also be available through the WWW. Following the Administrator's signature, a copy of this action will be posted on

EPA's Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg/>. The TTN at EPA's Web site provides information and technology exchange in various areas of air pollution control.

#### Reopening of Comment Period

On December 2, 2005, EPA proposed amendments to the National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry. (70 FR 72330). Among other things, we there proposed to amend the emission standards for mercury, hydrogen chloride, and total hydrocarbons.

In response to a request to reopen the comment period to address these proposed standards, EPA is reopening the comment period for a period of two weeks. This solicitation is limited to the standards for mercury, hydrogen chloride, and total hydrocarbons.

#### How can I get copies of the proposed amendments and other related information?

EPA has established the official public docket for the proposed rulemaking under docket ID No. EPA-HQ-OAR-2002-0051. Information on how to access the docket is presented above in the **ADDRESSES** section. In addition, information may be obtained from the Web page for the proposed

rulemaking at: <http://www.epa.gov/ttn/atw/pcem/pcempg.html>.

Dated: July 5, 2006.

**William L. Wehrum,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. E6-11334 Filed 7-17-06; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 2, 7, 12, 25, 52

[FAR Case 2005-011; Docket 2006-0020;  
Sequence 3]

RIN: 9000-AK42

#### **Federal Acquisition Regulation; FAR Case 2005-011, Contractor Personnel in a Theater of Operations or at a Diplomatic or Consular Mission**

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to address the issues of contractor personnel that are providing support to the mission of the United States Government in the theater of operations or at a diplomatic or consular mission outside the United States, but are not covered by the DoD clause for contractor personnel authorized to accompany the U.S. Armed Forces.

**DATES:** Interested parties should submit written comments to the FAR Secretariat on or before September 18, 2006 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAR case 2005-011 by any of the following methods:

- Federal eRulemaking Portal: <http://acquisition.gov>. Follow the instructions for submitting comments.

- Agency Web site: <http://acquisition.gov/far/ProposedRules/proposed.htm>. Click on the FAR case number to submit comments.

- E-mail: [farcase.2005-011@gsa.gov](mailto:farcase.2005-011@gsa.gov). Include FAR case 2005-011 in the subject line of the message.

- Fax: 202-501-4067.

- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

**Instructions:** Please submit comments only and cite FAR case 2005-011 in all correspondence related to this case. All comments received will be posted without change to <http://acquisition.gov/far/ProposedRules/proposed.htm>, including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** For clarification of content, contact Linda Nelson, Procurement Analyst, at (202) 501-1900. The TTY Federal Relay Number for further information is 1-800-877-8973. Please cite FAR case 2005-011. For information pertaining to status or publication schedules, contact the FAR Secretariat at (202) 501-4755.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

This rule proposes to create a new FAR Subpart 25.3 to address issues relating to contractors outside the United States, including new section 25.302, Contractor personnel in a theater of operations or at a diplomatic or consular mission outside the United States. The rule also proposes a new clause entitled "Contractor Personnel in a Theater of Operations or at a Diplomatic or Consular Mission Outside the United States."

The clause applies when contractor personnel are employed outside the United States—

- In a theater of operations during—
- Contingency operations;
- Humanitarian or peacekeeping operations;
- Other military operations; or
- Military exercises designated by the combatant commander; or
- At a diplomatic or consular mission, when specified by the chief of mission.

This new clause clarifies that contractor personnel are civilians. Contractor personnel, except private security contractor personnel, are not authorized to use deadly force against enemy armed forces other than in self defense. Private security contractor personnel are only authorized to use deadly force when necessary to execute their security mission to protect assets/ persons, consistent with the mission statement contained in their contract. It is the responsibility of the Combatant Commander to ensure that private security contract mission statements do not authorize the performance of any inherently Governmental military functions, such as preemptive attacks, or any other types of attacks.

The clause also addresses such issues as responsibility for logistical and security support, compliance with laws and regulations, preliminary personnel requirements, processing and departure points, personnel data lists, removal of contractor personnel, authorization of weapons and ammunition, vehicle or equipment licenses, wearing of military clothing and protective equipment, evacuation, personnel recovery, notification and return of personal effects, mortuary affairs, changes in place of performance or Government-furnished facilities, equipment, material, services, or site, and flowdown of the clause to subcontracts.

In preparation of this proposed rule, the Councils reviewed the proposed rule published by the Department of State in the **Federal Register** on December 22, 2004 (69 FR 76660). The Councils also considered the final rule issued by the Department of Defense on May 5, 2005 (70 FR 23790) (DFARS Case 2003-D087, Contractor Personnel Supporting a Force Deployed Outside the United States).

This is a significant regulatory action and, therefore, was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

##### **B. Regulatory Flexibility Act**

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because this rule does not impose economic burdens on contractors. The purpose and effect of this rule is to relieve the current perceived burden on contractors operating in a contingency environment without consistent guidance or a standardized clause. By establishing a standardized clause spelling out the standardized rules, this rule effectively reduces the burden on small business. It establishes a framework within which it will be easier for contractors to operate overseas. In addition, the availability of Government departure centers in the United States will make it easier for small businesses to meet all pre-departure requirements. An Initial Regulatory Flexibility Analysis (IRFA) has therefore not been prepared. The Councils will also consider comments from small entities concerning the affected FAR parts 2, 7, 12, 25, and 52 in accordance with 5 U.S.C. 610. Interested parties should submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR Case 2005-011), in correspondence.