

General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

### Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (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) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD Docket.

### Examining the AD Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5227) is in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

**2006-19-11 Gippsland Aeronautics Pty. Ltd.:** Amendment 39-14768 Docket No. FAA-2006-24955; Directorate Identifier 2006-CE-31-AD.

#### Effective Date

(a) This airworthiness directive (AD) becomes effective October 25, 2006.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to Model GA8 airplanes, all serial numbers through GA8-05-088, that are certificated in any U.S. category.

#### Reason

(d) The mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Australia states that the aircraft manufacturer has determined that the current location of the pilot and second occupant seat stops is such that, at either seat's most forward position, aft movement of the control column can be restricted by the seat structure. If not corrected, this condition could lead to reduced controllability of the airplane in certain conditions. The MCAI requires relocating the seat stop to eliminate this condition.

#### Actions and Compliance

(e) Unless already done, do the following except as stated in paragraph (f) below:

- (1) At the next regularly scheduled maintenance inspection (e.g. 100 hour or annual) that occurs 30 days or more after October 25, 2006 (the effective date of this AD), modify the pilot and second occupant seat track rails to add a new stop location.
- (2) Do the modification following Gippsland Aeronautics Mandatory Service Bulletin SB-GA8-2005-29, Issue 2, dated February 14, 2006.

#### FAA AD Differences

(f) None.

#### Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Staff, FAA, Attn: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; facsimile: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) Return to Airworthiness: When complying with this AD, perform FAA-approved corrective actions before returning the product to an airworthy condition.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB)

has approved the information collection requirements and has assigned OMB Control Number 2120-0056.

#### Related Information

(h) This AD is related to MCAI Australian AD No. AD/GA8/4, effective April 13, 2006, which references Gippsland Aeronautics Mandatory Service Bulletin SB-GA8-2005-29, Issue 2, dated February 14, 2006.

#### Material Incorporated by Reference

(i) You must use Gippsland Aeronautics Mandatory Service Bulletin SB-GA8-2005-29, Issue 2, dated February 14, 2006, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Gippsland Aeronautics, PO Box 881, Morwell, Victoria 3840, Australia; telephone: + 61 (0) 3 5172 1200; facsimile: + 61 (0) 3 5172 1201; e-mail: [support@gippsaero.com](mailto:support@gippsaero.com).

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on September 12, 2006.

**Sandra J. Campbell,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 06-7928 Filed 9-19-06; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 700

[Docket No. 060831232-6232-01]

RIN 0694-AD90

#### Defense Priorities and Allocations System (DPAS): Assistance Programs With Canada and Other Nations

**AGENCY:** Bureau of Industry and Security, U.S. Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Industry and Security (BIS) is amending the Defense Priorities and Allocations System (DPAS) Regulation (15 CFR part 700) to provide additional guidance on how persons in Canada and other foreign nations may apply for priority rating authority and special priorities assistance to obtain items in the United States, and to provide information on

how persons in the United States may obtain informal assistance in Italy, the Netherlands, Sweden, and the United Kingdom to obtain items in support of approved programs. These amendments do not alter the substance or effect of the DPAS regulation.

**DATES:** This rule is effective September 20, 2006.

**FOR FURTHER INFORMATION CONTACT:**

Liam McMenamin, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, Telephone: (202) 482-2233.

**SUPPLEMENTARY INFORMATION:**

**Background**

Under Title I of the Defense Production Act (DPA) of 1950, as amended, (50 U.S.C. App. 2061, *et seq.*), the President is authorized to require preferential acceptance and performance of contracts or orders supporting certain approved national defense and energy programs, and to allocate materials, services, and facilities in such a manner as to promote these approved programs. Additional priorities authority is found in section 18 of the Selective Service Act of 1948 (50 U.S.C. App. 468), 10 U.S.C. 2538, and 50 U.S.C. 82. The President delegated the priorities and allocations authorities of the DPA in Executive Order 12919 (June 3, 1994; amended by Executive Order 13286, February 28, 2003). As part of that delegation, the President designated the Secretary of Commerce to administer the Defense Priorities and Allocations System. DPAS authority has also been extended to support emergency preparedness activities under Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5195, *et seq.*). The DPAS regulation is found at 15 CFR part 700.

**Amendments to the DPAS Regulation**

The Defense Production Act's definition of "national defense" includes "military assistance to any foreign nation." Section 700.55 of the DPAS regulation currently provides guidance on how persons in Canada and in other foreign nations can apply for authority to place priority rated orders and special priorities assistance to obtain items in the United States. Persons in the United States receiving a priority rated order must give the rated order preference over all unrated orders as necessary to meet required delivery dates. Special priorities assistance is provided by the Department of Commerce and the DPAS Delegate Agencies as appropriate to expedite

deliveries, resolve delivery conflicts, place rated orders, locate suppliers, or to verify information provided by customers and vendors. Special priorities assistance may also be used to request authority to place rated orders.

The Department of Commerce and the Government of Canada have provided mutual assistance to the defense industries located in both countries since 1950. The Department of Commerce has determined that it would be useful to provide additional guidance on how persons in Canada producing items to support U.S. and Canadian approved programs may request priority rating authority and special priorities assistance to obtain items in the United States through the Canadian Public Works and Government Services Canada. This rule provides additional point of contact information in section 700.55(b) for Public Works and Government Services Canada, including branch and directorate names, mailing address, telephone, and fax numbers. These changes do not alter the substance or effect of the DPAS regulation.

The DPAS regulation provides that persons in foreign nations other than Canada may apply to the Department of Defense for priority rating authority and special priorities assistance to obtain items in the United States. Requests endorsed by the Department of Defense are forwarded to the Department of Commerce for appropriate action. The Department of Commerce has determined that it would be useful to provide additional guidance on how persons in foreign nations other than Canada may request priority rating authority and special priorities assistance through the Department of Defense. This rule provides additional point of contact information in section 700.55(c) for the Department of Defense, including office name, mailing address, telephone, and fax numbers. This rule also clarifies that if the end product is being acquired by a foreign nation, the request must be sponsored prior to its submission to the Department of Defense by the government of the foreign nation that will use the end product. This rule clarifies that if the end product is being acquired by a U.S. government agency, the request should be submitted to the Department of Defense through the U.S. contract administration representative. These changes do not alter the substance or effect of the DPAS regulation.

The Department of Defense has entered into bilateral security of supply arrangements with Italy, the Netherlands, Sweden, and the United Kingdom that allow the Department of

Defense to request the priority delivery for Department of Defense contracts, subcontracts, and orders from companies in these countries. The Department of Commerce has determined that it would be useful to provide information on the bilateral security of supply arrangements in sections 700.55(a) and in a new section 700.55(d), and to provide guidance on how persons in the United States may request assistance through the Department of Defense in obtaining items from Italy, the Netherlands, Sweden, and the United Kingdom to support approved programs. Although these supply arrangements are new enterprises within the Department of Defense, the creation of these arrangements does not impact the existing authorities of the DPAS regulation. The new paragraph (d) in section 700.55 is only intended to provide persons in the U.S. with information on how to contact the Department of Defense to facilitate requests for priorities assistance in these countries. Persons in Italy, The Netherlands, Sweden, and the United Kingdom would continue to request assistance in accordance with section 700.55(c). These changes do not alter the existing authorities or requirements of the DPAS regulation.

**Rulemaking Requirements**

1. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) unless the collection of information displays a currently valid Office of Management and Budget control number. This rule does not involve any collections of information that are subject to the Paperwork Reduction Act.

3. This rule does not contain policies with federalism implications as this term is defined in Executive Order 13132.

4. The Department finds that there is good cause under 5 U.S.C. 553(b)(B) to waive the provisions of the Administrative Procedure Act (APA) requiring prior notice and the opportunity for public comment. Because these revisions consist of minor technical changes which involve no exercise of agency discretion, it is unnecessary to provide notice and opportunity for public comment. In addition, the 30-day delay in

effectiveness required by 5 U.S.C. 553(d) is not applicable because this rule is not a substantive rule. It is purely administrative in nature and does not affect the existing rights of the public. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

The analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) are not applicable because notice of proposed rulemaking and opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law.

#### List of Subjects in 15 CFR Part 700

Administrative practice and procedure, Business and industry, Government contracts, National defense, Reporting and recordkeeping requirements, Strategic and critical materials.

■ For the reasons discussed in the preamble, the Department of Commerce amends 15 CFR part 700 as follows:

#### PART 700—DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM

■ 1. The authority citation for part 700 continues to read as follows:

**Authority:** Titles I and VII of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, *et seq.*), Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195, *et seq.*), Executive Order 12919, 59 FR 29525, 3 CFR, 1994 Comp. 901, and Executive Order 13286, 68 FR 10619, 3 CFR, 2003 Comp. 166; section 18 of the Selective Service Act of 1948 (50 U.S.C. App. 468), 10 U.S.C. 2538, 50 U.S.C. 82, and Executive Order 12742, 56 FR 1079, 3 CFR, 1991 Comp. 309; and Executive Order 12656, 53 FR 226, 3 CFR, 1988 Comp. 585.

■ 2. In § 700.55, revise the second sentence in paragraph (a), revise paragraphs (b)(3), (4) and (5) and (c)(1), and add paragraph (d) to read as follows:

#### § 700.55 Assistance Programs with Canada and other nations.

(a) \* \* \* Although priority ratings have no legal authority outside of the United States, this section also provides information on how persons in the United States may obtain informal assistance in Canada, Italy, The Netherlands, Sweden, and the United Kingdom in support of approved programs.

(b) \* \* \*

(3) Any person in the United States ordering defense items in Canada in support of an approved program should inform the Canadian supplier that the

items being ordered are to be used to fill a rated order. The Canadian supplier should be informed that if production materials are needed from the United States by the supplier or the supplier's vendor to fill the order, the supplier or vendor should contact the Canadian Public Works and Government Services Canada, for authority to place rated orders in the United States: Public Works and Government Services Canada, Acquisitions Branch, Business Management Directorate, Phase 3, Place du Portage, Level 0A1, 11 Laurier Street, Gatineau, Quebec, K1A 0S5, Canada; telephone: (819) 956-6825; Fax: (819) 956-7827.

(4) Any person in Canada producing defense items for the Canadian government may also obtain priority rating authority for items to be purchased in the United States by applying to the Canadian Public Works and Government Services Canada, Acquisitions Branch, Business Management Directorate, in accordance with its procedures.

(5) Persons in Canada needing special priorities assistance in obtaining defense items in the United States may apply to the Canadian Public Works and Government Services Canada, Acquisitions Branch, Business Management Directorate, for such assistance. Public Works and Government Services Canada will forward appropriate requests to the U.S. Department of Commerce.

\* \* \* \* \*

#### (c) Foreign nations.

(1) Any person in a foreign nation other than Canada requiring assistance in obtaining defense items in the United States or priority rating authority for defense items to be purchased in the United States, should submit a request for such assistance or rating authority to the Office of the Deputy Under Secretary of Defense (Industrial Policy): Office of the Deputy Under Secretary of Defense (Industrial Policy), 3330 Defense Pentagon, Washington, DC 20301; telephone: (703) 697-0051; Fax: (703) 695-4277.

(i) If the end product is being acquired by a U.S. government agency, the request should be submitted to the Office of the Deputy Under Secretary of Defense (Industrial Policy) through the U.S. contract administration representative.

(ii) If the end product is being acquired by a foreign nation, the request must be sponsored prior to its submission to the Office of the Deputy Under Secretary of Defense (Industrial

Policy) by the government of the foreign nation that will use the end product.

\* \* \* \* \*

(d) *Requesting assistance in Italy, The Netherlands, Sweden, and the United Kingdom.*

(1) The U.S. Department of Defense has entered into bilateral security of supply arrangements with Italy, The Netherlands, Sweden, and the United Kingdom that allow the U.S. Department of Defense to request the priority delivery for U.S. Department of Defense contracts, subcontracts, and orders from companies in these countries.

(2) Any person in the United States requiring assistance in obtaining the priority delivery of a contract, subcontract, or order in Italy, The Netherlands, Sweden, or the United Kingdom to support an approved program should contact the Office of the Deputy Under Secretary of Defense (Industrial Policy) for assistance. Persons in Italy, The Netherlands, Sweden, and the United Kingdom should request assistance in accordance with § 700.55(c)(1).

Dated: September 8, 2006.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. E6-15447 Filed 9-19-06; 8:45 am]

BILLING CODE 3510-33-P

#### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

#### 29 CFR Parts 2700, 2704, and 2705

#### Procedural Rules

**AGENCY:** Federal Mine Safety and Health Review Commission.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** This document makes technical amendments to the Federal Mine Safety and Health Review Commission's procedural rules and regulations implementing the Equal Access to Justice Act and Privacy Act.

**DATES:** Effective October 3, 2006.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Stock, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 601 New Jersey Avenue, NW., Suite 9500, Washington, DC 20001; telephone 202-434-9935; facsimile 202-434-9944.

#### SUPPLEMENTARY INFORMATION:

#### Background

On August 4, 2006, the Federal Mine Safety and Health Review Commission