on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

Review Under Executive Order 13084

Under Executive Order 13084 on Consultation and Coordination with Indian Tribal Governments (63 FR 27655, May 19, 1998), DOE may not issue a discretionary rule that significantly or uniquely affects Indian tribal governments and imposes substantial direct compliance costs. This rule would not have such effects. Accordingly, Executive Order 13084 does not apply to this rulemaking.

Review Under the Administrative Procedure Act and the Regulatory Flexibility Act

The authorizing legislation for this rulemaking does not require notice and comment rulemaking. Moreover, this final rule relates solely to internal agency organization, management, or personnel, and as such, is not subject to the requirement for a general notice of proposed rulemaking under the Administrative Procedure Act (5 U.S.C. 553). Consequently, this rulemaking is exempt from the requirements of the Regulatory Flexibility Act (5 U.S.C. 603).

Review Under the National Environmental Policy Act

This final rule adopts as final the Department's interim regulations on standards of conduct. It will not change the environmental effects of the regulations being amended. The Department has therefore determined that the rule is covered under the Categorical Exclusion found at paragraph A.5 of appendix A to subpart D, 10 CFR part 1021, which applies to rulemakings interpreting or amending an existing rule that do not change the environmental effect thereof. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for executive agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by the Office of Management and Budget (OMB). OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's final rule under the OMB and DOE guidelines, and has concluded that it is consistent with applicable policies in those guidelines.

Review Under the Paperwork Reduction Act

This final rule does not impose a ''collection of information'' requirement, as defined in 44 U.S.C. 3502(3).

Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 requires each Agency to assess the effects of Federal regulatory action on State, local, and tribal governments and the private sector. The Department has determined that today's regulatory action does not impose a Federal mandate on State, local, or tribal governments or on the private sector.

Congressional Notification

The Small Business Regulatory Enforcement Fairness Act of 1996 requires agencies to report to Congress on the promulgation of certain final rules prior to their effective dates. 5 U.S.C. 801. That reporting requirement does not apply to this final rule because it falls within a statutory exception for rules relating to agency management or personnel. 5 U.S.C. 804(3)(B).

List of Subjects

5 CFR Part 3301

Conduct standards, Conflicts of interests, Ethical conduct, Government employees.

10 CFR Part 1010

Conduct standards, Conflicts of interests, Ethical conduct, Government employees.

Issued in Washington, DC, on August 2, 2006.

David R. Hill,

General Counsel, Department of Energy.

Approved: August 10, 2006.

Robert I. Cusick,

Director, Office of Government Ethics.

■ Accordingly, the interim final rule adding 5 CFR part 3301 and revising 10 CFR part 1010, that was published at 61 FR 35085 on July 5, 1996, is adopted as a final rule with the changes published at 63 FR 30109 on June 3, 1998.

[FR Doc. E6–13736 Filed 8–18–06; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM343; Special Conditions No. 25–322–SC]

Special Conditions: Airbus Model A380–800 Airplane, Airplane Jacking Loads

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Airbus A380–800 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. Many of these novel or unusual design features are associated with the complex systems and the configuration of the airplane, including its full-length double deck. For these design features, the applicable airworthiness regulations do not contain adequate or appropriate safety standards regarding airplane jacking loads. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. Additional special conditions will be issued for other novel or unusual design features of the Airbus Model A380–800 airplane.

DATES: *Effective Date:* The effective date of these special conditions is July 20, 2006.

FOR FURTHER INFORMATION CONTACT: Holly Thorson, FAA, International Branch, ANM–116, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1357; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Background

Airbus applied for FAA certification/validation of the provisionally-designated Model A3XX–100 in its letter AI/L 810.0223/98, dated August 12, 1998, to the FAA. Application for certification by the Joint Aviation Authorities (JAA) of Europe had been made on January 16, 1998, reference AI/L 810.0019/98. In its letter to the FAA, Airbus requested an extension to the 5-year period for type certification in accordance with 14 CFR 21.17(c).

The request was for an extension to a 7-year period, using the date of the

initial application letter to the JAA as the reference date. The reason given by Airbus for the request for extension is related to the technical challenges, complexity, and the number of new and novel features on the airplane. On November 12, 1998, the Manager, Aircraft Engineering Division, AIR–100, granted Airbus' request for the 7-year period, based on the date of application to the JAA.

In its letter AI/LE–A 828.0040/99 Issue 3, dated July 20, 2001, Airbus stated that its target date for type certification of the Model A380–800 had been moved from May 2005, to January 2006, to match the delivery date of the first production airplane. In a subsequent letter (AI/L 810.0223/98 issue 3, dated January 27, 2006), Airbus stated that its target date for type certification is October 2, 2006. In accordance with 14 CFR 21.17(d)(2), Airbus chose a new application date of December 20, 1999, and requested that the 7-year certification period which had already been approved be continued. The FAA has reviewed the part 25 certification basis for the Model A380–800 airplane, and no changes are required based on the new application date.

The Model A380–800 airplane will be an all-new, four-engine jet transport airplane with a full double-deck, two-aisle cabin. The maximum takeoff weight will be 1.235 million pounds with a typical three-class layout of 555 passengers.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Airbus must show that the Model A380–800 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–98. If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the Airbus A380–800 airplane because of novel or unusual design features, special conditions are prescribed under the provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A380–800 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. In addition, the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 93–574, the ''Noise Control Act of 1972.''

Special conditions, as defined in 14 CFR 11.19, are issued in accordance with 14 CFR 11.38 and become part of the type certification basis in accordance with 14 CFR 21.17(a)(2).

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of 14 CFR 21.101.

Discussion of Novel or Unusual Design Features

The A380 has a multi-leg landing gear arrangement consisting of a nose gear, two wing mounted gear, and two body mounted gear. This arrangement is different from the simpler, conventional landing gear arrangement envisioned by the jacking load requirements of 14 CFR 25.519. Those regulations assume a landing gear arrangement comprising a three point suspension system (two main gear and a nose or tail gear) in which load sharing between the landing gear can be determined without considering the flexibility of the airframe.

For a five point suspension system, like that of the A380, calculations that consider airplane flexibilities are necessary to determine load sharing between landing gear units accurately. (The flexibility of the individual landing gear oleos and of the airplane itself affect how the weight of the airplane is distributed among the individual landing gear units.)

Special conditions are necessary to allow a rational analysis of the jacking condition for the main and body landing gear. (This analysis will include the case of bogie gears where one leg of a bogie is jacked and the other leg is supported on a tripod—which is not addressed by § 25.519.) The applicant has proposed a rational jacking analysis, which makes reasonable or conservative assumptions about the runway configuration and ground wind speeds.

Discussion of Comments

Notice of Proposed Special Conditions No. 25–06–04–SC, pertaining to airplane jacking loads for the Airbus A380 airplane, was published in the **Federal Register** on March 28, 2006. A single comment which supports the intent and language of the special conditions, as proposed, was received from the Airline Pilots Association (ALPA). Accordingly, the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Airbus A380–800 airplane. Should Airbus apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design features, these special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features of the Airbus A380–800 airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

■ The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Airbus A380–800 airplane.

Part I

In lieu of compliance with 14 CFR 25.519(b)(1), for jacking by the landing gear at the maximum ramp weight of the airplane, the airplane structure may be designed to withstand the maximum limit loads arising from conditions a. and b. below.

a. The loads arising from jacking by the landing gear may be derived from a rational analysis under both of the following conditions:

1. A ramp crown defined by a 1.5% gradient, the crest of the gradient to be in the most adverse position for the loading of the undercarriage unit in question; and the maximum allowable steady wind for jacking operations from any horizontal direction; and the most adverse combination of oleo leg pressures within service tolerances; and jack(s) at the maximum possible overshoot.

2. A ramp crown defined by a 1.5% gradient, the crest of the gradient to be in the most adverse position for the loading of the undercarriage unit in question; and twice the maximum allowable steady wind for jacking operations from any horizontal direction; and a nominal distribution of oleo leg pressures; and jacking performed in accordance with recommended procedures.

b. The limit horizontal load at the jacking point undercarriage unit may not be less than the higher of that derived from the above rational analysis or 0.33 times the limit static vertical

reaction found with the undercarriage unit in question supported at the jacking points with the aircraft in the unjacked position. This load must be applied in combination with the vertical loads arising from the analysis of (a) above.

Part II

Jacking equipment used for the airplane jacking operation must be controlled by a specification that assures that jacking operations are conducted in a manner that is consistent with the provisions of this special condition. Jacking instructions must be developed and incorporated in the Instructions for Continued Airworthiness to assure that the proper jacking equipment is used and that the jacking operation is conducted in a manner consistent with the provisions of this special conditions. The jacking instructions may be by means of placards conspicuously located near the jacking points or by other suitable means acceptable to the Administrator.

Issued in Renton, Washington, on July 20, 2006.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E6–13789 Filed 8–18–06; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM342; Special Condition No. 25–323–SC]

Special Conditions: Airbus Model A380–800 Airplane, Extendable Length Escape System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Airbus A380–800 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. Many of these novel or unusual design features are associated with the complex systems and the configuration of the airplane, including its full-length double deck. For these design features, the applicable airworthiness regulations do not contain adequate or appropriate safety standards regarding extendable length escape slides. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. Additional special conditions will be issued for other novel or unusual design features of the Airbus Model A380–800 airplane.

DATES: *Effective Date:* The effective date of these special conditions is July 20, 2006.

FOR FURTHER INFORMATION CONTACT: Holly Thorson, FAA, International Branch, ANM–116, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1357; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Background

Airbus applied for FAA certification/validation of the provisionally-designated Model A3XX–100 in its letter AI/L 810.0223/98, dated August 12, 1998, to the FAA. Application for certification by the Joint Aviation Authorities (JAA) of Europe had been made on January 16, 1998, reference AI/L 810.0019/98. In its letter to the FAA, Airbus requested an extension to the 5-year period for type certification in accordance with 14 CFR 21.17(c). The request was for an extension to a 7-year period, using the date of the initial application letter to the JAA as the reference date. The reason given by Airbus for the request for extension is related to the technical challenges, complexity, and the number of new and novel features on the airplane. On November 12, 1998, the Manager, Aircraft Engineering Division, AIR–100, granted Airbus' request for the 7-year period, based on the date of application to the JAA.

In its letter AI/LE–A 828.0040/99 Issue 3, dated July 20, 2001, Airbus stated that its target date for type certification of the Model A380–800 had been moved from May 2005, to January 2006, to match the delivery date of the first production airplane. In a subsequent letter (AI/L 810.0223/98 issue 3, dated January 27, 2006), Airbus stated that its target date for type certification is October 2, 2006. In accordance with 14 CFR 21.17(d)(2), Airbus chose a new application date of December 20, 1999, and requested that the 7-year certification period which had already been approved be continued. The FAA has reviewed the part 25 certification basis for the Model A380–800 airplane, and no changes are required based on the new application date.

The Model A380–800 airplane will be an all-new, four-engine jet transport airplane with a full double-deck, two-aisle cabin. The maximum takeoff weight will be 1.235 million pounds with a typical three-class layout of 555 passengers.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Airbus must show that the Model A380–800 airplane meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–98. If the Administrator finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the Airbus A380–800 airplane because of novel or unusual design features, special conditions are prescribed under the provisions of 14 CFR 21.16.

In addition to the applicable airworthiness regulations and special conditions, the Airbus Model A380–800 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. In addition, the FAA must issue a finding of regulatory adequacy pursuant to section 611 of Public Law 93–574, the ''Noise Control Act of 1972.''

Special conditions, as defined in 14 CFR 11.19, are issued in accordance with 14 CFR 11.38 and become part of the type certification basis in accordance with 14 CFR 21.17(a)(2), Amendment 21–69, effective September 16, 1991.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model under the provisions of 14 CFR 21.101.

Discussion of Novel or Unusual Design Features

The Airbus Model A380–800 airplane has 16 emergency exits and 16 escape slides to be used for evacuation of passengers in case of emergency. Of these, 14 are fixed-length escape slides, and two (at door M1) are extendable length escape slides. The extendable length escape slides have a 16-foot extension packed at the toe.

Typically, airplanes have fixed length escape slides. However, it was not possible to use fixed length escape slides for the A380 door M1 because of the extreme difference between normal sill height and high sill height associated with collapse of some of the