

the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, "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 have 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. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

### 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 Federal Aviation Administration (FAA) amends § 39.13

by adding the following new airworthiness directive (AD):

**2006–11–10 Empresa Brasileira de Aeronautica S.A. (EMBRAER):**  
Amendment 39–14614. Docket No. FAA–2006–24072; Directorate Identifier 2006–NM–016–AD.

#### Effective Date

(a) This AD becomes effective June 30, 2006.

#### Affected ADs

(b) None.

#### Applicability

(c) This AD applies to EMBRAER Model EMB–120, –120ER, –120FC, –120QC, and –120RT airplanes, certificated in any category, as identified in EMBRAER Service Bulletin 120–30–0034, Revision 01, dated September 22, 2004.

#### Unsafe Condition

(d) This AD results from a fuel system review conducted by the manufacturer. We are issuing this AD to prevent a potential source of ignition near a fuel tank, which, in combination with flammable fuel vapors, could result in a fuel tank explosion and consequent loss of the airplane.

#### Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

#### Valve Replacement

(f) Within 5,000 flight hours after the effective date of this AD, replace the de-icing system ejector flow control valves, part number (P/N) 3D2376–06, with new, improved flow control valves having hermetically sealed switches, P/N 3D2376–07; and rewire the applicable connectors; in accordance with the Accomplishment Instructions of EMBRAER Service Bulletin 120–30–0034, Revision 01, dated September 22, 2004.

#### Actions Accomplished According to Previous Issue of Service Bulletin

(g) Actions accomplished before the effective date of this AD in accordance with EMBRAER Service Bulletin 120–30–0034, dated October 30, 2003, are considered acceptable for compliance with the corresponding actions of this AD.

#### Alternative Methods of Compliance (AMOCs)

(h)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

#### Related Information

(i) Brazilian airworthiness directive 2005–12–02, effective January 19, 2006, also addresses the subject of this AD.

#### Material Incorporated by Reference

(j) You must use EMBRAER Service Bulletin 120–30–0034, Revision 01, dated September 22, 2004, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil, for a copy of this service information. You may review copies at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Room PL–401, Nassif Building, Washington, DC; on the Internet at <http://dms.dot.gov>; or at the National Archives and Records Administration (NARA). For information on the availability of this material at the NARA, call (202) 741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

Issued in Renton, Washington, on May 16, 2006.

**Kevin M. Mullin,**

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

[FR Doc. 06–4843 Filed 5–25–06; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 740

[Docket No. 051219342–5342–01]

RIN: 0694–AD23

#### Cuba: Revisions of Personal Baggage Rules

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Export Administration Regulations (EAR) to clarify that certain personal articles are exempt from the 44-pound weight limit on personal baggage authorized for export to Cuba under License Exception Baggage (BAG).

**DATES:** This rule is effective May 26, 2006.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Joyce, Foreign Policy Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Department of Commerce, Telephone: (202) 482–4252, or e-mail: [Rjoyce@bis.doc.gov](mailto:Rjoyce@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:** On June 22, 2004 the Bureau of Industry and Security published a rule in the **Federal Register** implementing certain recommendations of the Commission for Assistance to a Free Cuba. (See 69 FR 34565, June 22, 2004). That rule placed a limit of 44 pounds on personal baggage eligible for License Exception Baggage ("BAG," § 740.14 of the EAR) for most travelers to Cuba by adding a new paragraph (g) to License Exception BAG. This rule clarifies that restriction by adding a statement to paragraph (g) of License Exception BAG that wearing apparel and articles of personal adornment worn by the traveler while traveling to Cuba, and personal safety and medical commodities for use by the traveler, including wheelchairs, walkers, canes, crutches, portable medical devices (e.g., oxygen tanks), and child safety seats and strollers for use by a child traveler are not included in that 44-pound limit.

This rule does not make any changes to License Exception BAG other than those described in the preceding paragraph. Two such unchanged provisions of License Exception BAG merit particular mention. First, this rule does not in any way remove or relax the provisions of License Exception BAG found in § 740.14(a) of the EAR that require "[i]ndividuals leaving the United States temporarily (i.e., traveling) \* \* \* [to] bring back items exported and reexported under this License Exception unless they consume the items abroad or are otherwise authorized to dispose of them under the EAR." Second, this rule also does not in any way remove or relax the requirement of § 740.14(a)(1) of the EAR that personal effects exported under license exception BAG be of "[u]sual and reasonable kinds and quantities for personal use."

Although the Export Administration Act of 1979 (EAA), as amended, expired on August 20, 2001, Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)) as extended by the Notice of August 2, 2005, (70 FR 45273, August 5, 2005), continues the EAR in effect under the International Emergency Economic Powers Act (IEEPA).

#### Rulemaking Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to nor 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.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by the OMB under control numbers 0694-0088, "Multi-Purpose Application," which carries a burden hour estimate of 58 minutes to prepare and submit form BIS-748. Miscellaneous and recordkeeping activities account for 12 minutes per submission. Burden hours associated with the Paperwork Reduction Act and Office and Management and Budget control number 0694-0088 are not impacted by this regulation. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to David Rostker, OMB Desk Officer, by e-mail at [david\\_rostker@omb.eop.gov](mailto:david_rostker@omb.eop.gov) or by fax to (202) 395-7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (See 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

#### List of Subjects in 15 CFR Part 740

Administrative practice and procedure, Exports, Foreign trade, Reporting and recordkeeping requirements.

■ Accordingly, part 740 of the Export Administration Regulations (15 CFR parts 730-799) is amended as follows:

#### PART 740—[AMENDED]

■ 1. The authority citation for part 740 is revised to read as follows:

**Authority:** 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec. 901-911, Pub. L.

106-387; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 2, 2005, 70 FR 45273 (August 5, 2005).

■ 2. In § 740.14, add a sentence to the end of paragraph (g), before the note, to read as follows:

#### § 740.14 Baggage (BAG).

\* \* \* \* \*

(g) Special provision: Cuba.  
\* \* \* In calculating the 44 pound limit, the following commodities shall be excluded: wearing apparel and articles of personal adornment worn by the traveler while traveling to Cuba, personal safety and medical commodities for use by the traveler including wheelchairs, walkers, canes, crutches, portable medical devices (e.g., oxygen tanks), and child safety seats and strollers for use by a child traveler.  
\* \* \* \* \*

Dated: May 22, 2006.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

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BILLING CODE 3510-33-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Parts 35 and 284

[Docket No. RM06-14-000; Order No. 677]

#### Revisions To Record Retention Requirements for Unbundled Sales Service, Persons Holding Blanket Marketing Certificates, and Public Utility Market-Based Rate Authorization Holders

Issued May 19, 2006.

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

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is amending its regulations to extend from three to five years the record retention requirement applicable to transactions pursuant to blanket certificates for unbundled natural gas sales services held by interstate natural gas pipelines, blanket marketing certificates held by persons making sales for resale of natural gas at negotiated rates in interstate commerce, and market-based rate authorizations held by certain sellers of electricity and related products.

**DATES:** *Effective Date:* This Final Rule will become effective June 26, 2006.