

though the employee had remained in a pay and duty status.

**E.O. 12866, Regulatory Review**

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

**Regulatory Flexibility Act**

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will apply only to Federal agencies and employees.

**List of Subjects in 5 CFR 630**

Government employees.  
Office of Personnel Management.  
**Linda M. Springer,**  
*Director*

■ Accordingly, the interim rule amending 5 CFR part 630, which was published at 70 FR 22245 on April 29, 2005, is adopted as final with the following changes:

**PART 630—ABSENCE AND LEAVE**

■ 1. The authority citation for part 630 is revised to read as follows:

**Authority:** 5 U.S.C. 6311; § 630.205 also issued under Pub. L. 108-411, 118 Stat 2312; § 630.301 also issued under Pub. L. 103-356, 108 Stat. 3410 and Pub. L. 108-411, 118 Stat 2312; § 630.303 also issued under 5 U.S.C. 6133(a); §§ 630.306 and 630.308 also issued under 5 U.S.C. 6304(d)(3), Pub. L. 102-484, 106 Stat. 2722, and Pub. L. 103-337, 108 Stat. 2663; subpart D also issued under Pub. L. 103-329, 108 Stat. 2423; 630.501 and subpart F also issued under E.O. 11228, 30 FR 7739, 3 CFR, 1974 Comp., p. 163; subpart G also issued under 5 U.S.C. 6305; subpart H also issued under 5 U.S.C. 6326; subpart I also issued under 5 U.S.C. 6332, Pub. L. 100-566, 102 Stat. 2834, and Pub. L. 103-103, 107 Stat. 1022; subpart J also issued under 5 U.S.C. 6362, Pub. L. 100-566, and Pub. L. 103-103; subpart K also issued under Pub. L. 105-18, 111 Stat. 158; subpart L also issued under 5 U.S.C. 6387 and Pub. L. 103-3, 107 Stat. 23; and subpart M also issued under 5 U.S.C. 6391 and Pub. L. 102-25, 105 Stat. 92.

**Subpart B—Definitions and General Provisions for Annual and Sick Leave**

■ 2. In § 630.201, a definition of *agency* is added in alphabetical order to read as follows:

**§ 630.201 Definitions.**

\* \* \* \* \*

*Agency* means an Executive agency, as defined in 5 U.S.C. 105, and any other entity of the Federal Government that employs officers and employees to whom subchapter I of chapter 63 of title 5, United States Code, applies.

\* \* \* \* \*

■ 3. In § 630.205, the section heading and paragraphs (a), introductory text; (a)(1); (c); (d); and (f) are revised to read as follows:

**§ 630.205 Credit for Prior Work Experience and Experience in a Uniformed Service for Determining Annual Leave Accrual Rate.**

(a) The head of an agency or his or her designee may, at his or her sole discretion, provide credit for service that otherwise would not be creditable under 5 U.S.C. 6303(a) for the purpose of determining the annual leave accrual rate of an individual receiving his or her first appointment (regardless of tenure) as a civilian employee of the Federal Government or an employee who is reappointed following a break in service of at least 90 calendar days after his or her last period of civilian Federal employment. The head of the agency or his or her designee must determine that the skills and experience the employee possesses are—

(1) Essential to the new position and were acquired through performance in a prior position having duties that directly relate to the duties of the position to which he or she is being appointed; and

\* \* \* \* \*

(c) When the head of an agency or his or her designee makes a determination to provide service credit for prior work experience or active duty in the uniformed services under paragraph (a) or (b) of this section, he or she must determine the amount of service that will be credited. The amount of service credited may not exceed the actual amount of service during which the employee performed duties directly related to the position to which the employee is being appointed.

(d) An employee must provide written documentation, acceptable to the agency, of his or her prior work experience. An employee must provide written documentation from the military, acceptable to the agency, of his or her uniformed service. The head of an agency or his or her designee must make the determination to approve an employee's qualifying prior work experience before the employee enters on duty.

\* \* \* \* \*

(f)(1) Credit for prior work experience or experience in a uniformed service under paragraphs (a) and (b) of this section is granted to the employee upon the effective date of his or her initial appointment to the agency or reappointment after a 90-day break in service and remains creditable for annual leave accrual purposes thereafter unless the employee fails to complete 1

full year of continuous service with the appointing agency.

(2) If an employee is placed in a leave without pay status during the 1-year period of continuous service required by paragraph (f)(1) of this section, the 1-year period of continuous service must be extended by the amount of time in a leave without pay unless—

(i) The employee separates or is placed in a leave without pay status to perform service in the uniformed services (as defined in 38 U.S.C. 4303 and 5 CFR 353.102) and later returns to civilian service through the exercise of a reemployment right provided by law, Executive order, or regulation; or

(ii) The employee separates or is placed in a leave without pay status because of an on-the-job injury with entitlement to injury compensation under 5 U.S.C. chapter 81 and later recovers sufficiently to return to work.

\* \* \* \* \*

[FR Doc. E6-15423 Filed 9-15-06; 8:45 am]

BILLING CODE 6325-39-P

**NUCLEAR REGULATORY COMMISSION**

**10 CFR Part 9**

**RIN 3150-AH66**

**Charges for Reproducing Records**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is revising its charges for copying publicly available documents by the copy service at the NRC's Public Document Room (PDR). The revised charges for copying publicly available documents are listed in § 9.35 Duplication fees. This document is necessary to inform the public of these changes to the NRC's regulations.

**DATES:** *Effective Date:* October 18, 2006.

**FOR FURTHER INFORMATION CONTACT:** Anna McGowan, Chief, Technical Information Center Section, Office of Information Services, Nuclear Regulatory Commission, Washington, DC 20555-0001, 301-415-7204, or 1-800-397-4209 (toll-free).

**SUPPLEMENTARY INFORMATION:** The NRC is revising its charges for copying publicly available documents by the copy service at the NRC's PDR. The PDR retains a copy service to reproduce for a fee publicly available documents, regardless of format. Since the NRC's Agencywide Documents Access and Management System (ADAMS) was

implemented in November 2000, making recently released documents available in full text online, there has been a significant reduction in the volume of documents being reproduced. The total volume of pages copied has decreased from over 1,600,000 in FY2000 to 529,600 in FY2003 and 321,000 pages in FY2004. Because the copy service contract is at no cost to the government, the contractor must provide all supplies and equipment. Due to this reduction in the total volume of pages copied, the copying fees charged by the NRC's contractor have changed. The NRC believes that the revised prices, which were the result of a competitive solicitation process, are reasonable and in line with the prices charged by other Federal agencies.

The contractor is able to accept orders from the PDR reference staff via telephone (301-415-4737), fax (301-415-3548), standard mail, or e-mail ([pdr@nrc.gov](mailto:pdr@nrc.gov)), and from requesters in the PDR Reading Room located at NRC Headquarters, One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, Maryland.

The ADAMS retrieval system provides text and image files of NRC's public documents. The documents may be accessed through the NRC's Public Electronic Reading Room on the Internet <http://www.nrc.gov/reading-rm/adams.html>. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

The Freedom of Information Act (FOIA) requires each federal agency covered by the Act to promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to processing requests for agency records. 5 U.S.C. 552(a)(4)(A)(i). The Commission published a proposed rule containing a schedule of fees for public comment on August 6, 1987 (52 FR 29196). The Commission received six comments on the proposed rule (52 FR 49351; December 31, 1987). All six comments were addressed in the final rule establishing the fee schedule (52 FR 49351-54; December 31, 1987).

The revisions to the copying charges contained in this amendment are not intended to affect any rights under the FOIA. As explained above, the revisions are necessary to update the Commission's procedures to reflect current copying charges, which have changed due to the reduction in the volume of documents being reproduced. The NRC believes that the revised fees, which were the result of a competitive

solicitation process, represent reasonable standard charges for document duplication.

Because this amendment deals solely with agency practice and procedure, the NRC has determined that the notice and comment provisions under the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A).

#### **Environmental Impact: Categorical Exclusion**

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1) and (2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

#### **Paperwork Reduction Act Statement**

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150-0043.

#### **Public Protection Notification**

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

#### **Regulatory Analysis**

A regulatory analysis has not been prepared for this final rule because the final rule makes only minor conforming changes to the regulations that reference Section 202 of the Energy Reorganization Act and minor changes to other regulations.

#### **Backfit Analysis**

The NRC has determined that these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1); therefore a backfit analysis is not necessary.

#### **Congressional Review Act**

In accordance with the Congressional Review Act, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

#### **List of Subjects in 10 CFR Part 9**

Criminal penalties, Freedom of information, Privacy, Reporting and record keeping requirements, the Sunshine Act.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 9.

#### **PART 9—PUBLIC RECORDS**

■ 1. The authority citation for part 9 continues to read as follows:

**Authority:** Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

Subpart A also issued 5 U.S.C. 552; 31 U.S.C. 9701; Pub. L. 99-570.

Subpart B is also issued under 5 U.S.C. 552a.

Subpart C is also issued under 5 U.S.C. 552b.

■ 2. Section 9.35 is amended by removing paragraph (a)(2), redesignating paragraphs (a)(3), (a)(4), and (a)(5), as (a)(2), (a)(3), and (a)(4), respectively, and revising paragraph (a)(1) to read as follows:

#### **§ 9.35 Duplication fees.**

(a)(1) The charges by the duplicating service contractor for the duplication of records made available under § 9.21 at the NRC Public Document Room (PDR), One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, Maryland, may be found on the NRC's Web site at <http://www.nrc.gov/reading-rm/pdr/copy-service.html> or by calling the PDR at 1-800-397-4209 or 301-415-4737, by e-mail [pdr@nrc.gov](mailto:pdr@nrc.gov) and are as follows:

(i) Paper-to-paper reproduction is \$0.30 per page for standard size (up to and including 11" x 14" reduced). Pages 11" x 17" are \$0.30 per page. Pages larger than 11" x 17", including engineering drawings, are \$1.50 per square foot.

(ii) Pages larger than 11" x 17" are \$1.50 per square foot.

(iii) Microfiche-to-paper reproduction is \$0.30 per page. Aperture card blowback to paper is \$3.00 per square foot.

(iv) Microfiche card duplication is \$5.00 per card; CD-ROM duplication is \$10.00 each.

(v) The charges for Electronic Full Text (EFT) (ADAMS documents) copying are as follows:

(A) Electronic Full Text (EFT) copying of ADAMS documents to paper (applies to images, OCR TIFF, and PDF text) is \$0.30 per page.

(B) EFT copying of ADAMS documents to CD-ROM is \$5.00 per CD plus \$0.15 per page.

(C) CD-ROM-to-paper reproduction is \$0.30 per page.

(vi) Priority rates (rush processing) are as follows:

(A) The priority rate offered for standard size paper-to-paper reproduction is \$0.35, microfiche-to-paper reproduction is \$0.40, EFT copying of ADAMS documents to paper and CD-ROM-to-paper production is \$0.35 per page.

(B) The priority rate for aperture cards is \$3.50 per square foot. The priority rate for copying EFT to CD-ROM is \$6.00 per CD-ROM plus \$0.20 per page.

(vii) Facsimile charges are \$1.00 per page for local calls; \$2.00 per page for U.S. long distance calls, and \$6.00 per page for foreign long distance calls, plus the regular per page copying charge.

\* \* \* \* \*

Dated at Rockville, Maryland, this 4th day of September 2006.

For the Nuclear Regulatory Commission.

**Luis A. Reyes,**

*Executive Director for Operations.*

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BILLING CODE 7590-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM347; Special Conditions No. 25-331-SC]

#### Special Conditions: Boeing Model 777-200 Series Airplanes; Forward Lower Lobe Crew Rest Compartment (CRC)

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Boeing Model 777-200 series airplanes. These airplanes, modified by Aerocon Engineering Company (AEC), will have a novel or unusual design feature associated with a forward lower lobe crew rest compartment (CRC). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** *Effective Date:* The effective date of these special conditions is September 8, 2006.

**FOR FURTHER INFORMATION CONTACT:** Jayson Claar, FAA, Airframe/Cabin Safety Branch, ANM-115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue

SW., Renton, Washington 98057-3356; telephone (425) 227-2194; facsimile (425) 227-1320.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 10, 2005, AEC applied for a supplemental type certificate (STC) to allow installation of a CRC in Boeing 777-200 series airplanes.

The CRC will be located under the passenger cabin floor in the forward cargo compartment of Boeing Model 777-200 series airplanes. It will be the size of three standard airfreight containers, combined, and will be removable from the cargo compartment. The CRC will be occupied in flight but not during taxi, takeoff, or landing. No more than ten crewmembers at a time will be permitted to occupy it. The CRC will have a smoke detection system, a hand held fire extinguishing system, and an oxygen system.

The CRC will be accessed from the main deck via a "stairhouse." The floor within the stairhouse has a hatch that leads to stairs which occupants use to descend into the CRC. This hatch locks automatically in the open position when fully opened. In addition, there will be an emergency hatch which opens directly into the main passenger cabin area. The CRC also has a maintenance access/ground loading door. This door is intended to be used to allow maintenance personnel and cargo handlers to enter the CRC from the cargo compartment when the airplane is not in flight.

##### Type Certification Basis

Under § 21.101, AEC must show that Boeing Model 777-200 series airplanes, as changed, continue to meet (1) the applicable provisions of the regulations incorporated by reference in Type Certificate No. T00001SE or (2) the applicable regulations in effect on the date of application for the change. The regulations incorporated by reference in the type certificate are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate No. T00001SE are as follows:

The certification basis for Boeing Model 777-200 series airplanes is 14 CFR part 25, as amended by Amendments 25-1 through 25-82, except for § 25.571(e)(1) which remains at Amendment 25-71, with exceptions. Refer to Type Certificate No. T00001SE, as applicable, for a complete description of the certification basis for this model, including certain special conditions that are not relevant to these special conditions.

If the Administrator finds the applicable airworthiness regulations (*i.e.*, part 25) do not contain adequate or appropriate safety standards for Boeing Model 777-200 series airplanes because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Besides the applicable airworthiness regulations and special conditions, Boeing Model 777-200 series airplanes 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.

The FAA issues special conditions, as defined in § 11.19, under § 11.38 and they become part of the type certification basis under § 21.101.

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 or similar novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

##### Novel or Unusual Design Features

While the installation of a CRC is not a new concept for large transport category airplanes, each CRC has unique features based on design, location, and use on the airplane. The CRC is novel in terms of part 25 in that it will be located below the passenger cabin floor in the forward cargo compartment of Boeing Model 777-200 series airplanes. Because of the novel or unusual features associated with the installation of a CRC, special conditions are considered necessary to provide a level of safety equal to that established by the airworthiness regulations incorporated by reference in the type certificates of these airplanes. These special conditions do not negate the need to address other applicable part 25 regulations.

##### Operational Evaluations and Approval

These special conditions specify requirements for design approvals (*i.e.*, type design changes and STCs) of CRCs administered by the FAA's Aircraft Certification Service. Before operational use of a CRC, the FAA's Flight Standards Service, Aircraft Evaluation Group (AEG), must evaluate and approve the "basic suitability" of the CRC for occupation by crewmembers. If an operator wishes to utilize a CRC as "sleeping quarters," the CRC must undergo an additional operational