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FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2411

Revision of Freedom of Information Act Regulations

AGENCY: Federal Labor Relations Authority.

ACTION: Final rule.

SUMMARY: The Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel (FLRA) are amending their regulations governing the release of information as these regulations pertain to the timing of FLRA responses to requests for information. This action is taken to conform the FLRA's regulations to the requirements of the Freedom of Information Act, 5 U.S.C. 552, *et seq.* (FOIA), as amended by the Electronic Freedom of Information Act Amendments of 1996 (EFOIA).

DATES: Effective November 14, 1997.

FOR FURTHER INFORMATION CONTACT: Peter Constantine, Office of Case Control, Federal Labor Relations Authority, 607 14th Street, N.W., Room 415, Washington, D.C. 20424-0001, or by telephone at (202) 482-6540.

SUPPLEMENTARY INFORMATION: Through the EFOIA, Pub. L. 104-231, 110 Stat. 3048 (1996) Congress amended the FOIA, 5 U.S.C. 552 *et seq.*, to, among other things, increase the time limit for agency responses to requests for information from ten (10) to twenty (20) working days. Accordingly, the FLRA is amending its regulations at 5 CFR Part 2411 to reflect this change. The revisions to the FLRA's FOIA

regulations set forth below are neither interpretive nor controversial. For these reasons, the FLRA finds good cause to determine that public notice of, and comments on, this amendment are impracticable, unnecessary, and contrary to the public interest. Therefore, pursuant to 5 U.S.C. 553(b), this regulatory action is exempt from notice and comment requirements.

Executive Order 12886

This final regulation has been reviewed in accordance with Executive Order 12886. It is not classified as significant because it does not meet the criteria for significant regulatory action established by the E.O.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the FLRA has determined that this proposed regulation will not have a significant economic impact on a substantial number of small entities. The amendments are procedural in nature and are required to implement EFOIA.

Paperwork Reduction Act of 1995

The proposed regulations contain no additional information collection or record keeping requirement under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*

List of Subjects in 5 CFR Part 2411

Administrative practice and procedure, Freedom of information, Government employees.

For the reasons stated in the preamble, the FLRA amends part 2411 of chapter XIV, title 5 of the Code of Federal Regulations as follows:

PART 2411—AVAILABILITY OF OFFICIAL INFORMATION

1. The authority citation for part 2411 continues to read as follows:

Authority: 5 U.S.C. 552.

2. In § 2411.6, paragraph (b) is revised to read as follows:

§ 2411.6 Time limits for processing requests.

* * * * *

(b) Except as provided in § 2411.8, the appropriate Regional Director, the Freedom of Information Officer of the Office of the General Counsel, the Solicitor of the Authority, or the Executive Director of the Panel, as appropriate, shall, within twenty (20) working days following receipt of the request, respond in writing to the requester, determining whether, or the extent to which, the request shall be complied with.

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3. In § 2411.10, paragraph (g)(2) is revised to read as follows:

§ 2411.10 Fees.

* * * * *

(g) * * *

(2) A requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing), in which case the Authority, the General Counsel or the Panel requires the requester to pay the full amount owed plus any applicable interest as provided above or demonstrate that the requester has, in fact, paid the fee, and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new request or a pending request from that requester. When the Authority, the General Counsel or the Panel acts under paragraph (g)(1) or (2) of this section, the administrative time limits prescribed in subsection (a)(6) of the FOIA (i.e., 20 working days from receipt of initial requests and 20 working days from receipt of appeals from initial denial, plus permissible extension of these time limits) will begin only after the Authority, the General Counsel or the Panel has received fee payments described above.

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Dated: November 7, 1997.

Solly Thomas,

Executive Director.

[FR Doc. 97-29915 Filed 11-13-97; 8:45 am]

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