

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

10 CFR Part 1703

Rules Implementing the Freedom of Information Act

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Proposed rule.

SUMMARY: The Defense Nuclear Facilities Safety Board (Board) is proposing to amend its Freedom of Information Act (FOIA) rules to provide for expedited processing of certain requests, to conform response deadlines with those now provided in the statute, and to add a category of documents to be made available in the Public Reading Room. These changes result from new statutory provisions in the Electronic Freedom of Information Act Amendments of 1996, Pub. L. 104-231. A minor change is also made in the Board's fee provision.

DATES: Comments should be submitted no later than November 20, 1997.

ADDRESSES: Comments should be sent to Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004-2901.

FOR FURTHER INFORMATION CONTACT: Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Ave. NW, Suite 700, Washington, D.C. 20004-2901, (202) 208-6387.

SUPPLEMENTARY INFORMATION: The Electronic Freedom of Information Act Amendments of 1996, Pub. L. 104-231, require that all Federal agencies promulgate new regulations on expedited processing of FOIA requests in cases of "compelling need" or other circumstances determined by the agency. 5 U.S.C. 552(a)(6)(E)(i). To implement this requirement, the Board is proposing to add a new paragraph (d) to 10 CFR 1703.105, "Requests for Board Records Not Available Through the Public Reading Room (FOIA Requests)."

The text of the new paragraph is self-explanatory.

The Board is also amending its rules to provide a twenty-working-day time limit for response to initial requests. The Board notes, however, that it has provided documents in response to FOIA requests, during the eight years of Board operations, within ten working days in nearly every case. Regardless of the statutory changes, the Board will endeavor to provide requested documents promptly. This is usually within a few days unless an extensive search is required, a large number of documents must be reproduced, or national security concerns require a classification review of documents subject to the request. The Board provides a Public Reading Room with many documents immediately accessible to the public, computer access to the Board's electronic files, and is continuing to upload new categories of records to the Board's Internet home page, <http://www.dnfsb.gov>. These measures should ensure that the public continues to have speedy access to requested documents, generally within time less than the statutory requirements.

The Board will maintain in its Public Reading Room documents released pursuant to a FOIA request, along with an index of documents so released. In view of the small number of requests received in the past, the Board will include all documents released, beginning in calendar year 1997.

Finally, the Board is making one minor change to its fee provision, § 1703.107, by removing paragraph (b)(2)(iv). The Board has never made it a practice to charge mailing fees responding to FOIA requests, so this provision is not reflective of actual practice.

Executive Order No. 12866

These amendments do not meet the criteria for a significant regulatory action under Executive Order 12866. Thus, they were not subject to Office of Management and Budget review.

Regulatory Flexibility Act

These amendments will not have a significant economic impact on a substantial number of small entities since these rules affect only individuals. Therefore, a regulatory flexibility analysis as provided in the Regulatory

Flexibility Act, as amended, is not required.

Paperwork Reduction Act

These regulations will impose no additional reporting and recordkeeping requirements subject to Office of Management and Budget clearance.

List of Subjects in 10 CFR Part 1703

Freedom of information.

For the reasons stated in the preamble, the Board proposes to amend 10 CFR Part 1703 as follows:
Defense Nuclear Facilities Safety Board

PART 1703—PUBLIC INFORMATION AND REQUESTS

1. The authority citation for part 1703 continues to read as follows:

Authority: 5 U.S.C. 552 as amended, 42 U.S.C. 2286b(c).

2. Section 1703.103 is proposed to be amended by adding paragraph (b)(12) to read as follows:

§ 1703.103 Requests for Board records available through the public reading room.

* * * * *

(b) * * *

(12) Copies of records released pursuant to FOIA requests, along with an index to these records. The format will generally be the same as the format of the released records.

3. Section 1703.105 is proposed to be amended by adding a new paragraph (e) to read as follows:

§ 1703.105 Requests for Board records not available through the public reading room (FOIA requests).

* * * * *

(e)(1) Expedited processing—A person may request expedited processing of a FOIA request when a compelling need for the requested records has been shown "Compelling need" means:

(i) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, if the request is made by a person primarily engaged in disseminating information; or

(iii) The records pertain to an immediate source of risk to the public health and safety or worker safety at a defense nuclear facility under the Board's jurisdiction.

(2) A requester seeking expedited processing should so indicate in the initial request, and should state all facts supporting the need to obtain the requested records rapidly. The requester must also state that these facts are true and correct to the best of the requester's knowledge and belief.

(3) When a request for expedited processing is received, the Board will respond within ten calendar days from the date of receipt of the request, stating whether or not the request has been granted. If the request for expedited processing is denied, any appeal of that decision will be acted upon expeditiously.

§ 1703.107 [Removed and Reserved]

4. Section 1703.107(b)(2)(iv) is proposed to be removed and reserved.

5. Section 1703.108 is proposed to be revised to read as follows:

§ 1703.108 Processing of FOIA requests

* * * * *

(b) Action pursuant to this section to provide access to requested records shall be taken within twenty working days. This time period may be extended up to ten additional working days, in unusual circumstances, by written notice to the requester. If the Board will be unable to satisfy the request in this additional period of time, the requester will be so notified and given the opportunity to—

(1) Limit the scope of the request so that it can be processed within the time limit, or

(2) Arrange with the Designated FOIA Officer an alternative time frame for processing the original request or a modified request.

* * * * *

Dated: October 14, 1997.

John T. Conway,
Chairman.

[FR Doc. 97-27704 Filed 10-20-97; 8:45 am]

BILLING CODE 3670-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-CE-69-AD]

RIN 2120-AA64

Airworthiness Directives; The New Piper Aircraft, Inc. (Formerly Piper Aircraft Corporation), Models PA-31, PA-31-300, PA-31-325, PA-31-350, PA-31P, PA-31T, and PA-31T1 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 80-26-05, which currently requires the following on certain The New Piper Aircraft, Inc. (Piper) Models PA-31, PA-31-300, PA-31-325, PA-31-350, PA-31P, PA-31T, and PA-31T1 airplanes: repetitively inspecting the main landing gear (MLG) inboard door hinges and attachment angles for cracks, and replacing any cracked MLG inboard door hinge or attachment angle. The proposed AD results from the Federal Aviation Administration's policy on aging commuter-class aircraft and the determination that an improved design MLG inboard door hinge and attachment assembly (or approved hinges and angles made of steel), when incorporated, will eliminate the need for the currently required repetitive short-interval inspections. The proposed AD would retain the current repetitive inspections contained in AD 80-26-05, and would require installing these improved design or approved steel parts as terminating action for the repetitive inspection requirement. The actions specified in the proposed AD are intended to prevent separation of the MLG inboard door from the airplane caused by a cracked inboard door hinge or attachment angle, which could result in the MLG becoming jammed with consequent loss of control of the airplane during landing operations.

DATES: Comments must be received on or before December 26, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 96-CE-69-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that relates to the proposed AD may be obtained from The New Piper Aircraft, Inc., Customer Services, 2926 Piper Drive, Vero Beach, Florida 32960. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Christina Marsh, Aerospace Engineer, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703-6079; facsimile (770) 703-6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the rules docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the rules docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 96-CE-69-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 96-CE-69-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

On December 1, 1995, the FAA issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Piper Models PA-31, PA-31-325, PA-31-350, PA-31P, PA-31T, and PA-31T1 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 7, 1995 (60 FR 62774), and proposed to supersede AD 80-26-05, Amendment 39-3994. The NPRM proposed to (1) retain the requirement of repetitively inspecting the main landing gear (MLG) inboard door hinges and attachment angles for cracks, and replacing any cracked MLG inboard door hinge or attachment angle; and (2) require incorporating a MLG inboard