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.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2411

Revision of Freedom of Information Act Regulations

AGENCY: Federal Labor Relations Authority.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Labor Relations Authority, the General Counsel of the Federal Labor Relations Authority, and the Federal Service Impasses Panel (FLRA) are proposing to amend their regulations relating to the Freedom of Information Act to implement certain changes mandated by the Electronic Freedom of Information Act Amendments of 1996, (EFOIA). The regulatory changes proposed in this notice will provide for expedited processing of information requests, as required by the EFOIA.

DATES: Comments must be received on or before December 15, 1997.

ADDRESSES: Mail or deliver written comments to Peter Constantine, Office of Case Control, Federal Labor Relations Authority, 607 14th Street, N.W., Room 415, Washington, D.C. 20424–0001.

FOR FURTHER INFORMATION CONTACT: Shari Polur (202) 482–6695 ext. 340.

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 address, among other things, the expedited processing of requests for information. Specifically, Congress required agencies to promulgate regulations under which requests for expedited processing would be considered. In addition, Congress mandated that agencies grant such requests upon a showing of compelling need.

Written comments are solicited at the address given above. Copies of all written comments will be available for inspection and photocopying during normal business hours, in the Office of Case Control.

The FLRA proposes to amend part 2411, *Availability of Official Information*. The EFOIA requires agencies to promulgate, through notice and comment rulemaking, regulations providing for expedited processing of initial requests that demonstrate a *compelling need*. In addition, the regulations must provide for expedited processing in other cases when the agency determines it is warranted. *Compelling need* is defined as cases where ''a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.'' 5 U.S.C. 552(a)(6)(E)(v). A requester seeking expedited processing can demonstrate a *compelling need* by submitting a statement certified by the requester ''to be true and correct to the best of such person's knowledge and belief'' that satisfies the statutory and regulatory definitions of *compelling need*. 5 U.S.C. 552(a)(6)(E)(vi). FOIA officers must notify the requester within ten (10) calendar days whether or not expedited processing has been granted. If denied, any appeals made must be processed expeditiously. The proposed regulations would reflect these changes through modifications to § 2411.8, including a retitling of the section and the addition of a new paragraph (b).

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 is proposing to adopt the following amendments to 5 CFR part 2411, Freedom of Information Act Regulations:

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

Authority: 5 U.S.C. 552.

2. Revise § 2411.8 to read as follows:

§ 2411.8 Modification of time limits.

(a) In unusual circumstances as specified in this section, the time limits prescribed with respect to initial determinations or determinations on appeal may be extended by written notice from the officer handling the request (either initial or on appeal) to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in a total extension of more than ten (10) working days. As used in this section, *unusual circumstances* means, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(b) Expedited processing of a request for records, or an appeal of a denial of a request for expedited processing, shall be provided when the requester demonstrates a compelling need for the information and in other cases as determined by the officer processing the request. A requester seeking expedited

processing can demonstrate a compelling need by submitting a statement certified by the requester to be true and correct to the best of such person's knowledge and belief and that satisfies the statutory and regulatory definitions of compelling need. Requesters shall be notified within ten (10) calendar days after receipt of such a request whether expedited processing, or an appeal of a denial of a request for expedited processing, was granted. As used in this section, *compelling need* means:

(1) That a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(2) With respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

Dated: November 7, 1997.

Solly Thomas,

Executive Director.

[FR Doc. 97–29914 Filed 11–13–97; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 97–086–1]

Changes in Disease Status of Belgium, France, Greece, Luxembourg, Portugal, and Spain

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to declare Luxembourg and Portugal free of rinderpest and foot-and-mouth disease; Greece free of rinderpest; France, Greece, Luxembourg, and Spain free of exotic Newcastle disease; Portugal free of African swine fever; and Belgium, France, and Portugal free of swine vesicular disease. These proposed actions are based on a request from the European Commission's Directorate General for Agriculture and on our review of the supporting documentation supplied with that request. These proposed actions would relieve some restrictions on the importation into the United States of certain animals and animal products from those countries. However, because of the status of those countries with respect to other diseases, and because of other factors that could result in a risk of introducing animal diseases into the United States, the importation into the United States of animals and animal products from those countries would continue to be subject to certain restrictions.

DATES: Consideration will be given only to comments received on or before January 13, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–086–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–086–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. John Cougill, Staff Veterinarian, Products Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737–1231, (301) 734–8695; or e-mail: jcougill@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of specified animals and animal products into the United States in order to prevent the introduction of various animal diseases, including foot-and-mouth disease (FMD), rinderpest, exotic Newcastle disease (END), African swine fever (ASF), hog cholera, swine vesicular disease (SVD), and bovine spongiform encephalopathy (BSE). These are dangerous and destructive communicable diseases of ruminants, swine, and poultry.

In this document, we are proposing to declare Luxembourg and Portugal free of FMD and rinderpest; Greece free of rinderpest; France, Greece, Luxembourg, and Spain free of END; Portugal free of ASF; and Belgium, France, and Portugal free of SVD. We are proposing these actions in response to a request submitted to the Animal and Plant Health Inspection Service (APHIS) in July 1997 by the European Commission's (EC's) Directorate General for Agriculture. With its request, the EC's Directorate General for Agriculture provided supporting documentation that included information about the capability of each country's veterinary services, laboratory and diagnostic procedures, vaccination practices, and the administration of laws and regulations to ensure against the introduction of the diseases of concern into each country through the importation of live animals, meats, and animal products.

Since this request was received and reviewed by APHIS, we have published a final rule and policy statement in the **Federal Register** that establish procedures for recognizing regions, rather than only countries, for the purpose of importing animals and animal products into the United States, and that establish procedures by which regions may request permission to export animals and animal products to the United States under specified conditions, based on the regions' disease status (see 62 FR 56000–56033, October 28, 1997, Dockets 94–106–8 and 94–106–9). The final rule is scheduled to become effective on November 28, 1997. The request from the EC addressed by this proposed rule is not a request to recognize regions, rather than countries, nor a request to establish new import conditions based the disease status of any region. Therefore, as we explained we would do in our final rule and policy statement on regionalization, we have handled and evaluated this request in the traditional framework of recognizing a country as free or not free of a specified disease. If this proposed rule is adopted, the current regulations regarding importation of animals and animal products from regions ''free'' of a specified disease will apply.

Luxembourg and Portugal Free of Rinderpest and FMD

Section 94.1(a)(1) of the regulations provides that rinderpest or FMD exists in all regions of the world except those listed in § 94.1(a)(2), which have been declared to be free of those diseases. The regulations in § 94.1(b) prohibit, with certain specific exceptions, the importation into the United States of any ruminant or swine, or any fresh, chilled, or frozen meat of any ruminant or swine, that is from any region where rinderpest or FMD exists, or that has entered a port in or otherwise transited a region where rinderpest or FMD exists. Furthermore, the regulations in § 94.2 restrict the importation of fresh, chilled, or frozen products other than meat, and milk and milk products, of ruminants or swine that originate in or transit a region where rinderpest or FMD exists. Additionally, the importation of organs, glands, extracts, and secretions of ruminants or swine originating in a region where rinderpest