

(f) FCS may approve part of any plan of operation or amendment submitted by the Commonwealth of Puerto Rico contingent on appropriate action by the Commonwealth of Puerto Rico with respect to the problem areas in the plan of operation.

(g) If all or part of the plan of operation is disapproved, FCS shall notify the appropriate agency in the Commonwealth of Puerto Rico of the problem area(s) in the plan of operation and the actions necessary to secure approval.

(h) In accordance with the provisions of § 285.5, funds may be withheld or denied when all or part of a plan of operation is disapproved.

§§ 285.4 and 285.5 [Removed]

12. Sections 285.4 and 285.5 are removed.

§ 285.6 [Redesignated as § 285.4]

13. Section 285.6 is redesignated § 285.4.

§ 285.7 [Redesignated as § 285.5 and amended]

14. In § 285.7:

- a. The section is redesignated § 285.5.
- b. The first sentence of paragraph (a) is amended by removing the citation “§ 285.6” and adding “§ 285.4” in its place.
- c. The first sentence of paragraph (b) is amended by removing the citation “§ 285.6” and adding “§ 285.4” in its place.

§§ 285.8 through 285.10 [Removed]

15. Sections 285.8 through 285.10 are removed.

Dated: October 4, 1996.

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 96-30133 Filed 11-25-96; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 261

[Docket No. R-0946]

Rules Regarding Availability of Information

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interim rule with request for comments.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) hereby amends its Rules Regarding Availability of Information to reflect changes in the direct costs to the Board to conduct searches, review documents, and copy documents in response to requests made under the Freedom of Information Act (FOIA) by amending its Appendix A to § 261.10—Freedom of Information Fee Schedule.

DATES: The interim rule is effective on January 1, 1997. Comments must be received on or before December 26, 1996.

ADDRESSES: Comments, which should refer to Docket No. R-0946, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551. Comments addressed to Mr. Wiles also may be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m. and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments may be inspected in Room MP-500 between 9:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boutilier, Senior Counsel, (202/452-2418), Legal Division; or

Susanne K. Mitchell, Manager, Freedom of Information Office (202/452-2407). For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD)(202/452-3544), Board of Governors of the Federal Reserve System, 20th and Constitution, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: FOIA requires each federal agency to “promulgate regulations, pursuant to notice and receipt of public comment, specifying the schedule of fees applicable to the processing of requests . . .” under FOIA. 5 U.S.C.

552(a)(4)(A)(i). The Board's current fee schedule was last amended in January 1991. (55 FR 49872, December 3, 1990) Since that time, the Board's direct costs for search, review, and duplication have increased. Therefore, the Board proposes to increase its fees for those services by amending Appendix A to § 261.10 of its Rules Regarding Availability of Information (Rules). These revised fees reflect changes in the Board's direct costs over the past six years, due primarily to changes in the salaries of the employees who perform services in connection with requests filed under FOIA. The fee schedule is also expanded to include fees for the various forms of computer output that may be provided in response to requests. This amendment makes no change in the definition of services or direct and actual costs, or in the treatment of various categories of requesters.

A comparison of the current fee schedule and the fee schedule established by the interim rule is set forth below (certain fees were not included in the old schedule, these are indicated by N/A):

Service	Old fee	New fee
Duplication:		
Photocopy, per standard page	\$.10	\$.10
Paper copies of microfiche, per frame10	.10
Duplicate microfiche, per microfiche30	.35
Search and review:		
Clerical/technical (FR 31-36/FR 21-22)	17.00	20.00
Professional/Supervisory (FR 23-26)	32.00	38.00
Manager/Senior Professional (FR 27-29)	53.00	65.00
Computer search and production:		
Computer Operator Search time	25.00	32.00
Tapes (cassette)	5.00	6.00
Tapes (cartridge)	5.00	9.00
Tapes (reel)	N/A	18.00
Diskettes (3 1/2")	N/A	4.00
Diskettes (5 1/4")	N/A	5.00
Computer Output (PC), per minute10	.10
Computer Output (mainframe)	(¹)	(¹)

¹ Actual cost.

The Board is issuing this rule as an interim rule, with provision for subsequent public comment and revision as appropriate, so that the revised fee schedules may take effect on January 1, 1997, which is the beginning of the Board's fiscal year.

Publication of a proposed rule, and deferral of the effective date of the final rule until 30 days following issuance of a final rule following completion of the comment period, would make it difficult and costly for the Board to implement a change in fees prior to January 1, 1998. The Board must make any changes in FOIA fees effective on January 1, 1997, to avoid the considerable expense associated with extraordinary midyear programming and administrative changes outside the context of the Board's calendar year budget cycle. Postponing the effective date until January 1, 1998, would prevent the Board from recovering its direct costs during the interim period. Such a postponement should not be necessary, in the Board's view, since the changes are based on a recently completed staff study of direct costs, and seem clearly warranted under the standards of FOIA, and since the Board believes it must proceed to recover costs that may lawfully be recovered in the interest of sound fiscal management.

FOIA makes clear that fee schedules may be changed to reflect changes in direct costs and that, subject to standards and exceptions not modified by this interim rule, requesters must bear the actual costs of document search, review, and duplication. Thus, as the cost to the Board of performing

these functions increases, requesters would expect their fees to increase correspondingly. All information necessary to issue the interim rule is in the possession of the Board, and no outside factual input is required to assist the Board in determining its actual direct costs. Accordingly, the Board has concluded that publication of a proposed rule for comment would be impractical, unnecessary, and contrary to the public interest. Therefore, the Board finds that under 5 U.S.C. 553(b)(B) it has good cause to dispense with the general requirement that notice of proposed rules be given. The Board notes that the interim rule will be effective January 1, 1997, following the close of the comment period, rather than immediately. The Board further notes that a review of the substantive provisions of the Rules will be made in 1997 as a result of the Electronic Freedom of Information Act Amendments of 1996 (Pub. L. 104-231), at which time these fees can be reviewed should that be deemed necessary.

Consistent with the spirit of 5 U.S.C. 553(d), this interim rule will become effective on January 1, 1997. Public comments may be submitted until December 26, 1996. Those comments will be given due consideration, and changes in the interim rule will be made if appropriate based on those comments.

Initial Regulatory Flexibility Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605), the Board certifies that this rule will not have a significant economic impact on a substantial number of small

entities. The amendment is a change in agency fees applicable to FOIA requests that would not have a substantial effect on particular small entities.

Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. CH. 3506; 5 CFR 1320 Appendix A.1), the Board reviewed the rule under the authority delegated to the Board by the Office of Management and Budget. No collections of information pursuant to the Paperwork Reduction Act are contained in the interim rule.

List of Subjects in 12 CFR Part 261

Confidential business information, Federal Reserve System, Freedom of information.

For the reasons set forth in this document, and pursuant to the Board's authority under the Freedom of Information Act (5 U.S.C. 552(a)(4)(A)(i)), the Board amends 12 CFR Part 261 as follows:

PART 261—RULES REGARDING AVAILABILITY OF INFORMATION

1. The authority citation for Part 261 continues to read as follows:

Authority: 5 U.S.C. 552, 12 U.S.C. 248(k), 321, and 1844.

2. Appendix A to § 261.10 is amended by revising the FREEDOM OF INFORMATION FEE SCHEDULE at the beginning of the appendix preceding the heading "Special Services" to read as follows:

APPENDIX A TO § 261.10—FREEDOM OF INFORMATION FEE SCHEDULE

Duplication:	
Photocopy, per standard page	\$.10
Paper copies of microfiche, per frame10
Duplicate microfiche, per microfiche35
Search and review:	
Clerical/Technical, hourly rate	20.00
Professional/Supervisory, hourly rate	38.00
Manager/Senior Professional, hourly rate	65.00
Computer search and production:	
Computer operator search, hourly rate	32.00
Tapes (cassette) per tape	6.00
Tapes (cartridge), per tape	9.00
Tapes (reel), per tape	18.00
Diskettes (3 1/2"), per diskette	4.00
Diskettes (5 1/4"), per diskette	5.00
Computer Output (PC), per minute10
Computer Output (mainframe)	(¹)

¹ Actual cost.

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By order of the Board of Governors of the Federal Reserve System, November 20, 1996.
William W. Wiles,

Secretary of the Board.

[FR Doc. 96-30122 Filed 11-25-96; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-CE-49-AD; Amendment 39-9833; AD 96-24-08]

RIN 2120-AA64

Airworthiness Directives; Air Tractor, Inc. Models AT-250, AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-501, and AT-502 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Air Tractor, Inc. (Air Tractor) Models AT-250, AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-501, and AT-502 airplanes that are equipped with a Gerdes part number (P/N) A-850-5 or Cleveland P/N 60-9 parking brake valve. This action requires replacing the parking brake valve with a Scott P/N 4500A-2 parking brake valve. This AD results from several reports of the parking brake valve inadvertently slipping to the "PARK" position during flight, which causes constant pressure on the brakes. When the pilot applies the brake upon landing, this pressure causes the airplane to overturn. The actions specified by this AD are intended to prevent the airplane from overturning because of extreme pressure applied to the brake if the parking brake valve inadvertently slips to the "PARK" position during flight.

DATES: Effective December 23, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 23, 1996.

Comments for inclusion in the Rules Docket must be received on or before February 14, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-49-AD,

Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Air Tractor Inc., P. O. Box 485, Olney, Texas 76374; telephone (817) 564-5616; facsimile (817) 564-2348. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket 96-CE-49-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC. **FOR FURTHER INFORMATION CONTACT:** Mr. Werner Koch, Aerospace Engineer, FAA, Aircraft Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193-0150; telephone (817) 222-5133; facsimile (817) 222-5960.

SUPPLEMENTARY INFORMATION:

Events Leading to This AD

The FAA has received several reports of the parking brake valve inadvertently slipping to the "PARK" position during flight on Air Tractor Models AT-250, AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-501, and AT-502 airplanes. When the parking brake is in the "PARK" position, a constant pressure is applied to the brakes, which cannot be relieved or reduced when the pilot removes pressure from the brake pedals. This pressure builds to the point that when the pilot applies the brake upon landing to slow the airplane, the airplane overturns.

The airplanes in the incidents described above were equipped with Gerdes part number (P/N) A-850-5 or Cleveland P/N 60-9 parking brake valves. The FAA has determined that these Gerdes or Cleveland parking brake valves should be replaced with Scott parking brake valves, P/N 4500A-2, on certain Air Tractor Models AT-250, AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-501, and AT-502 airplanes.

Applicable Service Information

Air Tractor has issued Snow Engineering Co. Service Letter #76, dated December 12, 1988, which specifies replacing Gerdes part number A-850-5 and Cleveland P/N 60-9 parking brake valves with Scott parking brake valves, P/N 4500A-2. Air Tractor Service Letter #76 Instructions specify procedures for accomplishing this parking brake valve replacement.

The FAA's Determination

After examining the circumstances and reviewing all available information

related to the incidents described above, including the referenced service information, the FAA has determined that AD action should be taken to prevent the airplane from overturning because of extreme pressure applied to the brake if the parking brake valve inadvertently slips to the "PARK" position during flight.

Explanation of the Provisions of This AD

Since an unsafe condition has been identified that is likely to exist or develop in other Air Tractor Models AT-250, AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-402, AT-501, and AT-502 airplanes of the same type design that are equipped with a Gerdes (P/N) A-850-5 or Cleveland P/N 60-9 parking brake valve, the FAA is implementing AD action. This AD requires replacing these Gerdes or Cleveland parking brake valves with a Scott P/N 4500A-2 parking brake valve. Accomplishment of this replacement is in accordance with Air Tractor Service Letter #76 Instructions, as referenced in Snow Engineering Co. Service Letter #76, dated December 12, 1988.

Since a situation exists (possibility of the airplane overturning during landing) that requires the immediate adoption of this regulation, it is found that notice and opportunity for public prior comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting immediate flight safety and, thus, was not preceded by notice and opportunity to comment, comments are invited on this rule. Interested persons are invited to comment on this 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 will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments