

Presidential Documents

Proclamation 6169 of August 14, 1990

National Senior Citizens Day, 1990

By the President of the United States of America

A Proclamation

The character of the United States has been shaped, in large part, by the accomplishments of older Americans. From the days of Benjamin Franklin, who was 81 years old when he helped to frame our Constitution, to the present time, America's senior citizens have enriched us through their wisdom and their example. These individuals have labored and sacrificed to build better lives for themselves and for their families and, in so doing, have helped to keep our country free, strong, and prosperous. Now in their advanced years, they continue to share with us a wealth of talent and experience.

Today millions of older Americans are remaining in the work force well past the traditional "retirement age." Many are pursuing second careers, and many are engaged in voluntary service to their communities. Most important, perhaps, older Americans provide their families with an abundance of love, affection, and guidance—as well as a living link to the past.

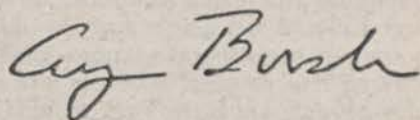
As parents and grandparents, and as beloved neighbors and friends, our Nation's senior citizens enrich our lives beyond measure, and each of them merits our appreciation and support. Because the true strength and character of any society may be measured by how it treats its senior members, we must always strive to ensure that older Americans are accorded not only the services they need, but also the opportunities and esteem they so richly deserve. We should make certain that our communities are places where senior citizens feel safe and welcome, and we should set an example for our children by treating our older relatives and neighbors with respect and consideration.

As we observe National Senior Citizens Day, we do well to express our admiration and gratitude for the older members of our communities. These distinguished Americans should know that their many gifts to us are recognized and cherished, not only on this occasion, but throughout the year.

The Congress, by House Joint Resolution 591, has designated the third Sunday of August 1990 as "National Senior Citizens Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim Sunday, August 19, 1990, as National Senior Citizens Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities in honor of our Nation's senior citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.



THE NATIONAL BUREAU OF STANDARDS

STANDARDS FOR THE MEASUREMENT OF LENGTH

STANDARD METRIC UNIT OF LENGTH

THE METRE

DEFINITION

The metre is the length of the path travelled by light in vacuum during a time interval of $1/299,792,458$ of a second. This definition is based on the fact that the speed of light in vacuum is a constant, and is equal to $299,792,458$ metres per second.

The metre is the basic unit of length in the International System of Units (SI). It is derived from the second, which is the basic unit of time in the SI.

The metre is defined in terms of the speed of light, which is a constant. This definition is based on the fact that the speed of light in vacuum is a constant, and is equal to $299,792,458$ metres per second.

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Presidential Documents

Proclamation 6170 of August 14, 1990

Women's Equality Day, 1990

By the President of the United States of America

A Proclamation

On August 26, 1990, we will commemorate the 70th anniversary of the ratification of the 19th Amendment to our Constitution. This Amendment guaranteed for women the right to vote and, in so doing, opened the door to their full participation in our representative system of government.

The adoption of the 19th Amendment nearly three-quarters of a century ago was a great victory not only for women, but for all Americans. By recognizing previously disenfranchised members of our society and guaranteeing them an equal voice in the electoral process, the 19th Amendment affirmed the principles upon which the United States is founded. It underscored our Nation's commitment to the belief "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. . . ."

Years before the ratification of the 19th Amendment, the woman's suffrage movement took shape. Its members and supporters realized that, as long as women lacked a voice in the democratic process, the promise of liberty and self-government so eloquently expressed in our Nation's founding documents would remain unfulfilled. One of the movement's most prominent leaders, Susan B. Anthony, articulated the concerns of many when she asked: "How can the consent of the governed be given, if the right to vote be denied?"

After years of hard work by members of the woman's suffrage movement, the 19th Amendment was passed by the Congress in June of 1919. It was finally ratified by the Tennessee legislature on August 18, 1920, and proclaimed as part of our Constitution on August 26.

The ratification of the 19th Amendment marked an important legal milestone in our Nation's efforts to ensure liberty, justice, and equality of opportunity for all. Like the 13th, 14th, and 15th Amendments that preceded it and other great landmarks that have followed—landmarks such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965—the 19th Amendment offers a poignant reminder that every individual is an heir to the civil and political rights enshrined in our Declaration of Independence and Constitution.

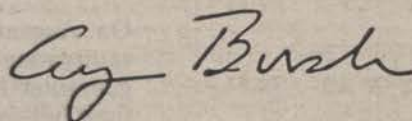
As we commemorate the 70th anniversary of the ratification of the 19th Amendment, we also recognize the many and varied accomplishments of women—accomplishments made possible by progress in eliminating discrimination. During the past 7 decades, millions of women have earned positions of leadership and responsibility in business, government, science, education, and the arts.

On this occasion, as we celebrate the continued social and economic advancement of women—and their unique role in keeping our families, communities, and Nation strong—let us also reflect upon the importance of having and using the right to vote. As Americans, we are both heirs to and guardians of the blessings of liberty and self-government. Exercising our right to vote is one of the most important ways we can help to advance the ideals expressed in our

Nation's founding documents and ensure justice and equal opportunity for all Americans.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 26, 1990, as Women's Equality Day, a day to commemorate the 70th anniversary of the ratification of the 19th Amendment. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of August, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fiftieth.



[PR Doc. 90-19580

Filed 8-15-90; 3:00 pm]

Billing code 3195-01-M

Rules and Regulations

Federal Register

Vol. 55, No. 160

Friday, August 17, 1990

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1940 and 1942

Community Facility Loans and Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) makes final its Community Facility loan and grant interim regulations to implement title V of the Disaster Assistance Act of 1989. A new grant program has been established to assist rural communities that have had a significant decline in quantity or quality in their drinking water supply or their existing water system needs emergency repairs. The grant program will assist the residents of rural communities in obtaining adequate quantities of drinking water that meet the requirements of the Safe Drinking Water Act. The intended effect of this action is to develop a new regulation for the emergency community assistance grants authorized by the law.

EFFECTIVE DATE: August 17, 1990.

FOR FURTHER INFORMATION CONTACT: Jerry W. Cooper, Loan Specialist, Water and Waste Disposal Division, Farmers Home Administration, USDA, South Agriculture Building, room 6328, Washington, DC 20250, telephone: (202) 382-9589.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be "nonmajor" since the annual effect on the economy is less than \$100 million and there will be no significant increase in cost or prices for consumers; individual industries;

Federal, State, or local government agencies; or geographic regions. Furthermore, there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This action is not expected to substantially affect budget outlay or to affect more than one agency or to be controversial. The net result is expected to provide better service to rural communities.

This program is listed in the Catalog of Federal Domestic Assistance under number 10.440, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. (7 CFR part 3015, subpart V; 48 FR 29112, June 24, 1983; 49 FR 2267, May 31, 1984; 50 FR 14088, April 10, 1985.)

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Programs." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

This action implements title V of Public Law 101-82 which requires that grants be provided to assist residents of rural areas and small communities in securing adequate quantities of safe drinking water. Grants made under this program will only be made to remedy an acute shortage of quality water or a significant decline in the quantity or quality of water that is available. Grant applicants must be a public or private nonprofit entity and, in the case of a grant request based on a decline in water supplies, the applicant must demonstrate to FmHA that the decline occurred within two years of the date the application was filed for a grant.

Discussion of Comments

FmHA published an interim final rule in the Federal Register on April 6, 1990 (55 FR 12811) and asked for written comments on or before June 5, 1990. No comments were received from the public relating to these regulations.

List of Subjects

7 CFR Part 1940

Administrative practice and procedure, Agriculture, Grant programs—Housing and community development, Loan programs—Agriculture, Rural areas.

7 CFR Part 1942

Community development, Community facilities, Loan programs—Housing and community development, Loan security, Rural areas, Waste treatment and disposal—Domestic, Water supply—Domestic.

Therefore, chapter XVIII, title 7, Code of Federal Regulations, is amended by adopting the interim final rule published April 6, 1990 (55 FR 12811) as a final rule without change.

Dated: July 9, 1990.

La Verne Ausman,
Administrator, Farmers Home
Administration.

[FR Doc. 90-19408 Filed 8-16-90; 8:45 am]

BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

RIN 3150-AD45

Freedom of Information Act, Privacy Act, Production or Disclosure in Response To Subpoena or Demands of Courts or Other Authorities; Office of the Inspector General

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect the establishment of the Office of the Inspector General. This amendment will permit the Office of the Inspector General to make independent disclosure determinations on (1) records originating in its office that are responsive to Freedom of Information Act requests, and (2) records located in its office that are responsive to Privacy Act requests. The final rule also requires personnel in the Office of Inspector General to obtain the Inspector General's approval, instead of the General Counsel's approval, before

responding to subpoenas or demands or courts or other authorities for the production or disclosure of NRC information.

EFFECTIVE DATE: August 17, 1990.

FOR FURTHER INFORMATION CONTACT:

Donnie H. Grimsley, Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-7211.

SUPPLEMENTARY INFORMATION: On April 17, 1989, in accordance with Public Law 100-504, the Nuclear Regulatory Commission established the Office of the Inspector General and abolished the Office of Inspector and Auditor. In the reorganization, the Assistant Inspector General for Audits and the Assistant Inspector General for Investigations were designated as the initial deciding officials for audit related records and investigation related records respectively when responding to Freedom of Information or Privacy Act requests. The Inspector General was designated as the official responsible for making final determinations on appeals from denials of records or denials of correction of records.

The NRC is amending portions of its regulations to reflect this action. The amended provisions specify that the Assistant Inspector General for Audits or the Assistant Inspector General for Investigations will be the initial denying official when responding to Freedom of Information or Privacy Act requests, and that the Inspector General is authorized to respond to an appeal of a denial of a Freedom of Information or Privacy Act request or an appeal to amend or correct a record denied in response to a Privacy Act request. These amendments also require personnel in the Office of the Inspector General to obtain the Inspector General's approval, instead of the General Counsel's approval, before responding to a subpoena, order, or other demand for the production of records or disclosure of information, including testimony, that is issued by a court or other judicial or quasi-judicial authority.

Because these are amendments dealing with agency practice and procedures, the notice and comment provisions of the Administrative Procedure Act do not apply pursuant to 5 U.S.C. 553(b)(A). The amendments are effective upon publication in the *Federal Register* (August 17, 1990). Good cause exists to dispense with the usual 30-day delay in the effective date because these amendments are of a minor and administrative nature dealing with agency organization.

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). 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 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150-0043.

List of Subjects in 10 CFR Part 9

Freedom of Information, Penalty, Privacy, Reporting and recordkeeping requirements, 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 in part 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) * * *

2. In § 9.25, paragraph (c) is revised to read as follows:

§ 9.25 Initial disclosure determination.

(c) For agency records located in the office of a Commissioner or in the Office of the Secretary of the Commission, the Assistant Secretary of the Commission shall make the initial determination to deny agency records in whole or in part under § 9.17(a) instead of the Director, Division of Freedom of Information and Publications Services. For agency records located in the Office of the General Counsel, the General Counsel shall make the initial determination to deny agency records in whole or in part instead of the Director, Division of Freedom of Information and Publications Services. For agency records located in the Office of the Inspector General, the Assistant Inspector General for Audits or the Assistant Inspector General for Investigations shall make the initial determination to deny agency records in whole or in part instead of the Director, Division of Freedom of Information and Publications Services. If the Assistant

Secretary of the Commission, the General Counsel, the Assistant Inspector General for Audits, or the Assistant Inspector General for Investigations determines that the agency records sought are exempt from disclosure and that their disclosure is contrary to the public interest and will adversely affect the rights of any person, the Assistant Secretary of the Commission, the General Counsel, the Assistant Inspector General for Audits, or the Assistant Inspector General for Investigations shall furnish that determination to the Director, Division of Freedom of Information and Publications Services, who shall notify the requester of the determination in the manner provided in § 9.27

3. In § 9.27, paragraph (b)(5) is revised to read as follows:

§ 9.27 Form and content of responses.

(b) * * *

(5) A statement that the denial may be appealed within 30 days from the receipt of the denial to the Executive Director for Operations, to the Secretary of the Commission, or to the Inspector General, as appropriate.

4. In § 9.29, paragraph (a), the introductory text of paragraph (c)(1), paragraphs (c)(3) and (d) are revised as follows:

§ 9.29 Appeal from initial determination.

(a) A requester may appeal a notice of denial of a Freedom of Information Act request for agency records or a request for waiver or reduction of fees under this subpart within 30 days of the date of the NRC's denial. For agency records denied by an Office Director reporting to the Executive Director for Operations or for a denial of a request for a waiver or reduction of fees, the appeal must be in writing and addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. For agency records denied by an Office Director reporting to the Commission, the Assistant Secretary of the Commission, or the Advisory Committee Management Officer, the appeal must be in writing and addressed to the Secretary of the Commission. For agency records denied by the Assistant Inspector General for Audits or the Assistant Inspector General for Investigations, the appeal must be in writing and addressed to the Inspector General. The appeal should clearly state on the envelope and in the letter that it is an "Appeal from Initial FOIA Decision." The NRC does not consider

an appeal that is not marked as indicated in this paragraph as received until it is actually received by the Executive Director for Operations, Secretary of the Commission, or the Inspector General.

(c)(1) If the appeal of the denial of the request for agency records is upheld in whole or in part, the Executive Director for Operations, or a Deputy Director, or the Secretary of the Commission, or the Inspector General shall notify the requester of the denial specifying—

(3) The Executive Director for Operations, or a Deputy Executive Director, or the Secretary of the Commission, or the Inspector General shall inform the requester that the denial is a final agency action and that judicial review is available in a district court of the United States in the district in which the requester resides or has a principal place of business, in which the agency records are situated, or in the District of Columbia.

(d) The Executive Director for Operations, or a Deputy Executive Director, or the Secretary of the Commission, or the Inspector General shall furnish copies of all appeals and written determinations on appeals to the Director, Division of Freedom of Information and Publications Services.

5. In § 9.65, the introductory text of paragraph (a), paragraphs (a)(2), (b), and (c) are to be revised to read as follows:

§ 9.65 Access determinations; appeals.

(a) *Initial determinations.* For agency records located in the Office of the Inspector General, the Assistant Inspector General for Audits or the Assistant Inspector General for Investigations shall determine whether access to the record is available under the Privacy Act. For all other agency records, the Director, Office of Administration, or the Director's designee, with the advice of the system manager having control of the record to which access is requested, shall determine whether access to the record is available under the Privacy Act. The Director, Office of Administration, or the Director's designee, shall notify the requesting individual in person or in writing of the determination. Unless the request presents unusual difficulties or involves extensive numbers of records, individuals shall be notified of determinations to grant or deny access within 30 working days after receipt of the request.

(2) Notices denying access must state the reasons for the denial, and advise

the individual that the denial may be appealed to the Inspector General, for agency records located in the Office of Inspector General, or the Executive Director for Operations, for all other agency records, in accordance with the procedures set forth in this section.

(b) *Appeals from denials of access.* If an individual has been denied access to a record the individual may request a final review and determination of that individual's request by the Inspector General or the Executive Director for Operations as appropriate. A request for final review of an initial determination must be filed within 60 days of the receipt of the initial determination. For agency records denied by the Assistant Inspector General for Audits or the Assistant Inspector General for Investigations, the appeal must be in writing and addressed to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555. For agency records denied by the Director, Office of Administration, or the Director's designee, the appeal must be in writing addressed to the Executive Director for Operations. The appeal should clearly state on the envelope and in the letter "Privacy Act Appeal-Denial of Access." The NRC does not consider an appeal that is not marked as indicated in this paragraph as received until it is actually received by the Inspector General or Executive Director for Operations.

(c) *Final determinations.* (1) The Inspector General, or the Executive Director for Operations or the EDO's designee, shall make a final determination within 30 working days of the receipt of the request for final review, unless the time is extended for good cause shown such as the need to obtain additional information, the volume of records involved, or the complexity of the issue. The extension of time may not exceed 30 additional working days. The requester shall be advised in advance of any extension of time and of the reasons therefor.

(2) If the Inspector General, or the Executive Director for Operations or the EDO's designee, determines that access was properly denied because the information requested has been exempted from disclosure, the Inspector General, or the Executive Director for Operations or the EDO's designee shall undertake a review of the exemption to determine whether the information should continue to be exempt from disclosure. The Inspector General, or the Executive Director for Operations or the EDO's designee, shall notify the individual in writing of the final agency determination to grant or deny the request for access. Notices denying

access must state the reasons therefor and must advise the individual of his/her right to judicial review pursuant to 5 U.S.C. 552a(g).

6. In § 9.66, the introductory text of paragraph (a)(1) and paragraphs (a)(2), (a)(3), (b), and (c) are revised to read as follows:

§ 9.66 Determinations authorizing or denying correction of records; appeals.

(a) *Initial determinations.* (1) For agency records located in the Office of the Inspector General, the Assistant Inspector General for Audits or the Assistant Inspector General for Investigations shall determine whether to authorize or refuse correction or amendment of a record. For all other agency records, the Director, Office of Administration, or the Director's designee, with the advice of the system manager having control of the record, shall determine whether to authorize or refuse correction or amendment of a record. The Director, Office of Administration, or the Director's designee, shall notify the requesting individual. Unless the request presents unusual difficulties or involves extensive numbers of records, individuals must be notified of determinations to authorize or refuse correction or amendment of a record within 30 working days after receipt of the request. In making this determination, the NRC official shall be guided by the following standards:

(2) For agency records located in the Office of Inspector General, if correction or amendment of a record is authorized, the Assistant Inspector General for Audits or the Assistant Inspector General for Investigations shall correct or amend the record. For all other agency records, the Director, Office of Administration, or the Director's designee, shall correct or amend the record. The Director, Office of Administration, or the Director's designee shall notify the requesting individual in writing that the correction or amendment has been made and provide the individual with a courtesy copy of the corrected record.

(3) If correction or amendment of a record is refused, the Director, Office of Administration or the Director's designee, shall notify the requesting individual in writing of the refusal and the reasons therefor, and shall advise the individual that the refusal may be appealed to the Inspector General or the Executive Director for Operations, as appropriate, in accordance with the procedures set forth in this section.

(b) *Appeals from initial adverse determinations.* If an individual's request to amend or correct a record has been denied, in whole or in part, the individual may request a final review and determination of that individual's request by the Inspector General or the Executive Director for Operations, as appropriate. A request for final review of an initial determination must be filed within 60 days of the receipt of the initial determination. For agency records located in the Office of the Inspector General, the appeal must be in writing and addressed to the Inspector General, U.S. Nuclear Regulatory Commission, Washington, DC 20555. For agency records located in all other offices, the appeal must be in writing addressed to the Executive Director for Operations. The appeal should clearly state on the envelope and in the letter "Privacy Act Correction Appeal." The NRC does not consider an appeal that is not marked as indicated in this paragraph as received until it is actually received by the Inspector General or Executive Director for Operations. Requests for final review must set forth the specific item of information sought to be corrected or amended and should include, where appropriate, documents supporting the correction or amendment.

(c) *Final determinations.* (1) The Inspector General, for agency records located in the Office of the Inspector General, or the Executive Director for Operations or the EDO's designee, for all other agency records, shall make a final agency determination within 30 working days of receipt of the request for final review, unless the time is extended for good cause shown such as the need to obtain additional information, the volume of records involved, or the complexity of the issue. The extension of time may not exceed 30 additional working days. The requester shall be advised in advance of any extension of time and of the reasons therefor.

(2) For agency records located in the Office of the Inspector General, if the Inspector General makes a final determination that an amendment or correction of the record is warranted on the facts, the Inspector General or the IG's designee, shall correct or amend the record pursuant to the procedures in § 9.66(a)(2). For all other agency records, if the Executive Director for Operations, or the EDO's designee, makes a final determination that an amendment or correction of the record is warranted on the facts, the EDO or the EDO's designee, shall notify the Director, Office of Administration, to correct or

amend the record to the procedures in § 9.66(a)(2).

(3) If the Inspector General, or the Executive Director for Operations or the EDO's designee, makes a final determination that an amendment or correction of the record is not warranted on the facts, the individual shall be notified in writing of the refusal to authorize correction or amendment of the record in whole or in part, and of the reasons therefor, and the individual shall be advised of his/her right to provide a "Statement of Disagreement" for the record and of his/her right to judicial review pursuant to 5 U.S.C. 552a(g).

7. Section 9.67 is revised to read as follows:

§ 9.67 Statements of disagreement.

(a) Written "Statements of Disagreement" may be furnished by the individual within 30 working days of the date of receipt of the final adverse determination of the Inspector General or the Executive Director for Operations. "Statements of Disagreement" must be addressed, as appropriate, to the Inspector General or the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should be clearly marked on the statement and on the envelope "Privacy Act Statement of Disagreement".

(b) The Inspector General or the Executive Director for Operations, or their designees, as appropriate, are responsible for ensuring that: (1) The "Statement of Disagreement" is included in the system or systems of records in which the disputed item of information is maintained; and (2) the original record is marked to indicate the information disputed, the existence of a "Statement of Disagreement" and the location of the "Statement of Disagreement" within the system of records.

8. Section 9.68 is revised to read as follows:

§ 9.68 NRC statement of explanation.

The Inspector General, or the Executive Director for Operations or the EDO's designee, may if deemed appropriate, prepare a concise statement of the reasons why the requested amendments or corrections were not made. Any NRC "Statement of Explanation" must be included in the system of records in the same manner as the "Statement of Disagreement". Courtesy copies of the NRC statement and of the notation of the dispute as marked on the original record must be furnished to the individual who requested correction or amendment of the record.

9. Section 9.201 is revised to read as follows:

§ 9.201 Production or disclosure prohibited unless approved by appropriate NRC Official.

No employee of the NRC shall, in response to a demand of a court or other judicial or quasi-judicial authority, produce any material contained in the files of the NRC or disclose, through testimony or other means, any information relating to material contained in the files of the NRC, or disclose any information or produce any material acquired as part of the performance of that employee's official duties or official status without prior approval of the appropriate NRC official. When the demand is for material contained in the files of the Office of the Inspector General or for information acquired by an employee of that Office, the Inspector General is the appropriate NRC official. In all other cases, the General Counsel is the appropriate NRC official.

10. In § 9.202, paragraphs (a) and (c) are revised to read as follows:

§ 9.202 Procedure in the event of a demand for production or disclosure.

(a) Prior to or simultaneous with a demand upon an employee of the NRC for the production of material or the disclosure of information described in § 9.200, the party seeking production or disclosure shall serve the General Counsel of the NRC with an affidavit or statement as described in paragraphs (b) (1) and (2) of this section. Except for employees in the Office of Inspector General, whenever a demand is made upon an employee of the NRC for the production of material or the disclosure of information described in § 9.200, that employee shall immediately notify the General Counsel. If the demand is made upon a regional NRC employee, that employee shall immediately notify the Regional Counsel who, in turn, shall immediately request instructions from the General Counsel. If the demand is made upon an employee in the Office of Inspector General, that employee shall immediately notify the Inspector General. The Inspector General shall immediately provide a copy of the demand to the General Counsel, and as deemed necessary, consult with the General Counsel.

* * *

(c) The Inspector General or the General Counsel will notify the employee and such other persons, as circumstances may warrant, of the decision on the matter.

11. Section 9.203 is revised to read as follows:

§ 9.203 Procedure where response to demand is required prior to receiving instructions.

If a response to the demand is required before the instructions from the Inspector General or the General Counsel are received, a U.S. attorney or NRC attorney designated for the purpose shall appear with the employee of the NRC upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate NRC official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions. In the event that an immediate demand for production or disclosure is made in circumstances which would preclude the proper designation or appearance of a U.S. or NRC attorney on the employee's behalf, the employee shall respectfully request the demanding authority for sufficient time to obtain advice of counsel.

Dated at Rockville, Maryland, this 7th day of August 1990.

For the Nuclear Regulatory Commission,
James M. Taylor,

Executive Director for Operations.

[FR Doc. 90-19401 Filed 8-16-90; 8:45 am]

BILLING CODE 7590-01-M

referenced Boeing service bulletin which may have caused some operators to omit the required inspection of the outboard track on certain airplanes. This condition, if not corrected, could result in the loss of the flap and, subsequently, severe reduction in the controllability of the airplane.

EFFECTIVE DATE: September 4, 1990.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington, 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Dan R. Bu, Airframe Branch, ANM-120S; telephone (206) 227-2775. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: On June 11, 1974, the FAA issued AD 74-19-05, Amendment 39-1958 (39 FR 22273, June 21, 1974), to require inspection of the outboard flap support attach bolts of both the inboard and outboard flap tracks and replacement, if necessary. That action was prompted by reports of failures of the support attach bolts. This condition, if not corrected, could result in the loss of the flap and, subsequently, severely reduce controllability of the airplane.

Recently, the FAA determined that AD 74-19-05 as originally issued may have been misinterpreted by some operators in that it requires inspection in accordance with Boeing Service Bulletin 737-57A1079, Revision 1, dated July 27, 1973. That service bulletin contained an error in that it stipulated procedures for a torque inspection of only the inboard track forward support fitting attach bolts on airplanes identified as "Group 2" airplanes; procedures for inspection of the outboard track forward support fitting attach bolts on those airplanes were inadvertently omitted. Failure to conduct torque inspections of the outboard track forward support fitting attach bolts could lead to failure of the flap track fitting attachment, loss of the flap, and subsequently, severe reduction in the controllability of the airplane.

The FAA has reviewed and approved Boeing Alert Service Bulletin 737-57A1079, Revision 4, dated May 10, 1990, which describes procedures for inspection and replacement of both the outboard flap inboard and outboard forward flap track support attach bolts.

This revision to the service bulletin corrects the previous error.

Because the possibility of misinterpretation by the operators exists, and since the stress corrosion failure of the outboard track forward support fitting attach bolts on Group 2 airplanes is unpredictable, the FAA has determined that immediate action is warranted to correct the unsafe condition presented by failure to conduct the necessary inspections.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD supersedes AD 74-19-05 to clarify the requirement for inspection of the outboard flap inboard and outboard forward flap track support attach bolts, and replacement, if necessary, in accordance with the service bulletin previously described.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-150-AD; Amdt. 39-6707]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, which currently requires inspection of the outboard flap support attach bolts of both the inboard and outboard flap tracks, and replacement, if necessary. This amendment clarifies the requirement for inspection of the support attach bolts of both inboard and outboard flap tracks. This amendment is prompted by a recent discovery of an error in the

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39-1958, AD 74-19-05 (39 FR 22273, June 21, 1974), with the following new airworthiness directive:

Boeing: Applies to Model 737 series airplanes, listed in Boeing Alert Service Bulletin 737-57A1079, Revision 4, dated May 10, 1990, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the loss of the outboard flap, accomplish the following:

A. Within the next 250 hours time-in-service after the effective date of this AD, unless already accomplished within the last 750 hours time-in-service, and thereafter at intervals not to exceed 1,000 hours time-in-service from the last inspection, accomplish a torque check of the 5/16-inch bolts that attach the forward support fitting of the inboard and outboard flap tracks of the outboard flap, in accordance with Boeing Alert Service Bulletin 737-57A1079, Revision 4, dated May 10, 1990.

B. Bolts which either fail or do not sustain the torque check must be replaced prior to further flight, in accordance with Boeing Service Bulletin 737-57A1079, Revision 4, dated May 10, 1990.

1. If the replacement bolt is a 5/16-inch bolt, accomplish the torque check required by paragraph A. of this AD prior to the accumulation of 5,000 hours time-in-service, and thereafter at intervals not to exceed 1,000 hours time-in-service from the last inspection.

2. If the replacement bolt is a 3/8-inch stainless steel bolt, no further torque checks, in accordance with this AD, are necessary.

D. Replacement of 5/16-inch diameter bolts with 3/8-inch diameter stainless steel bolts, in accordance with Boeing Alert Service Bulletin 737-57A1079, Revision 4, dated May 10, 1990, or earlier revisions, constitutes terminating action for the requirements of this AD.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment supersedes Amendment 39-1958, AD 74-19-05.

This amendment becomes effective September 4, 1990.

Issued in Renton, Washington, on August 7, 1990.

Steven B. Wallace,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 90-19387 Filed 8-16-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-105-AD; Amendment 39-6706]

Airworthiness Directives; Boeing Models 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This action corrects an inspection method specified in Airworthiness Directive (AD) 90-06-18, Amendment 39-6541. The AD is applicable to certain Boeing Model 747 series airplanes, and requires inspection of the wing landing gear aft trunnion for cracks and corrosion. There are no other changes to the AD.

DATES: This correction is effective August 17, 1990.

The effective date for the requirements of this amendment remains April 23, 1990, as specified in Amendment 39-6541.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., 5th floor, Renton, Washington, or the Seattle Aircraft Certification Office, 1601 Lind Avenue SW., 2nd floor, Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Steven C. Fox, Airframe Branch, ANM-120S; telephone (206) 227-1923.

Mailing address: FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: On March 7, 1990, the FAA issued Airworthiness Directive 90-06-18, Amendment 39-6541 (55 FR 10047, March 19, 1990), applicable to certain Boeing Model 747 series airplanes, which requires inspection of the landing gear trunnion for cracks and corrosion. This action corrects the method of inspection cited in paragraph A.4. to specify the use of a high frequency eddy current technique rather than an ultrasonic technique, and clarifies the inspection location.

The preamble to the final rule inadvertently stated that Boeing Service Bulletin 747-32-2190, Revision 4, dated October 26, 1989, describes procedures for an ultrasonic inspection of certain areas of the wing landing gear beam outboard fitting assembly. That service bulletin actually describes procedures for a high frequency eddy current inspection.

Paragraph A.4. of the final rule inadvertently stated that ultrasonic inspections performed in accordance with Boeing Service Bulletin 747-32-2190, Revision 4, may be used as an alternative inspection method if only corrosion is found as a result of the initial required inspection. The correct alternative inspection method cited should have been the high frequency eddy current technique; therefore, paragraph A.4. has been changed to correctly specify this type of inspection.

Additionally, paragraph A.4. of the final rule describes the area to be inspected as "the end fitting." This action clarifies the inspection area as "the wing landing gear trunnion."

Since this action only corrects an alternative inspection technique identified in the final rule and clarifies an area requiring inspection, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the Federal Register.

List of Subjects in 14 CFR Part 39:

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR Part 39 of the Federal Aviation Regulations as follows: