Issued in Renton, Washington, on March 16, 1992.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-7307 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-CE-73-AD; Amendment 39-8219; AD 92-08-08]

Airworthiness Directives; de Havilland Model DHC-3 Otter Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to de Havilland Model DHC-3 Otter airplanes that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine. This action requires a one-time inspection to ensure existence and correct assembly of the fuel condition lever lock, and if nonexistent or incorrectly assembled, installation in accordance with the applicable service information. If the fuel condition lever lock is nonexistent or is incorrectly assembled, inadvertent engine shutdown could occur. The actions specified by this AD are intended to prevent loss of control of the airplane caused by inadvertent engine shutdown.

DATES: Effective May 18, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 18, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from Servo-Aero Engineering Inc., 37 Mortensen Avenue, Salinas, California 93905; Telephone (408) 422-7866. This information may also be examined at the Federal Aviation Administration, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Chinh Vuong, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3329 E. Spring Street, Long Beach, California 90806-2425; Telephone (213) 988-5264; Facsimile (213) 988-5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to de Havilland Model DHC-3 Otter airplanes that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine was published in the **Federal Register** on December 27, 1991 (56 FR 67017). The action proposed a one-time inspection to ensure existence and correct assembly of the fuel condition lever lock, and installation if nonexistent or incorrectly assembled. The actions would be accomplished in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1991.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The FAA estimates that 2 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Parts are provided by the manufacturer at no cost to the operator. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $440.

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.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

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—AIRWORTHINESS DIRECTIVES

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); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92-08-08 DE HAVILLAND: Amendment 39-8219; Docket No. 91-CE-73-AD.

Applicability: Model DHC-3 Otter airplanes (all serial numbers) that have a Servo-Aero Engineering 20000 Series Kit installed on a Pratt & Whitney PT6A-135/135A engine, certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent loss of control of the airplane caused by inadvertent engine shutoff, accomplish the following:

(a) Visually inspect the Pratt & Whitney PT6A-135/135A engine to ensure that a fuel condition lever lock, part number (P/N) 20037-18, is installed and ensure that it is correctly assembled in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990.

(b) If a fuel condition lever lock is not installed or is not assembled in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990, prior to further flight, install a fuel condition lever position lock, (P/N) 20037-18, in accordance with the instructions in Servo-Aero Service Bulletin SB001, dated July 24, 1990.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Los Angeles Aircraft Certification Office, 3329 E. Spring Street, Long Beach, California 90806-2425. The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(e) The installation required by this AD shall be done in accordance with Servo-Aero Service Bulletin SB001, dated July 24, 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Servo-Aero Engineering Inc., 37 Mortensen Avenue, Salinas, California 93905. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW; room 8401, Washington, DC.

(f) This amendment (39-8219) becomes effective on May 18, 1992.

Issued in Kansas City, Missouri, on March 25, 1992.

Richard F. Yotter,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR DOC. 92-7396 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 91-ASO-14]

Revocation of Transition Area, Union, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the Union, SC, Transition Area. The 700-foot transition was established several years ago to provide controlled airspace protection for instrument flight rules (IFR) aircraft while executing a standard instrument approach procedure (SIAP) planned for the Union County Airport. The SIAP was never implemented, nor are instrument aeronautical operations planned for the airport. Consequently, the additional controlled airspace of the transition area is not required.

EFFECTIVE DATE: 0901 UTC, August 20, 1992.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On May 21, 1991, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revoke the Union, SC, Transition Area (56 FR 23254). Several years ago the 700-foot transition area was established to provide additional controlled airspace for protection of IFR aircraft executing a standard instrument approach procedure planned for the Union County Airport. The instrument approach procedure was never implemented, nor are instrument aeronautical operations planned for the airport. Thus, the additional controlled airspace is not required. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. The Union, SC, Transition Area was published in § 71.181 of FAA Order 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revokes the Union, SC, Transition Area. This action will raise the floor of controlled airspace from 700 feet to 1200 feet above the surface in vicinity of the Union County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas, Incorporation by reference.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.181 Transition Areas

* * * * *

Union, SC [Removed]

* * * * *

Issued in East Point, Georgia, on March 19, 1992.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 92-7339 Filed 3-30-92; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Miscellaneous Rules

AGENCY: Federal Trade Commission.

ACTION: Final Rule.

SUMMARY: On August 9, 1989, the Federal Trade Commission ("FTC") requested comments on proposed amendments to its rules to reflect the amendments to the fee and fee waiver provisions of the Freedom of Information Act ("FOIA"), as embodied in the Freedom of Information Reform Act of 1986 ("Reform Act"), and guidelines promulgated by the Office of Management and Budget pursuant to the Reform Act amendments. 54 FR 32654.

Amendments were also proposed to reduce certain fees and increase others to reflect changes in, or more accurate information about, the costs of providing services, and authorize the use of credit cards to pay fees. In addition, amendments were proposed to make all of the fee and fee waiver provisions applicable not only to FOIA requests, but also to requests for public records and to requests from other government agencies seeking information for purposes other than law enforcement. To this end, Rule 4.8 is restructured to include all provisions generally relating to fees and fee waivers for agency records. Other provisions of the current rule, which pertain only to public records, are moved to Rule 4.9.

In addition to changes pertaining to fees and fee waivers, the amendments proposed changes to conform Rule 4.10 ("Nonpublic records") to the provisions of the Reform Act that expand the exemption for investigative records, and that create new categories for records that are not subject to the FOIA.

The FTC has also determined to expand existing delegations, and to authorize the Director of the Information Services Division to decide issues relating to requests for copies of public documents, to decide issues relating to initial requests under the FOIA and the

Privacy Act, and to limit public use of copying facilities. The final rule also corrects cross-references found in Rules 4.7, 4.9, and 4.13.

EFFECTIVE DATE: March 31, 1992.

FOR FURTHER INFORMATION CONTACT: Keith Golden, Information Services Division, Federal Trade Commission, 6th & Pennsylvania Avenue, NW., Washington, DC 20580, (202) 326–2410.

SUPPLEMENTARY INFORMATION:

I. Previous Proposed Rule

All of the changes to the Rules that were proposed by the Commission on August 9, 1989 have been incorporated as proposed. See 54 FR 32654. No comments were received regarding those proposals, and the FTC has determined to adopt the proposals without change. Public comment is not required on either the delegation of authority or the technical corrections. See 5 U.S.C. 553(b)(A).

II. Delegation of Authority to Consider Access Requests

The Commission has also determined to expand existing delegations and authorize the Director of the Information Services Division to exercise authority that can now be exercised by the Deputy Executive Director for Planning and Information under its access rules. The Director of the Information Services Division, as well as the Deputy Executive Director for Planning and information, will therefore be authorized to decide issues relating to requests for copies of public documents, to decide issues relating to initial requests under the FOIA and the Privacy Act, and to limit public use of copying facilities. The rules affected by this change include: Rules 4.8(c), (e), (g), and (h); Rules 4.9(a)(4); Rules 4.11(a)(1)(iii)(A), (B), and (C); Rules 4.11(a)(1)(iv)(A), (B), and (C); Rules 4.11(a)(2)(ii) (A) and (B); and Rules 4.13(e), (f), (h), (i)(1), and (j).

III. Technical Corrections

A. Rule 4.7(c)

Procedures for handling *ex parte* communications are outlined in Rule 4.7(c). That rule indicates that the Secretary shall make relevant portions of such information part of the Commission's public record and references Rule 4.8. That reference is in error. The correct reference is to Rule 4.9, which describes the types of documents that are routinely made public by the Commission. The change to Rule 4.7(c) corrects that typographical error.

B. Rule 4.9(a)(2)

In 1987 the Commission delegated authority to the General Counsel to authorize the use of nonpublic information on the basis that the use is in the public interest and will be used for teaching, lecturing, or writing purposes by Commission employees. 52 FR 34765 (September 15, 1987). That delegation of authority is found in Rule 5.12(c). 16 CFR 5.12(c). Rule 4.9(a)(2) references that rule, but was inadvertently not revised when Rule 5.12(c) was amended. The change in Rule 4.9(a)(2) corrects that oversight and clearly states that the General Counsel may make nonpublic records available under the provisions of Rule 5.12(c).

C. Rule 4.13(k)

The cross-reference citation to the Commission's fee schedule is changed to reflect the renumbering of the rule containing that fee schedule.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act.

In consideration of the foregoing, the Commission amends title 16, chapter 1, subchapter A of the Code of Federal Regulations, as follows:

PART 4—MISCELLANEOUS RULES

1. The authority for part 4 continues to read as follows:

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46.

2. Section 4.7(c)(3) is revised to read as follows:

§ 4.7 Ex parte communications.

* * * * *

(c) * * *

(3) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (c)(1) and (2) of this section. The Secretary shall make relevant portions of any such materials part of the public record of the Commission, pursuant to § 4.9, and place them in the docket binder of the proceeding to which it pertains, but they will not be considered by the Commission as part of the record for purposes of decision unless introduced into evidence in the proceeding. The Secretary shall also send copies of the materials to or otherwise notify all parties to the proceeding.

3. Section 4.8(a) is redesignated as § 4.9(a)(3), and amended by adding a paragraph heading before the first sentence. In addition, § 4.9 is amended by revising paragraph (a)(2) and adding paragraph (a)(4) to read as follows:

§ 4.9 Public records.

(a) * * *

(2) Records that are exempt from disclosure or are otherwise not available from the Commission's public record may be made available for inspection and copying only upon request under the procedures set forth in § 4.11, or as provided in §§ 4.10(d)–(g), 4.13, and 4.15(b)(3), by the General Counsel under § 5.12(c), or by the Commission.

* * * * *

(3) *Location of Public Records.* * * *

* * * * *

(4) *Copying of public records.*

(i) *Procedures.* Reseasonable facilities for copying public records are provided at each office of the Commission. Subject to appropriate limitations and the availability of facilities, any person may copy public records available for inspection at each of those offices. Further, the agency will provide copies to any person upon request. Written requests for copies of public records should be addressed to the Director of the Information Services Division, and should specify as clearly and accurately as reasonably possible the records desired. For records that cannot be specified with complete clarity and particularity, requesters must provide descriptions sufficient to enable qualified Commission personnel to locate the records sought. In any instance, the Commission, the Deputy Executive Director for Planning and Information, the Director of the Information Services Division, or the official in charge of each office may prohibit the use of Commission facilities to produce more than one copy of any public record, and may refuse to permit the use of such facilities for copying records that have been published or are publicly available at places other than the offices of the Commission.

(ii) *Costs; agreement to pay costs.* Requesters will be charged search and duplication costs prescribed by Rule 4.8 for requests under this section. All requests shall include a statement of the information needed to determine fees, as provided by § 4.8(c), and an agreement to pay fees (or a statement that the requester will not pay fees if a fee waiver is denied), as provided by § 4.8(d). Requests may also include an application for a fee waiver, as provided by § 4.8(e). Advance payment may be required, as provided by § 4.8(h).

(iii) *Records for sale at another government agency.* If requested materials are available for sale at a another government agency, the requester will not be provided with copies of the materials but will be advised to obtain them from the selling agency.

4. Section 4.8 is revised to read as follows:

§ 4.8 Costs for obtaining Commission records.

(a) *Definitions.* For the purpose of this section:

(1) The term *search* includes all time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents.

(2) The term *duplication* refers to the process of making a copy of a document in order to respond to a request for Commission records.

(3) The term *review* refers to the examination of documents located in response to a request to determine whether any portion of such documents may be withheld, and the reduction or other processing of documents for disclosure. Review does not include time spent resolving general legal or policy issues regarding the release of the document.

(4) The term *direct costs* means expenditures that the Commission actually incurs in processing requests. Not included in direct costs are overhead expenses such as costs of document review facilities or the costs of heating or lighting such a facility or other facilities in which records are stored. The direct costs of specific services are set forth in § 4.8(b)(6).

(b) *Fees.* User fees pursuant to 31 U.S.C. 483(a) and 5 U.S.C. 552(a) shall be charged according to this paragraph.

(1) *Commercial use requesters.* Commercial use requesters will be charged for the direct costs to search for, review, and duplicate documents. A commercial use requester is a requester who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(2) *Educational requesters, non-commercial scientific institution requesters, and representative of the news media.* Requesters in these categories will be charged for the direct costs to duplicate documents, excluding charges for the first 100 pages. An *educational institution* is a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research. A *non-commercial scientific institution* is an institution that is not operated on a *commercial* basis as that term is referenced in paragraph (b)(1) of this section, and that is operated solely to conduct scientific research the results of which are not intended to promote any particular product or industry. A *representative of the news media* is any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. *News* means information that is about current events or that would be of current interest to the public.

(3) *Other requesters.* Other requesters will be charged for the direct costs to search for and duplicate documents, except that the first 100 pages of duplication and the first two hours of search time shall be furnished without charge.

(4) *Waiver of small charges.* Notwithstanding the provisions of paragraphs (b)(1), (2), and (3), charges will be waived if the total chargeable fees for a request do not exceed $5.00.

(5) *Materials available without charge.* These provisions do not apply to recent Commission decisions and other materials that may be made available to all requesters without charge while supplies last.

(6) *Schedule of direct costs.* The following uniform schedule of fees applies to records held by all constituent units of the Commission.

Duplication

Paper Copy (up to 8½" X 14")
(Reproduced by Commission staff)—$0.14 per page
(Reproduced by Requester)—$0.05 per page
Computer Paper—$0.14 per page

Microfilm Services

Film Copy—Paper to 16mm film—$0.02 per frame
Fiche Copy—Paper to 105mm fiche—$0.02 per frame + $0.23 per fiche
Film Copy—Duplication of existing 100 ft. roll of 16mm film—$3.35 per roll
Fiche Copy—Duplication of existing 105mm fiche—$0.04 per roll
Paper Copy—Converting existing 16mm film to paper
(Conversion by Commission Staff)—$0.23 per page
(Conversion by Requester)—$0.14 per page
Paper Copy—Converting existing 105mm fiche to paper
(Conversion by Commission Staff)—$0.23 per page
(Conversion by Requester)—$0.14 per page
Film Cassettes—$3.60 per cassette

Other Charges

Computer Tape—$18.50 per tape
Certification—$10.35 each
Express Mail—$5.00 for the first pound and $.89 for each additional pound (per request)

Search and Review Fees

Agency staff is divided into three categories: clerical, attorney/economist, and other professional. Fees for search and review are assessed on a quarter-hourly basis, and are determined by identifying the category into which the staff member(s) conducting the search or review belong(s), determining the average quarter-hourly wages of all staff members within that category, and adding 16 percent to reflect the cost of additional benefits accorded to government employees. The exact fees are calculated and announced periodically and are available from the Public Reference Section, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580; (202) 326–2222.

(c) *Information to determine fees.* Each request for records shall set forth whether the request is made for other than commercial purposes and whether the requester is an educational institution, a noncommercial scientific institution, or a representative of the news media. The Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, or the General Counsel or Commission on appeal, will use this information, any additional information provided by the requester, and any other relevant information to determine the appropriate fee category in which to place the requester.

(d) *Agreement to pay fees.* (1) Each request that does not contain an application for a fee waiver shall specifically indicate the requester's willingness either:

(i) To pay, in accordance with § 4.8(b) of these rules, whatever fees may be charged for processing the request; or

(ii) A willingness to pay such fees up to a specified amount.

(2) Each request that contains an application for a fee waiver must specifically indicate:

(i) The requester's willingness to pay, in accordance with § 4.8(b) of the rules, whatever fees may be charged for processing the request;

(ii) The requester's willingness to pay fees up to a specified amount; or

(iii) That the requester is not willing to pay fees if the waiver is not granted.

(3) If the agreement required by this section is absent, and if the estimated fees exceed $25.00, the requester will be advised of the estimated fees and the request will not be processed until the requester agrees to pay such fees.

(e) *Public interest fee waivers*—(1) *Procedures.* A requester may apply for a waiver of fees. The requester shall explain why a waiver is appropriate under the standards set forth in this paragraph. The application shall also include a statement, as provided by paragraph (d) of this section, of whether the requester agrees to pay costs if the waiver is denied. The Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, and the General Counsel or Commission on appeal, will rule on applications for fee waivers.

(2) *Standards.* (i) The first requirement for a fee waiver is that disclosure will likely contribute significantly to public understanding of the operations or activities of the government. This requirement shall be met if:

(A) The subject matter of the requested information concerns the operations or activities of the Federal government;

(B) The disclosure is likely to contribute to an understanding of these operations or activities;

(C) The understanding to which disclosure is likely to contribute is the understanding of the public at large, as opposed to the understanding of the individual requester or a narrow segment of interested persons; and

(D) The likely contribution to public understanding will be significant.

(ii) The second requirement for a fee waiver is that the request not be primarily in the commercial interest of the requester. Satisfaction of this requirement shall be determined by considering:

(A) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

(B) If so, whether the public interest in disclosure is outweighed by the identified commercial interest of the requester so as to render the disclosure primarily in the requester's commercial interest.

(f) *Unsuccessful searches.* Charges may be assessed for search time even if the agency fails to locate any responsive records or if it locates only records that are determined to be exempt from disclosure.

(g) *Aggregating requests.* If the Deputy Executive Director for Planning and Information or the Director of the Information Services Division initially, or the General Counsel or Commission on appeal, reasonably believes that a requester, or a group of requesters acting in concert, is attempting to evade an assessment of fees by dividing a single request into a series of smaller requests, the requests may be aggregated and fees charged accordingly.

(h) *Advance payment.* If the Deputy Executive Director for Planning and Information or the Director of the Information Service Division initially, or the General Counsel or Commission on appeal, estimates or determines that allowable charges that a requester may be required to pay are likely to exceed $250.00, or if the requester has previously failed to pay a fee within 30 days of the date of billing, the requester may be required to pay some or all of the total estimated charge in advance. Further, the requester may be required to pay all unpaid bills, including accrued interest, prior to processing the request.

(i) *Means of payment.* Payment shall be made by check or money order payable to the Treasury of the United States, or by credit card. Procedures for paying fees by credit card are available from the Public Reference Section, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C 20580; (202) 326–2222.

(j) *Interest charges.* The Commission will begin assessing interest charges on an unpaid bill starting on the 31st day following the day on which the bill was sent. Interest will accrue from the date of the billing, and will be calculated at the rate prescribed in 31 U.S.C. 3717.

(k) *Effect of the Debt Collection Act of 1982 (Pub. L. 97–365)* The Commission may pursue repayment, where appropriate, by employing the provisions of the Debt Collection Act, Public Law 97–365), including disclosure to consumer reporting agencies and use of collection agencies.

5. Section 4.10 is amended by revising paragraph (a)(5) and adding paragraph (a)(11) to read as follows:

§ 4.10 Nonpublic information

(a) * * *

(5) Records or information compiled for law enforcement purposes, but only to the extent that production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

* * * * *

(11) Records in an investigation or proceeding that involves a possible violation of criminal law, when there is reason to believe that the subject of the investigation or proceeding is not aware of its pendency, and disclosure of the existence of the investigation could reasonably be expected to interfere with enforcement proceedings. When a request is made for records under § 4.11(a), the Commission may treat the records as not subject to the requirements of the Freedom of Information Act.

* * * * *

6. Section 4.11 is amended as follows:

a. Paragraphs (a)(1)(i)(C), (D), and (E) are revised to read as follows;

b. Paragraphs (a)(1)(iii)(A), (B), and (C) are revised to read as follows;

c. Paragraphs (a)(1)(iv)(A), (B), and (C) are revised to read as follows;

d. Paragraph (a)(2)(i)(A) is revised to read as follows;

e. Paragraph (a)(2)(ii)(B) is revised to read as follows; and

f. Paragraph (d) is amended by adding the following sentence to the end of the paragraph.

§ 4.11 Request for disclosure of records.

(a) * * *

(1) * * *

(i) * * *

(C) *Costs; agreement to pay costs.* Requesters will be charged search and duplication costs prescribed by Rule 4.8 for requests under this section. All requests shall include a statement of the information needed to determine fees, as provided by § 4.8(c), and an agreement to pay fees (or a statement that the requester will not pay fees if a fee waiver is denied), as provided by § 4.8(d). Requests may also include an application for a fee waiver, as provided by § 4.8(e). An advance payment may be required in appropriate cases as provided by § 4.8(h).

(D) *Failure to agree to pay fees.* If a request does not include an agreement to pay fees, and if the requester is notified of the estimated costs pursuant to Rule 4.8(d)(3), the request will be deemed not to have been received until the requester agrees to pay such fees. If a requester declines to pay fees and is not granted a fee waiver, the request will be denied.

(E) *Records for sale at another government agency*. If requested materials are available for sale at another government agency, the requester will not be provided with copies of the materials but will be advised to obtain them from the selling agency.

* * * * *

(iii) *Time limit for initial determination*. (A) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall, within ten (10) working days of the receipt of a request, either grant or deny, in whole or in part, such request.

(B) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division may extend this time limit by not more than ten working days if such extension is:

(1) Necessary for locating records or transferring them from physically separate facilities; or

(2) Necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are sought in a single or series of closely related requests; or

(3) Necessary for consultation with another agency having a substantial interest in the determination, or for consultation among two or more components of the Commission having substantial subject matter interest therein.

(C) If the Deputy Executive Director for Planning and Information or the Director of the Information Services Division extends the time limit for initial determination pursuant to paragraph (A)(1)(iii)(B), the requester shall be notified in accordance with 5 U.S.C. 552(A)(6)(B).

* * * * *

(iv) *Initial determination*. (A) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall grant access to requested records, or any portions thereof, that must be made available under the Freedom of Information Act. He shall deny access to records that are exempt under the Freedom of Information Act (5 U.S.C. 552(b)), unless he determines that such records fall within a category the Commission or the General Counsel has previously authorized to be made available to the public as a matter of policy. Denials shall set forth the reasons therefore and advise the requester that this determination can be appealed to the General Counsel either because the requester believes the records are not exempt, or because the requester believes the General Counsel should exercise his discretion to release such records notwithstanding their exempt status.

(B) The Deputy Executive Director for Planning and Information or the Director of the Information Services Division is deemed to be the sole official responsible for all denials of initial requests, except denials to materials contained in active investigatory files in which case the Director or Deputy Director of the Bureau or the Director of the Regional Office responsible for the investigation shall be the responsible official.

(C) Records to which access has been granted will be made available to the requester and will remain available for inspection and copying for a period not to exceed thirty days from date of notification to the requester unless the requester asks for and receives the consent of the Deputy Executive Director for Planning and Information or the Director of the Information Services Division to a longer period. Records assembled pursuant to a request will remain available only during this period and thereafter will be refiled. Appropriate fees may again be imposed for any new or renewed request for the same records.

* * * * *

(2) * * *

(i) * * *

(A) If an initial request for records is denied in its entirety, the requester may, within 30 days of the date of the determination appeal such denial to the General Counsel. If an initial request is denied in part, the time for appeal shall not expire until 30 days after the date of the letter notifying the requester that all records to which access has been granted have been made available. The appeal shall be in writing and should include a copy of the initial request and a copy of the response to that initial request, if any. The appeal shall be addressed as follows:

Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

* * * * *

(ii) * * *

(B) The Commission or the General Counsel may, by written notice to the requester in accordance with 5 U.S.C. 552(a)(6)(B), extend the time limit for deciding an appeal by not more than ten (10 working days for the reasons set forth in paragraph (a)(1)(iii)(B) of this section, provided that the amount of any extension utilized during the initial consideration of the request under that subsection shall be substracted from the amount of additional time otherwise available.

* * * * *

(d) * * * Requests under this section shall be subject to the fee and fee waiver provisions of § 4.8.

* * * * *

7. Section 4.13(e), (f), (h), (i)(1), (j) and (k) are revised to read as follows:

§ 4.13 Privacy Act rules.

* * * * *

(e) *Disclosure of requested information to individuals*. Within ten (10) working days of receipt of a request under § 4.13(c) the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall acknowledge receipt of the request. Within thirty (30) working days of the receipt of a request under § 4.13(c) the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall inform the requester whether a system of records containing retrievable information pertaining to the requester exists, and if so, either that his request has been granted or that the requested records or information is exempt from disclosure pursuant to § 4.13(m). When, for good cause shown, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division is unable to respond within thirty (30) working days of the receipt of the request, he shall notify the requester of that fact and approximately when it is anticipated that a response will be made.

(f) *Special procedures: Medical records*. When the Deputy Executive Director for Planning and Information or the Director of the Information Services Division determines that disclosure of a medical or psychological record directly to a requesting individual could have an adverse effect on the individual, he shall require the individual to designate a medical doctor to whom the record will be transmitted.

* * * * *

(h) *Agency review of request for correction or amendment of record*. Whether presented in person or by mail, requests under § 4.13(g) shall be acknowledged by the Deputy Executive Director for Planning and Information or the Director of the Information Services Division within ten (10) working days of the receipt of the request if action on the request cannot be completed and the individual notified of the results within that time. Thereafter, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division shall promptly either make the requested amendment or correction or inform the requester of his refusal to make the amendment or correction, the reasons for the refusal, and the requester's right to appeal that determination in accordance with § 4.13(i).

(i) *Appeal of initial adverse agency determination.* (1) If an initial request is denied under § 4.13(c) or § 4.13(g), the requester may appeal that determination to the Commission. The appeal shall be in writing and addressed as follows:

Privacy Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580

The Commission shall notify the requester within thirty (30) working days of the receipt of his appeal of the disposition of that appeal, except that the thirty (30) day period may be extended for good cause, in which case the requester will be advised of the approximate date on which review will be completed.

* * * * *

(j) *Disclosure of record to person other than the individual to whom it pertains.* Except as provided by 5 U.S.C. 552a(b), the written request or prior written consent of the individual to whom a record pertains, or of his parent if a minor, or legal guardian if incompetent, shall be required before such record is disclosed. If the individual elects to inspect a record in person and desires to be accompanied by another person, the Deputy Executive Director for Planning and Information or the Director of the Information Services Division may require the individual to furnish a signed statement authorizing his record to be disclosed in the presence of the accompanying named person.

(k) *Fees.* No fees shall be charged for searching for a record, reviewing it, or for copies of records made by the Commission for its own purposes incident to granting access to a requester. Copies of records to which access has been granted under this section may be obtained by the requester from the Deputy Executive Director for Planning and Information upon payment of the reproduction fees provided in § 4.8(b)(6).

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-7238 Filed 3-30-92; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket No. RM89-7-001; Order No. 533-A]

Regulations Governing Submittal of Proposed Hydropower License Conditions and Other Matters

March 25, 1992.

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Correction to order on rehearing of final rule.

SUMMARY: This document corrects an error in the section number of an amendment in the order on rehearing of the final rule which was published December 2, 1991 (56 FR 61137). The order addressed requests to modify the final rule adopted in this proceeding governing hydropower procedural regulations.

EFFECTIVE DATE: January 2, 1992.

FOR FURTHER INFORMATION CONTACT: Merrill Hathaway, Office of the General Counsel, (202) 208-0825.

SUPPLEMENTARY INFORMATION: The order on rehearing of the final rule as published on December 2, 1991, is corrected as follows to show the correct section number:

§ 4.30 [Corrected]

On page 61154 in the third column, in § 4.30, paragraph (b)(28) is corrected to read (b)(27).

Lois D. Cashell,

Secretary.

[FR Doc. 92-7288 Filed 3-30-92; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 175

[Docket No. 90F-0020]

Indirect Food Additives: Adhesives and Components of Coatings

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of isodecyl benzoate as a component of adhesives for articles intended to contact food. This action is in reponse to a petition filed by Velsicol Chemical Corp.

DATES: Effective March 31, 1992; written objections and requests for a hearing by April 30, 1992.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Daniel N. Harrison, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-254-9500.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 8, 1990 (55 FR 4481), FDA announced that a food additive petition (FAP 0B4187) had been filed by Velsicol Chemical Corp., 5600 North River Rd., Rosemont, IL 60018-5119, proposing that § 175.105 Adhesives (21 CFR 175.105) be amended to provide for the safe use of isodecyl benzoate as a component of adhesives for articles intended to contact food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data establish the safe use of the food additive isodecyl benzoate, and that § 175.105 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 30, 1992 file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the hearing of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 175

Adhesives, Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 175 is amended as follows:

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS

1. The authority citation for 21 CFR part 175 continues to read as follows:

Authority: Secs. 201, 402, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 348, 376).

2. Section 175.105 is amended in paragraph (c)(5) by alphabetically adding a new entry to the table to read as follows:

§ 175.105 Adhesives.

* * * * *

(c) * * *

(5) * * *

Substances	Limitations
* * *	* *
Isodecyl benzoate (CAS Reg. No. 131298-44-7)	
* * *	* *

Dated: March 20, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-7324 Filed 3-30-92; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 178

[Docket No. 90F-0350]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the additional safe uses of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as a stabilizer in certain polymers, adhesives, and waxes intended for use in food-contact articles. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective March 31, 1992; written objections and requests for a hearing by April 30, 1992.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9511.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of November 21, 1990 (55 FR 48693), FDA announced that a food additive petition (FAP OB4227) had been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532-2188, proposing that § 178.2010 Antioxidants and/or stabilizers for polymers (21 CFR 178.2010) be amended to provide for the additional safe uses of hexamethylene bis(3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate) as a stabilizer in polymers complying with § 175.105 Adhesives (21 CFR 175.105), § 175.125 Pressure-sensitive adhesives (21 CFR 175.125), § 175.300 Resinous and polymeric coatings (21 CFR 175.300), § 175.320 Resinous and polymeric coatings for polyolefin films (21 CFR 175.320), § 176.170 Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 176.170), § 176.180 Components of paper and paperboard in contact with dry food (21 CFR 176.180), § 177.1210 Closures with sealing gaskets for food containers (21 CFR 177.1210), § 177.2600 Rubber articles intended for repeated use (21 CFR 177.2600), § 178.3800 Preservatives for wood (21 CFR 178.3800), and § 178.3850 Reinforced wax (21 CFR 178.3850).

FDA has evaluated data in the petition and other relevant material. The agency concludes that these data support the requested safe uses of the additive, and that the regulations should be amended in § 178.2010 as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 30, 1992, file with the Dockets Management Branch (address above) written objectives thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and