

regulation to allow FCUs greater flexibility to accommodate the needs of officials whose duties include business-related travel. Under the current regulation, FCUs may not pay or reimburse the cost of travel for an official's grandson to accompany her to an FCU-sponsored program, or for an official whose mobility is impaired to be accompanied by an aide, even if the FCU thought it necessary or appropriate. With this amendment, the FCU will have the discretion to adopt policies that provide for the reimbursement or payment of such travel costs. Again, the amendment does not require FCUs to do so.

Five commenters, while generally supportive, suggested that the proposal did not go far enough in expanding credit union authority. These commenters believe that it is unnecessary for NCUA to have a regulation concerning such reimbursements or payments. They suggest that NCUA rescind the regulation so that FCUs can establish reimbursement policies that fit their individual needs. They argue that such policies would be subject to scrutiny in the examination process and would therefore pose no risk to safety and soundness. Two commenters also stated that NCUA should not have a regulation on travel reimbursement, but should rely on the examination process to ensure that FCUs have reasonable and appropriate policies. The NCUA Board believes that it is appropriate for the agency to maintain a regulation in this area. There is a tension between the need of FCUs to attract competent and dedicated officials and the prohibition in the FCU Act against compensating all but one of them. FCUs regularly question NCUA about the permissibility of new types of reimbursements. These new ideas for reimbursements to officials frequently fall beyond the limits of the FCU Act. This regulation provides FCUs with NCUA's interpretation of the FCU Act by clearly stating what types of travel reimbursements NCUA has found to be consistent with the law.

## Regulatory Procedures

### *Regulatory Flexibility Act*

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact a proposed rule may have on a substantial number of small entities (primarily those under one million dollars in assets). This rule will not have a significant economic impact on a substantial number of small credit

unions, and therefore, a regulatory flexibility analysis is not required.

### *Paperwork Reduction Act*

NCUA has determined that this regulation does not increase paperwork requirements under the Paperwork Reduction Act of 1995 and regulations of the Office of Management and Budget.

### *Executive Order 13132*

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. This rule will apply only to all federal credit unions. It 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. NCUA has determined that the rule does not constitute a policy that has federalism implications for purposes of the executive order.

### *Small Business Regulatory Enforcement Fairness Act*

The Office of Management and Budget (OMB) has determined that this is not a major rule for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

### List of Subjects in 12 CFR Part 701

Credit unions, Reporting and recordkeeping requirements, Travel and transportation expenses, Travel restrictions.

By the National Credit Union Administration Board on December 13, 2001.

**Becky Baker,**

*Secretary of the Board.*

For the reasons set forth in the preamble, the National Credit Union Administration amends 12 CFR part 701 as follows:

## PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. The authority citation for part 701 continues to read as follows:

**Authority:** 12 U.S.C. 1752(5), 1755, 1756, 1757, 1759, 1761a, 1761b, 1766, 1767, 1782, 1784, 1787, and 1789.

Section 701.6 is also authorized by 31 U.S.C. 3717.

Section 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*, 42 U.S.C. 1861 and 42 U.S.C. 3601–3610.

Section 701.35 is also authorized by 42 U.S.C. 4311–4312.

2. Revise the last sentence of paragraph (b)(2)(i) of § 701.33 to read as follows:

### **§ 701.33 Reimbursement, insurance, and indemnification of officials and employees.**

\* \* \* \* \*

(b) \* \* \*

(2) \* \* \*

(i) \* \* \* Such payments may include the payment of travel costs for officials and one guest per official;

\* \* \* \* \*

[FR Doc. 01–31288 Filed 12–19–01; 8:45 am]

BILLING CODE 7535–01–U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2001–SW–51–AD; Amendment 39–12559; AD 2001–25–06]

RIN 2120–AA64

### **Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76B and S–76C Helicopters**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) for Sikorsky Aircraft Corporation (Sikorsky) Model S–76B and S–76C helicopters. This action requires modifying the electrical power distribution system to change the source of the 28 volts supplied to Nos. 1 and 2 attitude and heading reference (AHRS) WARN circuits. This amendment is prompted by a ground test simulating loss of the essential bus by pulling both bus tie circuit breakers and switching off both batteries. As a result of this action, both autopilots went off-line. The actions specified in this AD are intended to prevent an AHRS fail signal to both autopilots due to a failure of the essential bus, loss of autopilot functions, and subsequent loss of control of the helicopter.

**DATES:** Effective January 4, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 4, 2002.

Comments for inclusion in the Rules Docket must be received on or before February 19, 2002.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation

Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2001-SW-51-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: [9-asw-adcomments@faa.gov](mailto:9-asw-adcomments@faa.gov).

The service information referenced in this AD may be obtained from Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, Stratford, Connecticut 06614, phone (203) 386-3001, fax (203) 386-5983. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Solomon Hecht, Aviation Safety Engineer, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, MA 01803, telephone (781) 238-7159, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** This amendment adopts a new AD for Sikorsky Model S-76B and S-76C helicopters. This action requires modifying the electrical power distribution system by changing the source of the 28 volts electrical power supplied to Nos. 1 and 2 AHRS WARN circuits. This amendment is prompted by ground testing of a Sikorsky Model S-76B helicopter which simulated loss of the essential bus by pulling both bus tie circuit breakers and switching off both batteries. As a result of this action, both autopilots went off-line. This condition, if not corrected, could result in an unintended AHRS fail signal to both autopilots due to failure of the essential bus, loss of autopilot functions, and subsequent loss of control of the helicopter.

The FAA has reviewed Sikorsky Alert Service Bulletin No. 76-34-7A (320A), Revision A, dated September 17, 2001 (ASB). The ASB describes procedures for modifying the electrical power distribution system to prevent an AHRS fail signal to the autopilots by changing the source of the 28 volts supplied to Nos. 1 and 2 AHRS WARN circuits. The essential bus currently supplies both Nos. 1 and 2 AHRS WARN circuits. If this essential bus failed, the AHRS WARN circuits would generate an AHRS fail signal which would cause both autopilots to go off-line. The modification specified in the ASB changes the 28 volt electrical power source to the AHRS WARN circuits so that one of the two autopilots will

remain on-line after an essential bus failure.

We have identified an unsafe condition that is likely to exist or develop on other Sikorsky Model S76-B and S-76C helicopters of this same type design. Therefore, this AD is being issued to prevent an AHRS fail signal to both autopilots, loss of autopilot functions, and subsequent loss of control of the helicopter. This AD requires modifying the AHRS WARN circuits so that one of the two autopilots will remain on-line should the essential bus fail. The actions must be accomplished in accordance with the ASB described previously. The short compliance time involved is required because the previously described critical unsafe condition can adversely affect the controllability of the helicopter. Therefore, modifying the AHRS is required within 30 days and this AD must be issued immediately.

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

The FAA estimates that 20 of the helicopters affected by this AD are on the U.S. register, that it will take approximately 5 work hours to install the modification kit, and that the average labor rate is \$60 per work hour. The manufacturer states in the ASB that the required modification kit will be provided at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$6000.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2001-SW-51-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have a substantial direct effect 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, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. 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 Rules Docket. A copy of it, if filed, may be obtained from 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 part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

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

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

### § 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**2001-25-06 Sikorsky Aircraft Corporation:** Amendment 39-12559. Docket No. 2001-SW-51-AD.

**Applicability:** Model S-76B helicopters, serial numbers (S/N) 760430, 760441 through 760445, 760448 through 760452, 760454, 760455, 760458, 760462, and 760465, and Model S-76C helicopters, S/N 760420, 760436, 760438, 760440, 760453, 760456, 760457, 760459, 760460, 760461 760463, 760464, 760466 through 760487, certificated in any category.

**Note 1:** This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required within 30 days after the effective date of this AD, unless accomplished previously.

To prevent an attitude and heading reference (AHRS) fail signal to both autopilots due to a failure of the essential bus, loss of both autopilot functions, and subsequent loss of control of the helicopter, accomplish the following:

(a) Modify Nos. 1 and 2 AHRS WARN circuits in accordance with the Accomplishment Instructions, paragraphs 3.A. through 3.D, of Sikorsky Aircraft Corporation Alert Service Bulletin No. 76-34-7A (320A), Revision A, dated September 17, 2001.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Boston Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston Aircraft Certification Office.

(c) Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished.

(d) The modification shall be done in accordance with the Accomplishment Instructions, paragraphs 3.A. through 3.D., of Sikorsky Aircraft Corporation Alert Service

Bulletin No. 76-34-7A (320A), Revision A, dated September 17, 2001. 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 Sikorsky Aircraft Corporation, Attn: Manager, Commercial Tech Support, 6900 Main Street, Stratford, Connecticut 06614, phone (203) 386-3001, fax (203) 386-5983. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on January 4, 2002.

Issued in Fort Worth, Texas, on November 29, 2001.

**David A. Downey,**

*Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 01-31039 Filed 12-19-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF COMMERCE

### Office of the Secretary

#### 15 CFR Parts 4, 4a and 4b

[Docket No. 990723201-1208-02]

**RIN: 0605-AA14**

### Public Information, Freedom of Information and Privacy

**AGENCY:** Department of Commerce.

**ACTION:** Final rule.

**SUMMARY:** This document sets forth revisions of Department of Commerce (Department) regulations regarding the Freedom of Information Act (FOIA), Privacy Act (PA),<sup>1</sup> and declassification and public availability of national security information. The revisions implement the Electronic Freedom of Information Act (EFOIA) Amendments of 1996 and Executive Order 12958, include an updated duplication fee, and streamline, clarify, and update the regulations.

**DATES:** Effective December 20, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andrew W. McCready, 202-482-8044.

**SUPPLEMENTARY INFORMATION:** On May 31, 2000, the Department published a proposed rule (65 FR 34606) to revise its existing FOIA and PA regulations, and to add new provisions to implement the Electronic Freedom of Information Act (EFOIA) Amendments of 1996 (Pub. L. 104-231). Interested persons were

<sup>1</sup> The Department intends to comprehensively update its Privacy Act systems of records, and related provisions in its PA regulations, in a future Notice of Proposed Rulemaking.

invited to submit written comments on the proposed rule. The Department received one set of comments. After due consideration of the comments, the Department has adopted several of the modifications the commenter recommended, and has made numerous other minor revisions to its proposed rule for clarity. The Department is also increasing the duplication charge from the \$.15 announced in the proposed rule (the current charge is \$.07) to \$.16 per page, to reflect an increase in copying costs since the issuance of the proposed rule.

### Discussion of Comments

The comments received were submitted by Public Citizen and the Freedom of Information Clearinghouse, and are addressed below.

(1) The commenter recommended deleting from § 4.2(b)<sup>2</sup> the highlighted phrase in the statement: "Components shall also make public inspection facility records created by the Department on or after November 1, 1996 available electronically through the Department's 'FOIA Home Page' link found at the Department's World Wide Web site." The recommended change is more consistent with the FOIA than is the proposed language above, and thus the Department has deleted the highlighted phrase.

(2) The commenter recommended changing the cut-off date in § 4.5(a) for determining records responsive to a request from the date the request is received to the date that processing of the request begins. Many of the requests the Department receives require a search to be conducted in more than one of its components. Implementing the commenter's recommendation could create confusion about such requests involving multiple components, because each component could begin processing the request on a different date, and thus have a different cut-off date. Further, the Department's cut-off date is consistent with the Supreme Court's requirement that for records to be "agency records" subject to the FOIA, the agency must be in control of them at the time the FOIA request is made. *Department of Justice v. Tax Analysts*, 492 U.S. 136, 145 (1989). Implementing the commenter's recommendation could also create uncertainty with regard to determining what records are responsive to the request, and preventing their inadvertent disposition between the time the request is received and processing begins. That is, components could be placed in a situation in which

<sup>2</sup> Section 4.2(b) in the proposed rule is § 4.2(c) in the final rule set forth below.