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DEPARTMENT OF ENERGY

10 CFR Part 440

[Docket No. DOE-EERE-OT-2010-0004]

RIN 1904-AC16

Weatherization Assistance for Low-Income Persons: Maintaining the Privacy of Applicants for and Recipients of Services

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: The U.S. Department of Energy (DOE) published an interim final rule on March 11, 2010, requiring that all States and other service providers that participate in the Weatherization Assistance Program (WAP) treat all requests for information concerning applicants and recipients of WAP funds in a manner consistent with the Federal Government's treatment of information requested under the Freedom of Information Act (FOIA). DOE is today adopting the interim final rule as final without change.

DATES: This rule is effective July 7, 2010.

FOR FURTHER INFORMATION CONTACT: Robert Adams, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Weatherization Assistance Program, EE-2K, 950 L'Enfant Plaza, SW., Room P201D, Washington, DC 20585-0121, (202) 287-1591, e-mail: robert.adams@ee.doe.gov.
Bryan Miller, Esq., U.S. Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-8627.

SUPPLEMENTARY INFORMATION:

I. Background and Authority

Title IV, Energy Conservation and Production Act, as amended, authorizes DOE to administer the WAP. All grant

awards made under this program must comply with applicable authorities, including regulations contained in Title 10 of the Code of Federal Regulations (10 CFR) part 440.

II. Discussion

On March 11, 2010, DOE published an interim final rule requiring all States and other service providers that participate in the WAP to treat all requests for information concerning applicants and recipients of WAP funds in a manner consistent with the Federal Government's treatment of information requested under the Freedom of Information Act (FOIA), 5 U.S.C. 552, including the privacy protections contained in Exemption (b)(6) of the FOIA, 5 U.S.C. 552(b)(6), 75 FR 11419. The background and explanation of the interim final rule was set out in that March 11 publication. The comment period for that interim final rule closed on April 12, 2010. DOE received one comment letter, the substance of which is set forth, with responses, below:

Comment: Rule 10 CFR 440.2(e) should state that participant name and address information has a substantial privacy interest under FOIA Exemption (b)(6) because disclosure of such information would reveal the income status of the participant.

Response: The interim final rule includes the following language in its amendment to 10 CFR 440.2: "Under 5 U.S.C. 552(b)(6) [the codification of FOIA Exemption (b)(6)], information relating to an individual's eligibility application or the individual's participation in the program, such as name, address, or income information, are generally exempt from disclosure." 75 FR 11422. DOE believes that this existing language is sufficient to satisfy the suggestion in this comment.

Comment: Rule 10 CFR 440.2(e) should state that the FOIA (b)(6) balancing test should include the consideration of alternatives to disclosure of identifying information that could address the public interest without compromising the privacy of WAP participants.

Response: The interim final rule states, "[g]iven a legitimate, articulated public interest in the disclosure, States and other service providers may release information regarding recipients in the aggregate that does not identify specific individuals * * *. Pursuant to FOIA Exemption (b)(6), records that contain

personal information including but not limited to, names, addresses, and income information, are generally exempt from disclosure." 75 FR 11420. DOE believes that this existing language, and the FOIA (b)(6) language found at 5 U.S.C. 552(b)(6), adequately addresses the suggestion in this comment.

Comment: DOE should include in the final rule examples of actual or hypothetical FOIA requests as guidance to illustrate how DOE would apply the FOIA (b)(6) balancing test.

Response: DOE believes that speculating on the FOIA (b)(6) outcome of a given hypothetical situation would not provide much assistance to WAP providers. The public interest involved and the appropriate balance struck will depend on the facts of any given situation.

Comment: DOE should ask States and other service providers to voluntarily submit the results of FOIA (b)(6) balancing test decisions, so that DOE can maintain and provide access to a repository of those decisions for reference by other WAP providers.

Response: DOE believes that compiling such decisions is unnecessary, creates an additional paperwork burden on WAP providers and the Agency, and might require DOE to establish a Privacy Act System of Records.

Because the suggestions in comments (1) and (2) are already incorporated in the interim final rule, and because DOE declines to adopt the suggestions in comments (3) and (4), DOE is today adopting the interim final rule as final without change.

III. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

Today's regulatory action is a "significant regulatory action" under section 3(f) of Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993). Accordingly, this action was subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget.

B. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of today's rule before its effective date. The report will state that it has been

determined that the rule is not a "major rule" as defined by 5 U.S.C. 804(2).

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 440

Administrative practice and procedure, Aged, Energy conservation, Grant programs—energy, Grant programs—housing and community development, Housing standards—Indians, Individuals with disabilities, Reporting and recordkeeping requirements, Weatherization.

Issued in Washington, DC, on May 28, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

PART 440—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS

■ Accordingly, the interim final rule amending 10 CFR part 440 which was published at 75 FR 11419 on March 11, 2010, is adopted as a final rule without change.

[FR Doc. 2010-13594 Filed 6-4-10; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2009-1033; Directorate Identifier 2009-NM-104-AD; Amendment 39-16326; AD 2010-12-05]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc. Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes, Model CL-600-2D15 (Regional Jet Series 705) Airplanes, and Model CL-600-2D24 (Regional Jet Series 900) Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding an existing airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Following in-flight test deployments on CL-600-2B19 aircraft, several Air-Driven generators (ADGs) failed to come online. Investigation revealed that, as a result of a wiring anomaly that had not been detected during ADG manufacture, a short circuit was possible between certain internal wires and their metallic over-braided shields, which could result in the ADG not providing power when deployed. * * *

The unsafe condition is failure of the ADG, which could lead to loss of several functions essential for safe flight. We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective July 12, 2010.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of April 30, 2009 (74 FR 13094, March 26, 2009).

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Fabio Buttitta, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE-171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228-7303; fax (516) 794-5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on November 5, 2009 (74 FR 57268), and proposed to supersede AD 2009-06-18, Amendment 39-15855 (74 FR 13094, March 26, 2009). You may obtain further information by examining the MCAI in the AD docket.

Since we issued AD 2009-06-18, we have received notice that additional suspect air-driven generators may have been installed between the effective date of Canadian Airworthiness Directive CF-2008-10, dated February 5, 2008, and the effective date of the equivalent FAA AD, AD 2009-06-18. Therefore, we have determined that the actions required by paragraph (f)(1) of AD 2009-06-18 are also required for Model CL-600-2C10 airplanes having serial numbers 10266 through 10273 inclusive, and Model CL-600-2D15 and CL-600-2D24 airplanes having serial

numbers 15163 through 15223 inclusive.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Support for the NPRM

The Air Line Pilots Association, International (ALPA) supports the intent of the NPRM.

Request To Allow Previously Approved AMOCs

American Eagle Airlines (American Eagle) requests that we allow alternative methods of compliance (AMOCs) previously approved for AD 2009-06-18. American Eagle states that including a statement allowing previously approved AMOCs will prevent the need for duplicate requests for the same issue.

We agree with the commenter's request. We have determined that AMOCs previously approved for AD 2009-06-18 are acceptable for compliance with the corresponding requirements of this AD. We have added a statement to paragraph (h)(1) of this AD to allow AMOCs approved previously in accordance with AD 2009-06-18.

Explanation of Change Made to This AD

We have revised this AD to identify the legal name of the manufacturer as published in the most recent type certificate data sheet for the affected airplane models.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes do not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have required different actions in this AD from those in the