

prevent engine shaft failure and propeller detachment, which could result in damage to the glider and injury to persons on the ground.

#### (f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) through (f)(4) of this AD.

(1) As of November 25, 2013 (the effective date retained from AD 2013–22–14), do not operate the engine unless the engine is modified following instructions that are approved by the FAA specifically for AD 2013–22–14. Contact the FAA office identified in paragraph (g)(1) of this AD to get more information about obtaining such instructions.

(2) As of November 25, 2013 (the effective date retained from AD 2013–22–14), place a copy of AD 2013–22–14 or this AD into the Limitations section of the aircraft flight manual (AFM).

(3) To remove the prohibited engine operation requirement in paragraph (f)(1) of this AD, modify the engine as specified in the Actions paragraph of Solo Kleinmotoren GmbH Technische Mitteilung Service Bulletin Nr. 4603–14, dated April 28, 2014, unless already modified with FAA-approved instructions as specified in paragraph (f)(1) of this AD.

**Note 1 to paragraph (f)(3) of this AD:** This service information contains German to English translation. The European Aviation Safety Agency (EASA) used the English translation in referencing the document. For enforceability purposes, we will refer to the Solo Kleinmotoren GmbH service information as the title appears on the document.

(4) Prior to further flight after modifying the engine as specified in paragraph (f)(1) or paragraph (f)(3) of this AD, remove the engine operation restriction (copy of AD 2013–22–14) from the Limitations section of the AFM.

#### (g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: [jim.rutherford@faa.gov](mailto:jim.rutherford@faa.gov). Before using any approved AMOC on any glider to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

#### (h) Related Information

Refer to MCAI EASA AD No.: 2013–0217R1, dated May 5, 2014, for related information. You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2013–0929. For service information related to this AD, contact Solo Kleinmotoren GmbH, Postfach 60 01 52, D 71050 Sindelfingen, Germany; telephone: +49 07031–301–0; fax: +49 07031–301–136; email: [aircraft@solo-germany.com](mailto:aircraft@solo-germany.com); Internet: <http://aircraft.solo-online.com>. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on June 19, 2014.

**Timothy Smyth,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

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**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2013–0742; Directorate Identifier 2013–CE–012–AD]

RIN 2120–AA64

#### Airworthiness Directives; Piper Aircraft, Inc.

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This document withdraws a notice of proposed rulemaking (NPRM) that would have applied to certain Piper Aircraft, Inc. Models PA–28–140, PA–28–150, PA–28–160, PA–28–180, PA–28R–180, and PA–28R–200 airplanes. The proposed airworthiness directive (AD) would have superseded AD 71–21–08, Amendment 39–1312, which currently requires replacement of the fuel selector valve cover. This proposed AD would have added additional airplanes to the AD’s applicability section and changed the compliance time of the required actions. Since issuance of the NPRM, the FAA has re-evaluated this airworthiness concern and determined that an unsafe condition does not exist that would warrant AD action. This withdrawal does not prevent the FAA from initiating future rulemaking on this subject.

**DATES:** As of June 27, 2014, the proposed rule published August 20, 2013 (78 FR 51121), is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Gary Wechsler, Aerospace Engineer, Atlanta Aircraft Certification Office, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; telephone: (404) 474–5575; fax: (404) 474–5606; email: [gary.wechsler@faa.gov](mailto:gary.wechsler@faa.gov).

#### 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 Piper Aircraft, Inc. Models PA–28–140, PA–28–150, PA–28–160, PA–28–180, PA–28R–180, and PA–28R–200 airplanes. That NPRM published in the **Federal Register** on August 20, 2013 (78 FR 51121). That NPRM proposed to supersede AD 71–21–08, Amendment 39–1312 (36 FR 19572, October 8, 1971), by adding airplanes to and changing the compliance time of AD 71–21–08 fuel selector valve cover replacement requirements.

Because of the comments received on the NPRM (78 FR 51121, August 20, 2013), the FAA re-evaluated the data collected on the safety concern and concluded that:

- There was evidence of pilot inexperience and an absence of fuel selector valve maintenance (in accordance with Piper Service Bulletin 355, dated June 5, 1972) in the Piper PA–28–180 crash of December 28, 2011; and

- The low frequency of PA–28 series safety events due to the inadvertent selection of the “OFF” position of fuel selector valves, since AD 71–21–08 was published on October 13, 1971, does not warrant AD action.

To mitigate the safety concern from recurring, the FAA may take other airworthiness action such as a special airworthiness information bulletin (SAIB) to recommend the actions contained in the proposed rule and capture the concerns identified by the public during the NPRM (78 FR 51121, August 20, 2013) comment period.

Withdrawal of this NPRM (78 FR 51121, August 20, 2013) constitutes only such action and does not preclude the agency from issuing future rulemaking on this issue, nor does it commit the agency to any course of action in the future.

#### Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

**List of Subjects in 14 CFR Part 39**

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

**The Withdrawal**

Accordingly, the notice of proposed rulemaking (NPRM), FAA–2013–0742, published in the **Federal Register** on August 20, 2013 (78 FR 51121), is withdrawn.

Issued in Kansas City, Missouri, on June 19, 2014.

**Timothy Smyth,**

*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2014–15139 Filed 6–26–14; 8:45 am]

**BILLING CODE 4910–13–P**

**SECURITIES AND EXCHANGE COMMISSION****17 CFR Part 200**

[Release No. 34–72440; File No. S7–07–14]

RIN 3235–AL58

**Freedom of Information Act Regulations: Fee Schedule, Addition of Appeal Time Frame, and Miscellaneous Administrative Changes**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Securities and Exchange Commission (“Commission” or “SEC”) is publishing for comment proposed amendments to the Commission’s regulations under the Freedom of Information Act (“FOIA”) to allow the Commission to collect fees that reflect its actual costs, add an appeals time frame that will create a more practical and systematic administrative process and clarify other issues in the regulations. The proposed amendments provide a formula for fees charged to FOIA requesters; incorporate a time frame in which a FOIA requester must file an appeal in the event a request or a portion thereof is denied; allow for submission of FOIA appeals by email or facsimile; and allow the Office of FOIA Services to issue responses to FOIA requests indicating that no records were located.

**DATES:** Comments should be received by July 28, 2014.

**ADDRESSES:** Comments may be submitted by any of the following methods:

**Electronic Comments**

- Use the Commission’s Internet comment form <http://www.sec.gov/rules/proposed.shtml>;

- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number S7–07–14 on the subject line; or

- Use the Federal eRulemaking Portal (<http://www.regulations.gov>). Follow the instructions for submitting comments.

**Paper Comments**

- Send paper comments to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number S7–07–14. This file number should be included on the subject line if email is used. To help us process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s Internet Web site (<http://www.sec.gov/rules/proposed.shtml>). Comments are also available for Web site viewing and printing in the Commission’s Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** John Livornese, FOIA/PA Officer, Office of FOIA Services, (202) 551–3831; Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–5041.

**SUPPLEMENTARY INFORMATION:****1. Purpose**

The Commission is proposing to amend its FOIA regulations at 17 CFR 200.80 and 17 CFR 200.80e.

**A. Proposed Changes to Fee Regulations**

The fees the Commission charges for searching, reviewing, and duplicating records pursuant to FOIA requests are currently set forth in 17 CFR 200.80e, Appendix E—Schedule of fees for records services. The Commission believes it is appropriate to update its fee schedule for searching and reviewing records in accordance with Uniform Freedom of Information Act Fee Schedule and Guidelines promulgated by the Office of Management and Budget.<sup>1</sup>

The OMB Guidelines, in complying with the Freedom of Information Reform Act of 1986, require that each agency’s fees be based upon its “direct reasonable operating costs of providing FOIA services.”<sup>2</sup> The guidelines state

that “[a]gencies should charge fees that recoup the full allowable direct costs they incur.”<sup>3</sup>

OMB recognized that costs would necessarily vary from agency to agency and directed that each agency promulgate regulations specifying the charges for search, review, and duplication. The OMB Guidelines state that “agencies should charge at the salary rate[s] [i.e. basic pay plus 16 percent] of the employee[s] making the search” or, “where a homogeneous class of personnel is used exclusively . . . agencies may establish an average rate for the range of grades typically involved.”<sup>4</sup>

The Commission’s current regulation contains set rates for FOIA request search and review activities: \$16/hour for grade 11 and below; and \$28/hour for grade 12 and above. The Commission is proposing to revise its regulation to reflect the formula contained in the OMB Guidelines (basic pay plus 16 percent) rather than setting forth a fixed price. Moreover, the proposed regulation provides that the Commission will establish a representative rate for each of the three different groups of grades typically involved: Personnel in grades SK 8 or below; personnel in grades SK 9 to 13; and personnel in grades SK 14 or above.<sup>5</sup> The Commission’s Web site will contain current rates for search and review fees for each class. The rates will be updated as salaries change and will be determined by using the formula in the regulation. For the current calendar year, the fees would be assessed as follows: SK–8 or below: \$29/hour; SK–9 to 13: \$61/hour; and SK–14 or above: \$89/hour.<sup>6</sup>

In connection with this revision, the Commission is also proposing to remove the first sentence of 17 CFR 200.80(e)(1) which provides that up to one-half hour of staff time devoted to searching for and reviewing Commission records will

<sup>3</sup> *Id.* at 10018.

<sup>4</sup> *Id.*

<sup>5</sup> As per the OMB Guidelines, fees for searches of computerized records will continue to be based on the actual cost to the Commission which includes machine and operator time. 17 CFR 200.80(e)(9)(i).

<sup>6</sup> The SK–8 and below rate is estimated using the maximum and minimum annual salary of a Washington, DC-based SK–6 staffer. For 2014 this is  $[(\$41,619 + \$63,307)/2][1/2087 \text{ hours per year}][1.16 \text{ OMB markup factor}] = \$29 \text{ per hour}$ . Similarly, the SK–9 through SK–13 category is estimated by using the max and min annual salary of a Washington, DC-based SK–12 staffer, who typically does most of the work of a FOIA request. For 2014 this is  $[(\$82,037 + \$138,211)/2][1/2087 \text{ hours/year}][1.16 \text{ OMB markup factor}] = \$61/\text{hour}$ . Finally, the SK–14 and above category is estimated by using the max and min salary of a Washington, DC-based SK–15 supervisor. For 2014 this is  $[(\$118,743 + \$200,033)/2][1/2087 \text{ hours per year}][1.16 \text{ OMB markup factor}] = \$89/\text{hour}$ .

<sup>1</sup> See 52 FR 10011 (March 27, 1987).

<sup>2</sup> *Id.* at 10015.