

into law the Electronic Freedom of Information Act (FOIA) Amendments of 1996. The FOIA amendments permit agencies to promulgate regulations providing for "multitrack" processing of FOIA requests. This establishes two separate tracks for FOIA requests. One track would contain more comprehensive requests (e.g., for complete file disclosure) and would be processed at the ordinary rate, whereas the second track would contain less burdensome requests and would be processed more quickly. This track (priority disclosure) will be reserved for hearing tape requests and requests for not more than two documents (e.g., the hearing summary and/or a presentence report). (Where multiple hearings are conducted before a decision is rendered, such hearings will be treated as a single hearing when a request is made for tape recordings.) The Commission is proposing to revise its regulations to include such multitrack processing.

Further, the amendments require agencies to promulgate regulations that provide for expedited processing of certain types of requests. The Commission is adopting the language of the amendments regarding expedited processing for cases demonstrating "compelling need." Although the amendments to the FOIA allow the Commission to define other cases which demonstrate compelling need, the Commission is not doing so because the majority of its FOIA requesters are federal inmates and parolees, and the Parole Commission Reorganization Act (PCRA) provides these sentenced offenders with a legally sufficient opportunity for disclosure prior to all types of parole hearings, independently of the FOIA. See 18 U.S.C. 4208 and 28 CFR 2.55.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this proposed rule is not a significant rule within the meaning of Executive Order 12866, and the proposed rule has, accordingly, not been reviewed by the Office of Management and Budget. The proposed rule, if adopted, will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

The Proposed Amendment

Accordingly, the U.S. Parole Commission proposes the following amendment to 28 CFR Part 2.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. Section 2.56 is proposed to be amended by adding a new paragraph (b)(1), adding and reserving paragraph (b)(2), and by adding a new paragraph (i). These new provisions read as follows:

§ 2.56 Disclosure of Parole Commission regional office file.

* * * * *

(b) Scope of disclosure. * * *

(1) Requests that are only for a copy of the tape recording of a hearing will be processed ahead of requests seeking multiple documents from the regional office file (priority processing). A requester may limit the scope of the request to a tape recording only (or to a tape recording and/or up to two documents) and thereby qualify for priority processing. For example, a request for the tape recording and the examiner's summary of a hearing qualifies for priority processing.

(2) [Reserved]

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(i) *Expedited processing of Requests.*

(1) The Commission will provide expedited processing of a request when a requester has demonstrated a compelling need as defined in this section and has presented a statement certified by such person to be true and correct to the best of such person's knowledge and belief. A requester may demonstrate "compelling need" by establishing one of the following:

(i) that failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity.

(2) A determination as to whether to provide expedited processing shall be made within ten days after the date of the request. However, the fact of lawful imprisonment in a correctional facility or revocation of parole shall not be deemed to pose an imminent threat to the life or physical safety of an individual. The Commission shall process as soon as practicable any

request for records to which it has granted expedited processing. An administrative appeal of a denial of expedited processing may be made to the Chairman of the Commission within thirty days from the date of notice denying expedited processing.

Dated: July 21, 1997.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 4

RIN 1024-AC63

Safety Belt Use Within the National Park System

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing to amend its regulations concerning safety belt use within units of the NPS. Currently, the NPS has regulations requiring seat belt use by the operator and each front seat passenger. On April 16, 1997, President Clinton signed Executive Order 13043 directing the NPS to promulgate regulations that require all occupants of motor vehicles to use safety belts or child restraint devices at all times within units of the NPS when the vehicle is in motion.

DATES: Written comments will be accepted until September 26, 1997.

ADDRESSES: Comments should be addressed to: Ranger Activities Division, Suite 7408, National Park Service, 1849 C Street, NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Dennis Burnett, Ranger Activities Division, National Park Service, at (202) 208-4874.

SUPPLEMENTARY INFORMATION:

Background

The NPS administers 375 areas throughout the country under the broad statutory mandates to promote and regulate their use; to conserve the scenery, the natural and cultural objects and the wildlife therein; and to provide for their enjoyment in such manner as will leave them unimpaired for the enjoyment of future generations. Although the nearly 300 million annual visitors to the National Park System use a variety of access methods, the vast majority rely on motor vehicles and roadways to reach park areas and to

circulate within them. Consequently, the NPS has major responsibilities and program involvement in the areas of road construction and maintenance, traffic safety and traffic law enforcement.

The NPS currently administers over 8,000 miles of roads within the National Park System that are open to the public. These 8,000 miles compare in magnitude to the State of Arizona's state road system, except that they are scattered throughout the United States and its territories. There is great variety in the nature and extent of park roads, ranging from very short lengths of unpaved secondary roadways, to well-developed road systems complete with spur roads, parking areas and overlooks, to parkways running for hundreds of miles through several States, to parkways used primarily as commuter routes in the Washington, DC area. In addition, many park areas contain State and/or county highways and roads over which the NPS may exercise varying degrees of jurisdiction.

On December 13, 1989, the NPS promulgated a final rule (36 CFR 4.15) concerning the use of safety belts (54 FR 51199). That rule requires the operator of a motor vehicle and each front seat passenger to wear a safety belt at all times when the vehicle is in motion, unless (1) the vehicle was not originally equipped by the manufacturer with a safety belt or (2) the operator or front seat passenger has a medical condition that prevents the use of a safety belt. The regulation is applicable in park areas located within States that do not have a mandatory seatbelt law in effect and can be enforced only when another traffic violation had occurred. The regulation is implemented primarily through signing, text in brochures and incidental public contact.

Executive Order 13043, signed by President Clinton on April 16, 1997 (62 FR 19217, April 18, 1997), directed the NPS to propose rules and take other appropriate measures within their existing programs to further the use of safety belts in the national parks. This includes, but is not limited to, conducting education, awareness and other appropriate programs about the importance of wearing safety belts and the consequences of not wearing them. In addition, the NPS is directed to initiate rulemaking to consider regulatory changes with respect to enhanced safety belt use requirements and standard (primary) enforcement of such requirements in park areas and to widely publicize and actively enforce such regulations. Under the proposed rule, each operator and passenger occupying any seating position of a

motor vehicle in a park area, whose seat is equipped with a seat belt or child restraint system, shall have the seat belt or child restraint system properly fastened at all times when the vehicle is in motion. Primary enforcement means that a motor vehicle may be stopped when the operator or any occupant is not wearing their seatbelt. The proposed rule would not require another traffic violation to occur before the vehicle may be stopped. The seatbelt regulation in this rulemaking is intended to apply in all NPS areas.

The President, the Department of the Interior and the NPS strongly support the use of appropriate restraint systems by all motor vehicle occupants and view the potential reduction in personal injuries and fatalities that might result from the promulgation of this regulation as highly desirable. The benefits of wearing seatbelts have been documented extensively.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review all comments and consider making changes to the rule based upon analysis of the comments.

Drafting Information

The primary author of this rule is Dennis Burnett, Ranger Activities Division, National Park Service, Washington, D.C. 20240.

Paperwork Reduction Act

This rulemaking does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

This rule was not subject to Office of Management and Budget review under Executive Order 12866. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The economic effects of this rulemaking are negligible.

NPS has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rule will not impose a cost of \$100 million or more in any given year on local, State or tribal governments or private entities.

The NPS has determined that this rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) introduce incompatible uses which compromise the nature and characteristics of the area or cause physical damage to it;

(c) conflict with adjacent ownership or land uses; or

(d) cause a nuisance to adjacent owners or occupants.

Based on this determination, this rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6 (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 4

National parks, Traffic regulations.

In consideration of the foregoing, 36 CFR Chapter I is proposed to be amended as follows:

PART 4—VEHICLES AND TRAFFIC SAFETY

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

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

2. Section 4.15 is revised to read as follows:

§ 4.15 Safety belts.

(a) Each operator and passenger occupying any seating position of a motor vehicle in a park area will have the safety belt or child restraint system properly fastened at all times when the vehicle is in motion. The safety belt and child restraint system will conform to applicable United States Department of Transportation standards.

(b) This section does not apply to an occupant in a seat that was not originally equipped by the manufacturer with a safety belt nor does it apply to anyone with a medical condition that prevents restraint by a safety belt or other occupant restraining device.

Dated: July 1, 1997.

Joseph E. Doddridge,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

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