

which could result in reduced structural integrity of the empennage.

#### Actions That Occurred Since the NPRM Was Issued

Since the issuance of that NPRM, the FAA has received a comment from Galaxy Aerospace Company indicating that the replacement of the fasteners in the aft pickup fittings of the horizontal stabilizers has been accomplished on all the affected airplanes. Therefore, Galaxy requested the FAA to withdraw the proposed rule.

#### FAA's Conclusions

The FAA agrees that there is no need to issue the proposed AD, if all of its requirements have already been accomplished. The FAA, therefore, withdraws the proposed AD.

Withdrawal of this NPRM constitutes only such action, and does not preclude the agency from issuing another notice in the future, nor does it commit the agency to any course of action in the future.

#### Regulatory Impact

Since this action only withdraws a 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, Safety.

#### The Withdrawal

Accordingly, the notice of proposed rulemaking, Docket 2000–NM–201–AD, published in the **Federal Register** October 30, 2000 (65 FR 64631), is withdrawn.

Issued in Renton, Washington, on April 16, 2001.

**Donald L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*  
[FR Doc. 01–9880 Filed 4–20–01; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF JUSTICE

### 28 CFR Part 16

[AAG/A Order No. 228–2001]

#### Privacy Act of 1974; Implementation

**AGENCY:** Department of Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Justice (DOJ), Joint Automated Booking System (JABS) Program Office proposes to

establish its new Privacy Act regulations. The DOJ proposes to exempt a new Privacy Act system of records entitled, “Nationwide Joint Automated Booking System (JABS), DOJ–005” from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (4)(G) and (H), (e)(5) and (8), (f) and (g) of the Privacy Act (5 U.S.C. 552a), pursuant to 552a(j)(2) and (k)(2). Information in this system of records relates to matters of law enforcement, and the exemptions are necessary to avoid interference with law enforcement responsibilities and to protect the privacy of third parties. The reasons for the exemptions are set forth in the text below.

**DATES:** Submit any comments by May 23, 2001.

**ADDRESSES:** Address all comments to Mary Cahill, Management Analyst, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

**FOR FURTHER INFORMATION CONTACT:** Mary Cahill, (202) 307–1823.

**SUPPLEMENTARY INFORMATION:** In the notice section of today’s **Federal Register**, the Department of Justice provides a description of this system of records.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have “a significant economic impact on a substantial number of small entities.”

#### List of Subjects in Part 16

Administrative Practices and Procedure, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Dated: April 9, 2001.

**Janis A. Sposato,**

*Acting Assistant Attorney General for Administration.*

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, it is proposed to amend 28 CFR part 16, as follows.

#### PART 16—[AMENDED]

1. The authority for part 16 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 901.

2. It is proposed to add § 16.131 to read as follows:

#### § 16.131 Exemption of Department of Justice (DOJ)/Nationwide Joint Automated Booking System (JABS), DOJ–005.

(a) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e)(1), (2), (3), (4) (G) and (H), (e)(5) and (8), (f) and (g): Nationwide Joint Automated Booking System, Justice/DOJ–005. These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). Where compliance would not interfere with or adversely affect the law enforcement process, the DOJ may waive the exemptions, either partially or totally.

(b) Exemption from the particular subsections are justified for the following reasons:

(1) From subsections (c)(3), (c)(4), and (d) to the extent that access to records in this system of records may impede or interfere with law enforcement efforts, result in the disclosure of information that would constitute an unwarranted invasion of the personal privacy of collateral record subjects or other third parties, and/or jeopardize the health and/or safety of third parties.

(2) From subsection (e)(1) to the extent that it is necessary to retain all information in order not to impede, compromise, or interfere with law enforcement efforts, e.g., where the significance of the information may not be readily determined and/or where such information may provide leads or assistance to federal and other law enforcement agencies in discharging their law enforcement responsibilities.

(3) From subsection (e)(2) because, in some instances, the application of this provision would present a serious impediment to law enforcement since it may be necessary to obtain and verify information from a variety of sources other than the record subject to ensure safekeeping, security, and effective law enforcement. For example, it may be necessary that medical and psychiatric personnel provide information regarding the subject’s behavior, physical health, or mental stability, etc. to ensure proper care while in custody, or it may be necessary to obtain information from a case agent or the court to ensure proper disposition of the subject individual.

(4) From subsection (e)(3) because the requirement that agencies inform each individual whom it asks to supply information of such information as is required by subsection (e)(3) may, in some cases, impede the information gathering process or otherwise interfere with or compromise law enforcement efforts, e.g., the subject may deliberately

withhold information, or give erroneous information.

(5) From subsection (4) (G) and (H) because the application of these provisions would present a serious impediment to law enforcement efforts.

(6) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance and the accuracy of such information can only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability to collect information for law enforcement purposes, may prevent the eventual development of the necessary criminal intelligence, or otherwise impede law enforcement or delay trained law enforcement personnel from timely exercising their judgment in managing the arrestee.

(7) From subsection (e)(8) to the extent that such notice may impede, interfere with, or otherwise compromise law enforcement and security efforts.

(8) From subsection 5 U.S.C. 552a(f) to the extent that compliance with the requirement for procedures providing individual access to records could impede, compromise, or interfere with law enforcement efforts.

(9) From subsection (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d).

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## DEPARTMENT OF LABOR

### Employment Standards Administration, Wage and Hour Division

#### 29 CFR Part 552

RIN 1215-AA82

#### Application of the Fair Labor Standards Act to Domestic Service

**AGENCY:** Wage and Hour Division, Employment Standards Administration, Labor.

**ACTION:** Proposed rule; reopening and extension of comment period.

**SUMMARY:** This document reopens and extends the period for filing written comments on proposed revisions to regulations under the Fair Labor Standards Act (FLSA) pertaining to the exemption for companionship services

in 29 CFR Part 552, which were published in the **Federal Register** on January 19, 2001 (66 FR 5481). The Department is continuing to consider this proposal, and is taking this action in order to obtain additional comments from interested parties.

**DATES:** Comments are due on or before July 23, 2001.

**ADDRESSES:** Submit written comments to Thomas M. Markey, Acting Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Attention: Fair Labor Standards Team, Room S-3516, 200 Constitution Avenue NW., Washington, D.C. 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped postcard, or to submit comments by certified mail, return receipt requested. As a convenience, commenters may transmit comments by facsimile ("FAX") machine to (202) 693-1432. This is not a toll free number. If comments are transmitted by FAX and a hard copy is also submitted by mail, please indicate on the hard copy that it is a duplicate copy of the FAX transmission.

**FOR FURTHER INFORMATION CONTACT:**

Richard M. Brennan, Deputy Director, Office of Enforcement Policy, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3510, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone: (202) 693-0745. This is not a toll free number.

**SUPPLEMENTARY INFORMATION:** On January 19, 2001, the Department published a Notice of Proposed Rulemaking (66 FR 5481) (NPRM) inviting public comments for 60 days on proposed revisions to the regulations defining and interpreting the minimum wage and overtime exemption under section 13(a)(15) of the Fair Labor Standards Act (FLSA) for employees employed in domestic service employment to provide "companionship services" to individuals unable to care for themselves because of age or infirmity. This exemption was enacted in 1974 at the same time that Congress amended the FLSA to cover domestic service employees generally. The pertinent regulations governing this exemption have not been changed since they were promulgated in 1975. The NPRM stated that, due to significant changes in the home care industry over the last 25 years, workers who today provide in-home care to individuals needing assistance with activities of daily living are performing types of duties and

working in situations that were not envisioned when the companionship services regulations were promulgated. The number of workers providing these services has also greatly increased. In addition, the NPRM stated that the Department had reevaluated the regulations and determined that, as currently written, they exempted types of employees beyond those whom Congress intended to exempt when it enacted section 13(a)(15). Accordingly, the Department proposed to amend the regulations to revise the definition of "companionship services," which sets out the duties that a companion must be employed to perform in order to qualify for the exemption. The Department proposed three alternatives for defining companionship services that varied in the degree to which time must be spent in fellowship activities as compared to other care duties, and requested comments on all three alternatives. The Department also proposed to amend the regulations to clarify the criteria used to judge whether employees qualify as trained personnel, who are not recognized as exempt companions. Finally, the Department proposed to amend the regulations pertaining to employment by a third party. This change would make the companionship services exemption inapplicable if the worker is employed by someone other than a member of the family in whose home he or she works. It would similarly provide that the exemption for live-in domestics, who are exempt from the FLSA's overtime requirements pursuant to section 13(b)(21), would not apply if they are employed by someone other than a member of the family in whose home they reside and work. Interested parties were requested to submit written comments on the proposed revisions on or before March 20, 2001.

Because of continuing interest that has been expressed in this proposal and to address requests from interested parties, the Department believes that it is desirable to reopen and extend the comment period for all interested parties. Accordingly, the comment period for the NPRM published on January 19, 2001, is reopened and extended through July 23, 2001.

Signed at Washington, DC on this 17th day of April, 2001.

**Thomas M. Markey,**

*Acting Administrator, Wage and Hour  
Division, Employment Standards  
Administration.*

[FR Doc. 01-9959 Filed 4-20-01; 8:45 am]

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