

TABLE 6—SERVICE INFORMATION—Continued

Service bulletin	Revision	Date
Airbus Mandatory Service Bulletin A310–57–2064 .....	02 .....	December 21, 2007.

Issued in Renton, Washington on  
December 17, 2010.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 2010–32992 Filed 12–30–10; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DOD–2010–OS–0183]

### 32 CFR Part 311

### Privacy Act; Implementation

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of the Secretary of Defense is exempting those records contained in DMDC 15 DoD, entitled “Armed Services Military Accession Testing” when the record includes the specific answers submitted and the answer key. Releasing this information to the individual will compromise the objectivity or fairness of the test if the correct or incorrect answers are released.

**DATES:** Comments must be received on or before March 4, 2011 to be considered by this agency.

**ADDRESSES:** You may submit comments, identified by docket number and/or RIN number and title, by any of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, Room 3C843, 1160 Defense Pentagon, Washington, DC 20301–1160.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Cindy Allard at (703) 588–6830.

### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866, “Regulatory Planning and Review”

It has been determined that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or Tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order.

#### Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. Chapter 6)

It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

#### Public Law 95–511, “Paperwork Reduction Act” (44 U.S.C. Chapter 35)

It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

#### Section 202, Public Law 104–4, “Unfunded Mandates Reform Act”

It has been determined that this Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

### Executive Order 13132, “Federalism”

It has been determined that the Privacy Act rules for the Department of Defense do not have federalism implications. The rule does 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.

### List of Subjects in 32 CFR Part 311

Privacy.

Accordingly, 32 CFR part 311 is proposed to be amended to read as follows:

### PART 311—OFFICE OF THE SECRETARY OF DEFENSE AND JOINT STAFF PRIVACY PROGRAM

1. The authority citation for 32 CFR part 311 continues to read as follows:

**Authority:** Pub. L. 93–579, 88 Stat. 1986 (5 U.S.C. 522a).

2. Section 311.8 is amended by adding paragraph (c)(16) to read as follows:

#### § 311.8 Procedures for exemptions.

\* \* \* \* \*

(c) \* \* \*

(16) System identifier and name: DMDC 15 DoD, Armed Services Military Accession Testing.

(i) *Exemption:* Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service or military service may be exempt pursuant to 5 U.S.C. 552a (k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(d).

(ii)

**Authority:** 5 U.S.C. 552a(k)(6).

(iii) *Reasons:* (A) An exemption is required for those portions of the Skill Qualification Test system pertaining to individual item responses and scoring keys to preclude compromise of the test and to ensure fairness and objectivity of the evaluation system.

(B) From subsection (d)(1) when access to those portions of the Skill Qualification Test records would reveal the individual item responses and

scoring keys. Disclosure of the individual item responses and scoring keys will compromise the objectivity and fairness of the test as well as the validity of future tests resulting in the Department being unable to use the testing battery as an individual assessment tool.

Dated: December 21, 2010.

**Morgan F. Park,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2010-33030 Filed 12-30-10; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

RIN 1024-AD89

#### Special Regulation: Areas of the National Park System, National Capital Region

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service (NPS) proposes to amend the regulations on demonstrations and special events for the National Capital Region. This proposed rule would revise the definition of “demonstration” as well as specify the conditions under which solicitation of gifts, money, goods, or services could occur.

**DATES:** Comments must be received by March 4, 2011.

**ADDRESSES:** You may submit your comments, identified by Regulatory Information Number 1024-AD89, by any of the following methods:

- Federal rulemaking portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Mail or hand delivery:* National Park Service, Regional Director, Division of Park Programs, 1100 Ohio Drive, SW., Room 128, Washington, DC 20242.

#### FOR FURTHER INFORMATION CONTACT:

Robbin Owen, Chief, Division of Park Programs, National Park Service, National Capital Region, 1100 Ohio Drive, SW., Room 128, Washington, DC 20242. Telephone: (202) 619-7225. Fax: (202) 401-2430.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### *Revise the Definition of “Demonstration”*

This proposed rule would revise the definition of demonstration at 36 CFR 7.96 (g)(1)(i) by eliminating the term “intent or propensity” where it appears

in the definition and replace it with the term “reasonably likely.” In *Boardley v. Department of the Interior*, 605 F. Supp. 2d 8 (D.D.C. 2009) the United States District Court for the District of Columbia commented on the demonstration definition for the National Capital Region under 36 CFR 7.96 (g)(1)(i). The Court commented the definition could raise problems, because it allowed NPS officials to restrict speech based on their determination that a person intended to draw a crowd with their conduct. Such a determination could easily rest on impermissible grounds, such as an official’s perception that certain expression is controversial or inappropriate, which would be a content-based decision, impermissible under the First Amendment. While the NPS has not applied the regulation in such an impermissible manner, and has since issued a clarifying memorandum to preclude such a determination, this proposed rule would revise the definition of demonstration to minimize any possibility of a decision based on impermissible grounds.

##### *Amendment of the Solicitation Regulation*

This proposed rule also would amend the provision regarding soliciting, in order to be consistent with the United States Court of Appeals for the District of Columbia decision in *ISKCON of Potomac v. Kennedy*, 61 F.3d 949 (DC Cir. 1995).

In *ISKCON of Potomac*, the Court of Appeals held that the NPS’s regulatory ban of soliciting, which the NPS traditionally construed as applying only to the in-person solicitation of immediate donations, was not “narrowly tailored.” The Court recognized that:

\* \* \* [t]he conduct of a special event within a small, well-defined permit area will have some effect on the ambiance of the Mall. But we cannot see how allowing in-person solicitations within the permit area will add to whatever adverse impact will result from the special event itself. The effects of solicitation will be confined to the permit area, and those who wish to escape them may simply steer clear of the authorized demonstration or special event. 61 F.3d at 956.

The Court also said:

Our holding allows only those individuals or groups participating in an authorized demonstration or special event to solicit donations within the confines of a restricted permit area such as that assigned to ISKCON. It does not require the NPS to let rampant panhandling go unchecked. 61 F.3d at 956.

Following the *ISKCON of Potomac* decision, as an interim measure, the NPS posted a notice at its Washington,

DC, National Capital Region Division of Park Programs permit office as well as in the Superintendent’s Compendium of regulations for the National Mall and Memorial Parks, stating that soliciting would be allowed if it occurred within the confines of a permit area as part of a permitted ongoing activity. The soliciting regulation itself, however, also must be amended.

Consistent with *ISKCON of Potomac*, this proposed amendment would allow individuals or groups who are participating in a permitted demonstration or special event to solicit donations within the confines of a restricted permit area. Such soliciting is authorized only when provided for in a permit. Groups seeking to solicit donations as part of a demonstration or special event will need to describe the activities in their permit application.

This proposed rule also formalizes the long-standing view that soliciting is limited to the in-person soliciting of immediate donations.

This proposed rule deals with soliciting and not sales. Any attempt to offer or sell items, whether directly or by the use of deceit, is governed by the NPS sales regulation, at 36 CFR 7.96 (k), which limits items to be sold on park lands to books, newspapers, leaflets, pamphlets, buttons, and bumper stickers. As the NPS explained in its prefatory statement to its sales regulation, at 60 FR 17648 (1995),

\* \* \* restricted merchandise cannot be “given away” and a “donation accepted” or one item “given away” in return for the purchase of another item; such transactions amount to sales.

Finally, it has been the NPS’s long-standing application of its regulations that demonstrations and special events, whether under permit or not, are not allowed in the restricted areas at 36 CFR 7.96 (g)(3)(ii). To better ensure that everyone fully understands that demonstrations and special events, with or without a permit, are not allowed in these restricted areas, NPS proposes to amend its introductory sentence to clearly indicate that no demonstrations or special events are allowed in the designated restricted areas.

#### Compliance with Other Laws, Executive Orders, and Department Policy

##### *Regulatory Planning and Review (Executive Order 12866)*

This document is not a significant rule and the Office of Management and Budget, (OMB), has not reviewed this rule under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material