

**DEPARTMENT OF DEFENSE****Department of the Air Force****32 CFR Part 806b**

[Air Force Instruction 37-132]

**Air Force Privacy Act Program**

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule.

**SUMMARY:** The Department of the Air Force is proposing to add an exemption rule for a system of records notice F036 AF DP G, entitled 'Equal Opportunity and Treatment'. The exemption is intended to increase the value of the system of records for law enforcement purposes, to comply with prohibitions against the disclosure of certain kinds of information, and to protect the privacy of individuals identified in the system of records.

**DATES:** Comments must be received on or before December 17, 1999, to be considered by this agency.

**ADDRESSES:** Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 203301250.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Anne Rollins at (703) 5886187.

**SUPPLEMENTARY INFORMATION:****Executive Order 12866, 'Regulatory Planning and Review'**

It has been determined that 32 CFR part 321 is not a significant regulatory action. The rule does not:

(1) Have an annual effect to the economy of \$100 million or more; or adversely affect in a material way the economy; a section 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;

(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. 601)**

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

**Public Law 96-511, 'Paperwork Reduction Act' (44 U.S.C. Chapter 35)**

It has been certified that this part does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1995.

**List of subjects in 32 CFR part 806b**

Privacy.

Accordingly, 32 CFR part 806b is amended to read as follows:

**PART 806b—AIR FORCE PRIVACY ACT PROGRAM**

1. The authority citation for 32 CFR Part 806b continues to read as follows:

**Authority:** Pub. L. 93-579, 88 Stat 1896 (5 U.S.C. 552a).

2. Appendix C to Part 806b is proposed to be amended by adding paragraph (b)(21) as follows:

\* \* \* \* \*

b. Specific exemptions. \* \* \*

(21) *System identifier and name:* F036 AF DP G, Military Equal Opportunity and Treatment.

(i) *Exemption:* Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(d), (e)(4)(H), and (f).

(iii) *Authority:* 5 U.S.C. 552a(k)(2)

(iv) *Reasons:* (1) From subsection (d) because access to the records contained in this system would inform the subject of an investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection, and would present a serious impediment to law enforcement. In addition, granting individuals access to information collected while an Equal Opportunity and Treatment clarification/investigation is in progress conflicts with the just, thorough, and timely completion of the complaint, and could possibly enable individuals to interfere, obstruct, or mislead those clarifying/investigating the complaint.

(2) From subsection (e)(4)(H) because this system of records is exempt from individual access pursuant to subsection (k) of the Privacy Act of 1974.

(3) From subsection (f) because this system of records has been exempted

from the access provisions of subsection (d).

(4) Consistent with the legislative purpose of the Privacy Act of 1974, the Department of the Air Force will grant access to nonexempt material in the records being maintained. Disclosure will be governed by the Department of the Air Force's Privacy Instruction, but will be limited to the extent that the identity of confidential sources will not be compromised; subjects of an investigation of an actual or potential violation will not be alerted to the investigation; the physical safety of witnesses, informants and law enforcement personnel will not be endangered, the privacy of third parties will not be violated; and that the disclosure would not otherwise impede effective law enforcement. Whenever possible, information of the above nature will be deleted from the requested documents and the balance made available. The controlling principle behind this limited access is to allow disclosures except those indicated above. The decisions to release information from this system will be made on a case-by-case basis.

Dated: October 8, 1999.

**L.M. Bynum,**

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

[FR Doc. 99-27069 Filed 10-15-99; 8:45 am]

BILLING CODE 5001-10-F

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA 207-0183; FRL-6459-6]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** EPA is proposing to approve a revision to the California State Implementation Plan (SIP) originally proposed for a limited approval and limited disapproval in the **Federal Register**, 64 FR 13375, on March 18, 1999. The revision concerns a rule from the South Coast Air Quality Management District (SCAQMD). The rule controls emissions of oxides of nitrogen from stationary gas turbines. The intended effect of proposing approval of this rule is to regulate emissions of oxides of nitrogen (NO<sub>x</sub>) in