

**DEPARTMENT OF DEFENSE****Department of the Navy****32 CFR Part 701**

[Secretary of the Navy Instruction 5211.5]

**Privacy Act; Implementation****AGENCY:** Department of the Navy, DoD.**ACTION:** Proposed rule.

**SUMMARY:** The Department of the Navy is proposing to exempt those records contained in these Privacy Act/FOIA systems of records when an exemption has been previously claimed for the records in another Privacy Act system of records. The exemption is intended to preserve the exempt status of the record when the purposes underlying the exemption for the original records are still valid and necessary to protect the contents of the records.

**DATES:** Comments must be received on or before October 16, 2001 to be considered by this agency.

**ADDRESSES:** Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B10), 2000 Navy Pentagon, Washington, DC 20350-2000.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Doris Lama at (202) 685-6545 or DSN 325-6545.

**SUPPLEMENTARY INFORMATION:** Executive Order 12866, "Regulatory Planning and Review". The Director of Administration and Management, Office of the Secretary of Defense, hereby determines 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)**

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense

do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

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

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that Privacy Act rules for the Department of Defense impose 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"**

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the 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"**

The Director of Administration and Management, Office of the Secretary of Defense, hereby certifies that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do 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 701**

Privacy.

**PART 701—[AMENDED]**

1. The authority citation for 32 CFR part 701, Subpart G continues to read as follows:

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

2. Section 701.118 is amended by adding paragraphs (v) and (w) as follows:

**§ 701.118 Exemptions for specific Navy record systems.**

\* \* \* \* \*

(v) *System identifier and name:*

(1) N05211-1, Privacy Act Files and Tracking System.

(2) *Exemption:* During the processing of a Privacy Act request (which may include access requests, amendment requests, and requests for review for initial denials of such requests), exempt materials from other systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this system, the Department of the Navy hereby claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary system of which they are a part. Therefore, information within this system of records may be exempt pursuant to 5 U.S.C. 552a, subsection (d).

(3) *Authority:* 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), and (k)(7).

(4) Consistent with the legislative purpose of the Privacy Act of 1974, the Department of the Navy will grant access to nonexempt material in the records being maintained. Disclosure will be governed by the Department of the Navy's Privacy Regulation, 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 criminal 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 these systems will be made on a case-by-case basis.

(w) *System identifier and name:*  
(1) N05720-1, FOIA Request Files and Tracking System.

(2) *Exemption:* During the processing of a Freedom of Information Act request, exempt materials from other systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this system, the Department of the Navy hereby claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary system of which they are a part. Therefore, information within this system of records may be exempt

pursuant to 5 U.S.C. 552a, subsection (d).

(3) *Authority:* 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), and (k)(7).

(4) Consistent with the legislative purpose of the Privacy Act of 1974, the Department of the Navy will grant access to nonexempt material in the records being maintained. Disclosure will be governed by the Department of the Navy's Privacy Regulation, 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 criminal 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 these systems will be made on a case-by-case basis.

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Dated: August 7, 2001.

**L.M. Bynum,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 63, 264, 265, 266, and 270

[FRL-7039-5]

RIN-2050-AE79

### NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors—Proposed Amendments; Extension of Comment Period

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** In response to several commenters' request for more time to respond to issues, the Environmental Protection Agency is extending the comment period on its proposed amendments to NESHAP: Final Standards for Hazardous Air Pollutants Waste Combustors. On July 3, 2001 (66

FR 35126), EPA proposed potential revisions to several compliance, testing, and monitoring provisions of the final rule that established emissions standards for hazardous waste burning cement kilns, lightweight aggregate kilns, and incinerators. The comment period announced in the proposed rule was scheduled to end on August 17. Today's action extends the comment period for 60 days. Stakeholders, however, have not requested an extension of the comment period for two other actions (see 66 FR 35087 and 66 FR 35124) also published in the **Federal Register** on July 3, 2001. Today's action does not change the date by which comments must be submitted for those two actions.

**DATES:** The comment period for this NPRM is extended from the original closing date of August 17, 2001 to October 16, 2001.

**ADDRESSES:** If you wish to comment on the NPRM, you must send an original and two copies of the comments referencing docket number F-2001-RC5P-FFFFF to: RCRA Information Center (RIC), Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0002; or, (2) if using special delivery, such as overnight express service: RIC, Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. You may also submit comments electronically following the directions in the **SUPPLEMENTARY INFORMATION** section below.

You may view public comments and supporting materials in the RIC. The RIC is open from 9 am to 4 pm Monday through Friday, excluding Federal holidays. To review docket materials, we recommend that you make an appointment by calling 703-603-9230. You may copy up to 100 pages from any regulatory document at no charge. Additional copies cost \$ 0.15 per page. **FOR FURTHER INFORMATION CONTACT:** For general information, call the RCRA Call Center at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). The RCRA Call Center is open Monday-Friday, 9 am to 4 pm, Eastern Standard Time. For more information on this extension notice, contact Rhonda Minnick at 703-308-8871, [minnick.rhonda@epa.gov](mailto:minnick.rhonda@epa.gov), or write her at the Office of Solid Waste, 5302W, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** On September 30, 1999, the NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors was promulgated (64 FR 52828). On July 3, 2001, EPA proposed potential revisions to several compliance, testing, and monitoring provisions of the final rule (66 FR 35126). On July 24, 2001, the Court of Appeals for the District of Columbia decided *Cement Kiln Recycling Coalition, et al., v. EPA, et al.*, (D.C. Cir. No. 99-1457 (and consolidated cases)). This case decided several issues related to the September 30, 1999 final rule. In response to several commenters' requests for more time to respond to issues in the proposed rule considering the recent court decision, EPA is extending the proposed rule's comment period. This document extends the comment period for 60 days. Stakeholders, however, have not requested an extension of the comment period for two other actions (see 66 FR 35087 and 66 FR 35124) also published in the **Federal Register** on July 3, 2001. Today's action does not change the date by which comments must be submitted for those two actions.

### List of Subjects

#### 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

#### 40 CFR Part 264

Environmental protection, Air pollution control, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds.

#### 40 CFR Part 265

Environmental protection, Air pollution control, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Water supply.

#### 40 CFR Part 266

Environmental protection, Energy, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

#### 40 CFR Part 270

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Reporting and recordkeeping requirements, Water pollution control, Water supply.