

substantive rulemaking authority under sec. 9 of the ADEA, to promulgate a rule providing that apprenticeship programs are subject to the Act.

Executive Order 12866, Regulatory Planning and Review

The Equal Employment Opportunity Commission has determined that this is not a significant rule as defined by Executive Order 12866 and will not have an annual effect on the economy of \$100 million or more or adversely affect in a material way the 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, or local or tribal governments or communities. The rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

The rule as proposed does not contain any information collection or record keeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Similarly, the Commission certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96-354), that this rule will not result in a significant economic impact on a substantial number of small entities. For this reason, a regulatory flexibility analysis is not required.

The Commission is desirous of receiving comments concerning this proposed rule from interested members of the public. Accordingly, the Commission will receive comments for a period of 60 days after publication. The Commission will consider such comments before taking final action.

In addition, in accordance with Executive Order 12067, the Commission has solicited the views of affected Federal agencies.

The proposed rule appears below.

List of Subjects in 29 CFR Part 1625

Advertising, Aged, Employee benefit plans, Equal employment opportunity, Retirement.

Signed at Washington, D.C. this 22 day of September, 1995.

Gilbert F. Casellas,  
Chairman.

It is proposed to amend chapter XIV of title 29 of the Code of Federal Regulations as follows:

#### **PART 1625—AGE DISCRIMINATION IN EMPLOYMENT ACT**

1. The authority citation for part 1625 continues to read as follows:

Authority: 81 Stat. 602; 29 U.S.C. 621, 5 U.S.C. 301, Secretary's Order No. 10-68;

Secretary's Order No. 11-68; sec. 12, 29 U.S.C. 631, Pub. L. 99-592, 100 Stat. 3342; sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.

#### **§ 1625.13 [Removed]**

2. In Part 1625, § 1625.13 would be removed.

#### **Subpart B—Substantive Regulations**

3. In Part 1625, § 1625.21 would be added to Subpart B—Substantive Regulations to read as follows:

#### **§ 1625.21 Apprenticeship programs.**

All apprenticeship programs, including those apprenticeship programs created or maintained by joint labor—management organizations, are subject to the proscriptions of sections 4(a) and 4(c) of the Act, 29 U.S.C. 623(a) and (c). Age limitations in those programs are valid only if excepted under section 4(f)(1) or specifically exempt under section 9 of the Act in accordance with the rule set forth in 29 CFR 1627.15.

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### **DEPARTMENT OF DEFENSE**

#### **Defense Investigative Service**

#### **32 CFR Part 321**

#### **Privacy Program**

**AGENCY:** Defense Investigative Service, DOD.

**ACTION:** Proposed rule.

**SUMMARY:** The Defense Investigative Service proposes to exempt a system of records identified as V5-04, entitled Counterintelligence Issues Database (CII-DB), from certain provisions of 5 U.S.C. 552a. Exemption is needed to comply with prohibitions against disclosure of information provided the government under a promise of confidentiality and to protect privacy rights of individuals identified in the system of records.

**DATES:** Comments must be received no later than December 4, 1995, to be considered by the agency.

**ADDRESSES:** Send comments to the Chief, Office of Information and Public Affairs (V0020), Defense Investigative Service, 1340 Braddock Place, Alexandria, VA 22314-1651.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dale Hartig at (703) 325-5324.

**SUPPLEMENTARY INFORMATION:**

Executive Order 12866

The Director, Administration and Management, Office of the Secretary of

Defense has determined that this proposed Privacy Act rule for the Department of Defense does not constitute "significant regulatory action". Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

Regulatory Flexibility Act of 1980

The Director, Administration and Management, Office of the Secretary of Defense certifies 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.

Paperwork Reduction Act

The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act proposed 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.

List of Subjects in 32 CFR Part 321

Privacy.

Accordingly, 32 CFR part 321 is amended as follows:

1. The authority citation for 32 CFR part 321 continues to read as follows:

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

2. Section 321.14, paragraph (g) is redesignated as (h) and a new paragraph (g) is added as follows:

#### **§ 321.14 Exemptions.**

\* \* \* \* \*

(g) System identifier. VDIS V50904.

(1) *System name.* Counterintelligence Issues Database (CII-DB).

(2) *Exemption.* Portions of this system of records that fall within the provisions of 5 U.S.C. 552a(k)(1), (k)(2), (k)(3) and (k)(5) may be exempt from the following subsections (c)(3); (d)(1) through (d)(5); (e)(1); (e)(4)(G), (H), and (I); and (f).

(3) *Authority.* 5 U.S.C. 552a(k)(1), (k)(2), (k)(3) and (k)(5).

(4) *Reasons.* From subsection (c)(3) because giving the individual access to the disclosure accounting could alert the subject of an investigation to the existence and nature of the investigation and reveal investigative or prosecutive interest by other agencies, particularly in a joint-investigation situation. This would seriously impede or compromise the investigation and case preparation by prematurely revealing its existence and nature; compromise or interfere with witnesses or make witnesses reluctant to cooperate with the investigators; lead to suppression, alteration, fabrication, or destruction of evidence; and endanger the physical safety of confidential sources, witnesses, law enforcement personnel and their families.

From subsection (d) because the application of these provisions could impede or compromise an investigation or prosecution if the subject of an investigation had access to the records or were able to use such rules to learn of the existence of an investigation before it would be completed. In addition, the mere notice of the fact of an investigation could inform the subject and others that their activities are under or may become the subject of an investigation and could enable the subjects to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

From subsection (e)(1) because during an investigation it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity will be clear. In other cases, what may appear to be a relevant and necessary piece of information may become irrelevant in light of further investigation. In addition, during the course of an investigation, the investigator may obtain information that related primarily to matters under the investigative jurisdiction of another agency, and that information may not be reasonably segregated. In the interest of effective law enforcement, DIS investigators should retain this information, since it can aid in establishing patterns of criminal activity and can provide valuable leads for Federal and other law enforcement agencies.

From subsections (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) because this system is exempt from subsection (d) of the Act,

concerning access to records. These requirements are inapplicable to the extent that these records will be exempt from these subsections. However, DIS has published information concerning its notification and access procedures, and the records source categories because under certain circumstances, DIS could decide it is appropriate for an individual to have access to all or a portion of his/her records in this system of records.

\* \* \* \* \*

Dated: September 28, 1995.

L. M. Bynum,  
*Alternate OSD Federal Register Liaison  
Officer, Department of Defense*  
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 302 and 355

[FRL-5311-1]

#### Administrative Reporting Exemptions for Certain Radionuclide Releases

**AGENCY:** U.S. Environmental Protection Agency (EPA).

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

**SUMMARY:** On August 4, 1995 (60 FR 40042), the U.S. Environmental Protection Agency (EPA or the Agency) requested comments on administrative exemptions for certain radionuclide releases from reporting requirements under section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA). EPA requested that public comments on the proposed rule be submitted by October 3, 1995. To date, the Agency has received three written requests for a 60-day extension to the public comment period. In response to these requests, EPA, in today's action, is granting an extension to the public comment period to allow the public greater opportunity to evaluate the issues raised by the August 4, 1995 proposed rule.

**DATES:** Comments on the August 4, 1995 proposed rule must be submitted on or before December 4, 1995.

**ADDRESSES:** *Submittal of Comments:* Comments should be submitted in triplicate (no facsimiles or tapes) to: Docket Coordinator; Docket Number 102RQ-RN-2; Headquarters; U.S.

Environmental Protection Agency CERCLA Docket Office; (Mail Code 5201G); 401 M Street SW, Washington, DC 20460; 703/603-8917. Please note that this is the mailing address only. Documents are available for viewing, by appointment only, at the address provided below in the "Document Viewing" section.

*Document Viewing:* Copies of materials relevant to the August 4, 1995 proposed rule are contained in Docket Number 102RQ-RN-2 at the U.S. EPA CERCLA Docket Office, Crystal Gateway #1, 12th Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202. The docket is available for viewing, by appointment only, between the hours of 9 a.m. and 4 p.m., Monday through Friday, excluding Federal holidays. Appointments to view the docket can be made by calling 703/603-8917. Please note that this is the visiting address only. Mail comments to the address listed above in the "Submittal of Comments" section.

The public may copy a maximum of 266 pages from any regulatory docket at no cost. If the number of pages copied exceeds 266, however, an administrative fee of \$25 and a charge of \$0.15 per page for each page after page 266 will be incurred. The Docket Office will mail copies of materials to requestors who are outside the Washington, DC metropolitan area.

**FOR FURTHER INFORMATION CONTACT:** The RCRA/UST, Superfund, and EPCRA Hotline at 800/424-9346 (in the Washington, DC metropolitan area, contact 703/412-9810); the Telecommunications Device for the Deaf (TDD) Hotline at 800/553-7672 (in the Washington, DC metropolitan area, contact 703/486-3323); or Mr. Jack Arthur, Response Standards and Criteria Branch, Emergency Response Division (5202G), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, or at 703/603-8760.

**SUPPLEMENTARY INFORMATION:** In a proposed rule published on November 30, 1992 (57 FR 56726), the Agency provided notice of, and requested comment on, four exemptions from notification requirements under CERCLA section 103 and EPCRA section 304. The Agency proposed to exempt: (1) Releases of naturally occurring radionuclides from large generally undisturbed land holdings, such as golf courses and parks; (2) releases of radionuclides naturally occurring from the disturbance of large areas of land for purposes other than mining, such as farming or building construction; (3) releases of radionuclides from the dumping of coal and coal ash at utility