

(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

and industrial facilities with coal-fired boilers; and (4) radionuclide releases to all media from coal and coal ash piles at utility and industrial facilities with coal-fired boilers. All background materials and public comments related to the November 30, 1992 proposal are available for inspection in Docket Number 102RQ-RN-1 located at the U.S. EPA CERCLA Docket Office (address provided above in the "Document Viewing" section).

After evaluating the public comment letters received on the November 30, 1992 proposal, the Agency decided to issue a supplemental proposal, which was published on August 4, 1995 (60 FR 40042), to request information and comment on expanded reporting exemptions for radionuclide releases. In the August 4, 1995 proposal, EPA proposed to grant reporting exemptions for releases of naturally occurring radionuclides associated with (1) land disturbance incidental to extraction activities at certain kinds of mines, and (2) coal and coal ash piles at all kinds of sites. The Agency also requested comments on two alternatives to these exemptions.

The three comment letters received to date that requested a 60-day extension to the comment period for the August 4, 1995 proposed rule cited a number of factors contributing to their request: (1) The volume and complexity of the technical information EPA used to support the proposed exemptions; (2) the need to address the basis not only for the proposed expanded reporting exemptions, but also for the two alternatives as well as other aspects of the proposal; and (3) the need to review two different rulemaking dockets (one for the August 4, 1995 proposal and one for the November 30, 1992 proposal) to prepare more thorough comments.

EPA recognizes that additional time may be warranted to prepare public comments on the August 4, 1995 proposal, based on the factors described above. In addition, the Agency does not believe that the temporary delay in the schedule for finalizing the exemptions will pose a threat to public health, welfare, or the environment. Thus, in today's action, EPA is granting a 60-day extension to the comment period for the August 4, 1995 proposal.

Elaine Davies,

*Acting Director, Office of Emergency and Remedial Response.*

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## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 32 and 52

[FAR Case 91-118]

RIN 9000-AG49

#### Federal Acquisition Regulation; Payment by Electronic Fund Transfer

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are considering changes to the Federal Acquisition Regulation (FAR) to address the use of electronic fund transfers for Federal contract payments. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866 dated September 30, 1993.

**DATES:** *Comment Due Date:* To be considered in the formulation of a final rule, comments should be submitted to the address given below on or before December 4, 1995.

**ADDRESSES:** Comments should be submitted to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW, Room 4037, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeremy F. Olson at (202) 501-3221 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501-4755. Please cite FAR case 91-118.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

The Councils are committed to advancing the use of electronic fund transfers (EFT) as the standard method of payment under Federal contracts and believe that the use of EFT will ultimately reduce the administrative burden currently associated with contract invoice or financing payments made by check. The Councils also believe that many of the banks used by Federal contractors are not currently capable of properly handling the complex data transmissions used for many Government contract payments. Similarly, many Government offices

involved in certifying invoices and disbursing contract payments are not currently capable of using EFT as the standard method of payment. In drafting the proposed rule, the Councils tried to avoid committing the Government to the routine use of EFT capabilities it does not yet possess. This does not lessen the Councils' commitment to the use of EFT as a contract payment method but recognizes that, as new computer systems and attendant EFT procedures develop in both the public and private sectors, the use of EFT as a normal payment practice will also expand.

The proposed rule amends FAR Subpart 32.9 to provide guidance concerning the use of electronic fund transfers (EFT) as a method of contract payment. The rule also adds solicitation provisions and contract clauses at FAR section 52.232 to implement the guidance. The rule establishes a requirement for contractors to provide certain information which would enable the Government to make payments under the contract by electronic fund transfer rather than by check. The information necessary to make the EFT transaction is specified in two new clauses at section 52.232-00, Mandatory Information for Electronic Fund Transfer Payment, and section 52.232-01, Optional Information for Electronic Fund Transfer Payment. Under section 52.232-00, the contractor is required to provide the information, prior to the submission of the first request for payment, as a condition of payment under the contract. The clause at section 52.232-01 is used if EFT may become a viable method of payment during the period of contract performance and if the contractor consents and provides the necessary data to enable payment by EFT.

##### B. Regulatory Flexibility Act

The proposed FAR changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, because the changes are intended to advance the use of EFT as a method of contract payment and reduce the current administrative burden associated with payments made by check. Under the proposed regulations, any business which enters into a contract with the Government would be required to submit certain information which would enable the Government to make contract payments by EFT rather than by check. This requirement may have a significant impact on a substantial number of small businesses because it is expected that the majority of small businesses will receive