

DEPARTMENT OF JUSTICE**28 CFR Part 16****[AAG/A Order No. 123-96]****Exemption of Systems of Records Under the Privacy Act****AGENCY:** Department of Justice.**ACTION:** Proposed rule.

SUMMARY: The Department of Justice, Drug Enforcement Administration (DEA), proposes to amend its Privacy Act regulations to provide clarity and to include an additional reason for the exemption from subsection (e)(3). The additional reason will contribute to a better understanding of the need for the exemption. The revised language applies to the following systems of records as named in paragraphs (c)(1) through (c)(6): Air Intelligence Program (Justice/DEA-001), Investigative Reporting and Filing System (Justice/DEA-008), Planning and Inspection Division Records (Justice/DEA-010), Operations Files (Justice/DEA-011), Security Files (Justice/DEA-013), and System to Retrieve Information from Drug Evidence (Stride/Ballistics) (Justice/DEA-014).

DATES: All comments must be received by November 18, 1996.

ADDRESSES: To the extent that exemption from subsection (e)(3) has already been promulgated, it is unnecessary to offer an opportunity for comment. Nevertheless, an opportunity to comment on the additional reason therefor is extended. All comments should be addressed to Patricia E. Neely, Program Analyst, Information Management and Security Staff, Information Resources Management, Department of Justice, Washington, DC 20530 (Room 850, WCTR Building).

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, Program Analyst (202-616-0178).

SUPPLEMENTARY INFORMATION: This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have a "significant economic impact on a substantial number of small entities."

List of Subjects in Part 16

Administrative practices and procedure, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General

Order No. 793-78, it is proposed to amend 28 CFR part 16 as set forth below.

Dated: October 3, 1996.
Stephen R. Colgate,
Assistant Attorney General for Administration.

1. The authority for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. It is proposed to amend 28 CFR 16.98 by revising paragraph (d)(6) as follows:

§ 16.98 Exemption of the Drug Enforcement Administration (DEA)— Limited Access.

* * * * *

(d) * * *

(6) From subsection (e)(3) because the requirements thereof would constitute a serious impediment to law enforcement in that they could compromise the existence of an actual or potential confidential investigation and/or permit the record subject to speculate on the identity of a potential confidential source, and endanger the life, health or physical safety of either actual or potential confidential informants and witnesses, and of investigators/law enforcement personnel. In addition, the notification requirement of subsection (e)(3) could impede collection of that information from the record subject, making it necessary to collect the information solely from third party sources and thereby inhibiting law enforcement efforts.

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[FR Doc. 96-26285 Filed 10-16-96; 8:45 am]

BILLING CODE 4410-09-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 228****[FRL-5637-4]****Ocean Dumping; Amendment of Site Designation**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to amend the site designation for the San Francisco Deep Ocean Disposal Site (SF-DODS), an existing deep ocean dredged material disposal site located off San Francisco, California, by extending the time period during which the disposal site would be

managed under an interim disposal volume limit. A range of options are presented to solicit public comment on the appropriate length for an interim extension, and for an appropriate interim disposal volume limit. This amendment is necessary in order to allow the SF-DODS to remain open for disposal of dredged material from authorized projects, while documentation addressing comprehensive long term dredged material management for the region is being completed. The amendment is therefore intended to provide the region with continued access to an environmentally appropriate dredged material disposal alternative, without precluding any options for the comprehensive long-term management planning process now underway.

The SF-DODS would remain designated for the disposal of suitable dredged material removed from the San Francisco Bay region and other nearby harbors or dredging sites. However, EPA would not set a permanent annual disposal volume limit at this time, as originally envisioned in the August 11, 1994 site designation Final Rule. Instead, EPA is proposing to extend the existing interim management of the site for some period and volume limit yet to be determined. A decision on a permanent disposal volume limit would be made by the end of this extension period, based on the comprehensive dredged material management planning process or based on a separate alternatives-based EPA evaluation of the need for ocean disposal. All other aspects of the August 11, 1994 SF-DODS designation Final Rule, including the provisions of the Site Management and Monitoring Plan (SMMP) would remain in full effect.

DATES: Comments must be received on or before November 18, 1996.

ADDRESSES: Send questions or comments to: Mr. Allan Ota, Ocean Disposal Coordinator, U.S. Environmental Protection Agency, (EPA) (W-3-3), 75 Hawthorne Street, San Francisco, California 94105, telephone (415) 744-1980.

FOR FURTHER INFORMATION: Contact Mr. Allan Ota, Ocean Disposal Coordinator, U.S. Environmental Protection Agency, Region 9 (W-3-3), 75 Hawthorne Street, San Francisco, California 94105, telephone (415) 744-1980.

SUPPLEMENTARY INFORMATION: The primary supporting documents for this designation amendment are the Final Environmental Impact Statement (EIS) for Designation of a Deep Water Ocean Dredged Material Disposal Site off San