

**DEPARTMENT OF JUSTICE****28 CFR Part 16****[AAG/A Order No. 288–2002]****Privacy Act of 1974; Implementation****AGENCY:** Department of Justice.**ACTION:** Proposed rule.

**SUMMARY:** The Department of Justice proposes to exempt a new Privacy Act system of records entitled “Personnel Investigation and Security Clearance Records for the Department of Justice (DOJ), DOJ–006,” as described in today’s notice section of the **Federal Register**, from 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (5) and (8); and (g). The exemptions will be applied only to the extent that information in a record is subject to exemption pursuant to 5 U.S.C. 552a(j) and (k). The Department also proposes to delete as obsolete provisions exempting two former Justice Management Division systems of records entitled “Security Clearance Information System (SCIS) (JUSTICE/JMD–008),” and “Freedom of Information/Privacy Act Records System (JUSTICE/JMD–019).” The records in JMD–019 are now covered by DOJ–004.

**DATES:** Submit any comments by October 24, 2002.

**ADDRESSES:** Address all comments to Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (1400 National Place Building).

**FOR FURTHER INFORMATION CONTACT:** Mary Cahill, (202) 307–1823.

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, this order will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 28 CFR Part 16**

Administrative practices and procedures, Courts, Freedom of Information, Sunshine Act and Privacy.

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 follows:

**PART 16—[AMENDED]**

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

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

2. Section 16.76 is amended by removing paragraphs (c), (d), (e), (f), (g) and (h).

3. Section 16.132 is added to read as follows:

**§ 16.132 Exemption of Department of Justice System—Personnel Investigation and Security Clearance Records for the Department of Justice (DOJ), DOJ–006.**

(a) The following Department of Justice system of records is exempted from subsections (c)(3) and (4); (d)(1), (2), (3) and (4); (e)(1), (2), (3), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k): Personnel Investigation and Security Clearance Records for the Department of Justice (DOJ), DOJ–006. These exemptions apply only to the extent that information in a record is subject to exemption pursuant to 5 U.S.C. 552a(j) and (k).

(b) Exemption from the particular subsections is justified for the following reasons:

(1) *Subsection (c)(3)*. To provide the subject with an accounting of disclosures of records in this system could inform that individual of the existence, nature, or scope of an actual or potential law enforcement or counterintelligence investigation, and thereby seriously impede law enforcement or counterintelligence efforts by permitting the record subject and other persons to whom he might disclose the records to avoid criminal penalties, civil remedies, or counterintelligence measures.

(2) *Subsection (c)(4)*. This subsection is inapplicable to the extent that an exemption is being claimed for subsection (d).

(3) *Subsection (d)(1)*. Disclosure of records in the system could reveal the identity of confidential sources and result in an unwarranted invasion of the privacy of others. Disclosure may also reveal information relating to actual or potential criminal investigations. Disclosure of classified national security information would cause damage to the national security of the United States.

(4) *Subsection (d)(2)*. Amendment of the records could interfere with ongoing criminal or civil law enforcement proceedings and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(5) *Subsections (d)(3) and (4)*. These subsections are inapplicable to the extent exemption is claimed from (d)(1) and (2).

(6) *Subsection (e)(1)*. It is often impossible to determine in advance if investigatory records contained in this system are accurate, relevant, timely

and complete, but, in the interests of effective law enforcement and counterintelligence, it is necessary to retain this information to aid in establishing patterns of activity and provide investigative leads.

(7) *Subsection (e)(2)*. To collect information from the subject individual could serve notice that he or she is the subject of a criminal investigation and thereby present a serious impediment to such investigations.

(8) *Subsection (e)(3)*. To inform individuals as required by this subsection could reveal the existence of a criminal investigation and compromise investigative efforts.

(9) *Subsection (e)(5)*. It is often impossible to determine in advance if investigatory records contained in this system are accurate, relevant, timely and complete, but, in the interests of effective law enforcement, it is necessary to retain this information to aid in establishing patterns of activity and provide investigative leads.

(10) *Subsection (e)(8)*. To serve notice could give persons sufficient warning to evade investigative efforts.

(11) *Subsection (g)*. This subsection is inapplicable to the extent that the system is exempt from other specific subsections of the Privacy Act.

Dated: September 12, 2002.

**Robert F. Diegelman,**

*Acting Assistant Attorney General for Administration.*

[FR Doc. 02–24207 Filed 9–23–02; 8:45 am]

**BILLING CODE 4410–FB–P**

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

**[KY 134 & KY 136–200235(b); FRL–7381–3]**

**Approval and Promulgation of Implementation Plans for Kentucky: Vehicle Emissions Control Programs**

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve revisions to the State Implementation Plan (SIP) of the Commonwealth of Kentucky amending Kentucky rules 401 KAR 65:001 and 401 KAR 65:010. These changes affect military personnel with vehicles required to undergo vehicle emissions tests. The EPA also proposes to approve into the Kentucky SIP revisions to the Air Pollution Control District of Jefferson County’s regulations 8.01 and

8.02, which affect vehicle emission test centers and owners of certain vehicles registered in the County. In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Written comments must be received on or before October 24, 2002.

**ADDRESSES:** All comments should be addressed to: Michele Notarianni, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. (404/562-9031 (phone) or [notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov) (e-mail).)

Copies of the Commonwealth's submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,  
Region 4, Air Planning Branch, 61  
Forsyth Street, SW, Atlanta, Georgia  
30303-8960. (Michele Notarianni,  
404/562-9031,  
[notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov))

Commonwealth of Kentucky, Division  
for Air Quality, 803 Schenkel Lane,  
Frankfort, Kentucky 40601-1403.  
(502/573-3382)

Air Pollution Control District of  
Jefferson County, 850 Barrett  
Avenue—Suite 200, Louisville,  
Kentucky 40204. (502/574-6000)

**FOR FURTHER INFORMATION CONTACT:**  
Michele Notarianni at address listed  
above or 404/562-9031 (phone) or  
[notarianni.michele@epa.gov](mailto:notarianni.michele@epa.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:** For  
additional information, see the direct  
final rule which is published in the  
Rules Section of this **Federal Register**.

Dated: September 5, 2002.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 02-24092 Filed 9-23-02; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Chapters 1, 2, and 5

#### Federal Acquisition Regulation; Federal Acquisition Regulation Supplements; Contract Closeout

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

**ACTION:** Advance notice of proposed  
rulemaking.

**SUMMARY:** The Civilian Agency  
Acquisition Council and the Defense  
Acquisition Regulations Council are  
requesting comments from both  
Government and industry on how the  
Federal Acquisition Regulation (FAR),  
Defense FAR Supplement (DFARS), and  
General Services Administration  
Acquisition Regulation (GSAR) can be  
revised to facilitate timely contract  
closeout.

**DATES:** Comments are due on or before  
November 25, 2002.

**ADDRESSES:** Interested parties should  
submit written comments to: General  
Services Administration, FAR  
Secretariat (MVA), 1800 F Street, NW.,  
Room 4035, ATTN: Laurie Duarte,  
Washington, DC 20405.

Address e-mail comments submitted  
via the Internet to:  
[ANPR.contractcloseout@gsa.gov](mailto:ANPR.contractcloseout@gsa.gov).

Please cite ANPR Contract Closeout in  
all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Mr.  
Rick Laysar at (703) 602-0293.

**SUPPLEMENTARY INFORMATION:** Although  
the vast majority of contracts are  
generally closed timely, there is a  
backlog of contracts that have not been  
closed out within the timeframes  
required by FAR 4.804, Closeout of  
contract files. The Department of  
Defense has analyzed the contract  
closeout process to identify obstacles to  
timely contract closeout. Many causes of  
the backlog have been identified and are  
being focused upon. Some of the causes  
include process related delays like late  
submittal of final vouchers, final price  
redetermination proposals, royalty/  
patents submittals and approvals, final  
audits, overhead rate negotiations,  
disposition of Government property and  
classified materials; other causes  
include lack of contract funding and  
agency resources.

In this advance notice of proposed  
rulemaking we are seeking input on  
whether any FAR, DFARS, or GSAR  
requirements can be considered for  
change to help facilitate the contract  
closeout process. In order to ensure that  
the FAR, DFARS, and GSAR do not  
unduly impede timely closeout of  
contracts, an interagency team has been  
established that will review the FAR,  
DFARS, and GSAR relating to contract  
closeout to determine what changes, if  
any, can be made to facilitate timely  
contract closeout. FAR, DFARS, and  
GSAR requirements relating to contract  
closeout that are not required by statute,  
not needed to ensure adequately  
standardized Government business  
practices, or not needed to protect the  
public interest will be considered for  
revision or elimination.

Dated: September 18, 2002.

**Al Matera,**

*Director, Acquisition Policy Division.*

[FR Doc. 02-24173 Filed 9-23-02; 8:45 am]

**BILLING CODE 6820-EP-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[DOT Docket No. NHTSA-02-12845]

RIN 2127-AH71

#### Federal Motor Vehicle Safety Standards; Accelerator Control Systems; Correction

**AGENCY:** National Highway Traffic  
Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking  
(NPRM); correction.

**SUMMARY:** This document corrects the  
proposed regulatory text to a proposed  
rule published in the **Federal Register**  
of July 23, 2002 (67 FR 48117),  
regarding the Federal motor vehicle  
safety standard for accelerator control  
systems. This correction provides  
correct references in four places to  
provisions in the test procedures. The  
comments to the proposed rule were  
due by September 23, 2002. Because of  
the changes in this correction  
document, we extend the comment  
period to October 7, 2002.

**DATES:** You should submit your  
comments early enough to ensure that  
Docket Management receives them not  
later than October 7, 2002.

**ADDRESSES:** You should mention the  
docket number of this document in your  
comments and submit your comments