

section shall consist of electronic submissions filed in a format approved by FinCEN either discretely, on a transaction-by-transaction basis, or by batching transactions. FinCEN may authorize a designated reporting financial institution to report in a non-electronic manner if the financial institution demonstrates to FinCEN that the form of the required report is unnecessarily onerous on the institution as prescribed; that a report in a different form will provide the information FinCEN deems necessary; and that submission of the information in a different manner will not unduly hinder the effective administration of this part.

(e) *Annual Reports.* On an annual basis, all banks must submit to FinCEN a report that provides the following information: the number of the account that was credited or debited to originate or receive a cross-border electronic transmittal of funds, and the U.S. taxpayer identification number of the respective accountholder. This report shall be submitted to FinCEN no later than April 15 of the year following the transaction date of the cross-border electronic transmittal of funds. The report shall be in a form and manner to be determined by FinCEN.

(f) *Exemptions.* The following cross-border electronic transmittals of funds are not subject to the reporting requirements of paragraphs (a) and (e) of this section:

- (1) Cross-border electronic transmittals of funds where either the transmitter is a bank and the recipient is a foreign bank, or the transmitter is a foreign bank and the recipient is a bank and, in each case, there is no third-party customer to the transaction; or
- (2) The transmittal order and advice of the transmittal order are communicated solely through systems proprietary to a bank.

Dated: September 24, 2010.

**James H. Freis, Jr.,**

*Director, Financial Crimes Enforcement Network.*

[FR Doc. 2010-24417 Filed 9-29-10; 8:45 am]

**BILLING CODE 4810-02-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 285

[DoD-OS-2010-0103; RIN 0790-AI51]

#### DoD Freedom of Information Act (FOIA) Program

**AGENCY:** Department of Defense.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Defense is proposing to update current policies and procedures to reflect the DoD FOIA Program as prescribed by Executive Order 13392. The changes will ensure appropriate agency disclosure of information and offer consistency with the goals of section 552 of title 5, United States Code.

**DATES:** Submit comments on or before November 29, 2010.

**ADDRESSES:** You may submit comments, identified by docket number and or RIN number and title, by any of the following methods:

- *Federal Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Room 3C843, Washington, DC 20301-1160.

*Instructions:* All submissions received must include the agency name and docket number or Regulatory Information Number (RIN) for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Hogan, (703) 696-468 fax number: (703) 696-4506.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866, "Regulatory Planning and Review"

It has been certified that 32 CFR part 285 does not:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the 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.

#### Sec. 202, Pub. L. 104-4, "Unfunded Mandates Reform Act"

It has been certified that 32 CFR part 285 does not contain a Federal mandate

that may result in the expenditure by state, local and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year.

#### Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that 32 CFR part 285 is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

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

It has been certified that 32 CFR part 285 does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

#### Executive Order 13132, "Federalism"

It has been certified that this rule does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

- (1) The States;
- (2) The relationship between the National Government and the States; or
- (3) The distribution of power and responsibilities among the various levels of government.

#### List of Subjects in 32 CFR Part 285

Freedom of information.

Accordingly, 32 CFR part 285 is proposed to be amended as follows.

#### PART 285—[AMENDED]

1. The authority citation for part 285 continues to read as follows:

**Authority:** 5 U.S.C. 552.

2. Section 285.1 is amended by revising paragraph (c) to read as follows:

#### § 285.1 Purpose.

\* \* \* \* \*

(c) Implements E.O. 13392, Presidential Memorandum, "Freedom of Information Act," January 21, 2009 (available at [http://www.whitehouse.gov/the\\_press\\_office/Freedom\\_of\\_Information\\_Act/](http://www.whitehouse.gov/the_press_office/Freedom_of_Information_Act/)), and Attorney General Memorandum, "The Freedom of Information Act (FOIA)," March 19, 2009 (available at <http://www.justice.gov/ag/foia-memo-march2009.pdf>) within the Department of Defense.

\* \* \* \* \*

3. Section 285.2 is amended by revising paragraph (a) to read as follows:

#### § 285.2 Applicability.

\* \* \* \* \*

(a) The Office of the Secretary of Defense (OSD), the Military

Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

\* \* \* \* \*

4. Section 285.3 is amended by revising paragraph (a) to read as follows:

**§ 285.3 Policy.**

\* \* \* \* \*

(a) Promote transparency and accountability by adopting a presumption in favor of disclosure in all decisions involving the FOIA and responding promptly to requests in a spirit of cooperation.

\* \* \* \* \*

5. Section 285.4 is amended by:

a. Revising paragraph (a)(1), the first sentence of paragraph (a)(3), paragraph (a)(4), and paragraph (e)(7).

b. Adding a sentence to the end of paragraph (e)(5).

The revisions and amendments read as follows:

**§ 285.4 Responsibilities.**

(a) \* \* \*

(1) Serve as the DoD Chief FOIA Officer in accordance with Section 552 of title 5, United States Code.

\* \* \* \* \*

(3) Designate the FOIA Public Liaisons for the Department of Defense in accordance with Section 552 of title 5, United States Code. \* \* \*

(4) Prepare and submit to the Attorney General the DoD Annual Freedom of Information Act Report as required by 5 U.S.C., and other reports as required by E.O. 13392 and Attorney General Memorandum, "The Freedom of Information Act (FOIA)," March 19, 2009.

\* \* \* \* \*

(e) \* \* \*

(5) \* \* \* Additionally, DoD Component FOIA offices will provide DFOIPO with information copies of significant FOIA requests and responses.

\* \* \* \* \*

(7) Submit to the DA&M, through DFOIPO, DoD Component inputs to the DoD FOIA Annual Report prescribed in 32 CFR part 286 and E.O. 13392 and other reports or data requested by the DA&M. All such submissions will be made by the FOIA Public Liaisons.

\* \* \* \* \*

Dated: September 24, 2010.

**Patricia L. Toppings,**

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

[FR Doc. 2010-24537 Filed 9-29-10; 8:45 am]

**BILLING CODE 5001-06-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

**[EPA-R09-RCRA-2010-0598; FRL-9205-1]**

**California: Proposed Authorization of State Hazardous Waste Management Program Revision**

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

**ACTION:** Proposed rule.

**SUMMARY:** California has applied to EPA for final authorization of certain changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed California's application and made the tentative decision that these changes satisfy all requirements needed to qualify for final authorization, and is proposing to authorize the State's changes. EPA is also proposing that the State's requirements regulating facilities that are conditionally exempt from the federal rules as Conditionally Exempt Small Quantity Generators ("CESQGs") be treated as more stringent than federal requirements, thereby making these provisions federally enforceable.

**DATES:** EPA must receive written comments on California's application for authorization for changes to its hazardous waste management program by November 1, 2010.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-RCRA-2010-0598 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* [smith.rebecca@epa.gov](mailto:smith.rebecca@epa.gov).
- *Fax:* (415) 947-3533 (prior to faxing, please notify Rebecca Smith at 415-972-3313)
- *Mail:* Send written comments to: Rebecca Smith, WST-2, EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.
- *Hand Delivery or Courier:* Rebecca Smith, EPA Region 9 (WST-2), 75 Hawthorne Street, San Francisco, CA 94105. Such deliveries are only accepted during the office's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* We must receive your comments by November 1, 2010. Direct your comments to Docket ID No. EPA-R09-RCRA-2010-0598. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov> including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute, or you make special arrangements with the EPA contact. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If you do so, this information will become a part of the public record, unless you have made arrangements with EPA prior to the submittal of your comments. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. (For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>).

*Docket:* All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy.

You may view and copy California's application at the following addresses: California Environmental Protection Agency, Environmental Services Center, 1001 I Street, 22nd Floor, Sacramento,