

Windsor Locks, CT, Bradley Intl, GPS RWY 15, Amdt 2

Apalachicola, FL, Apalachicola Muni, NDB RWY 13, Orig

Apalachicola, FL, Apalachicola Muni, NDB RWY 31, Orig

Sterling Rockfalls, IL, Whiteside County Airport—Joseph H. Bittorf Field, ILS RWY 25, Amdt 10

Sterling Rockfalls, IL, Whiteside County Airport—Joseph H. Bittorf Field, NDB or GPS RWY 7, Amdt 5

Sterling Rockfalls, IL, Whiteside County Airport—Joseph H. Bittorf Field, LOC BC RWY 7, Amdt 5

Wabash, IN, Wabash Muni, GPS RWY 27, Orig

Bangor, ME, Bangor Intl, ILS RWY 15, Amdt 4

Bedford, MA, Laurence G. Hanscom Fld, NDB RWY 11, Amdt 21

Bedford, MA, Laurence G. Hanscom Fld, ILS RWY 11, Amdt 24

Sturgis, MI, Kirsch Muni, GPS RWY 18, Orig

Eveleth, MN, Eveleth-Virginia Muni, VOR/DME RNAV RWY 27, Amdt 2

Eveleth, MN, Eveleth-Virginia Muni, VOR/DME or GPS-A, Amdt 1

Hibbing, MN, Chisholm-Hibbing, VOR or GPS RWY 13, Amdt 12

Hibbing, MN, Chisholm-Hibbing, VOR or GPS RWY 31, Amdt 16

Hibbing, MN, Chisholm-Hibbing, LOC BC RWY 13, Amdt 11

Hibbing, MN, Chisholm-Hibbing, ILS RWY 31, Amdt 11

St Cloud, MN, St Cloud Regional, VOR/DME RWY 13, Amdt 8

St Cloud, MN, St Cloud Regional, VOR RWY 31, Amdt 11

St Cloud, MN, St Cloud Regional, ILS RWY 31, Amdt 2

St Cloud, MN, St Cloud Regional, NDB or GPS RWY 31, Amdt 2

Roswell, NM, Roswell Industrial Air Center, VOR or GPS-A, Amdt 8

Roswell, NM, Roswell Industrial Air Center, NDB RWY 21, Amdt 16

Roswell, NM, Roswell Industrial Air Center, ILS RWY 21, Amdt 17

Roswell, NM, Roswell Industrial Air Center, VOR/DME RNAV RWY 35, Amdt 3

Roswell, NM, Roswell Industrial Air Center, GPS RWY 21, Orig

Canandaigua, NY, Canandaigua, VOR-A, Orig

Burlington, NC, Burlington-Alamance Regional, VOR or GPS RWY 10, Amdt 7A, CANCELLED

Oakes, ND, Oakes Muni, GPS RWY 30, Orig

Batavia, OH, Clermont County, VOR or GPS-B, Amdt 5

Cincinnati, OH, Cincinnati-Blue Ash, NDB RWY 6, Amdt 1

Cincinnati, OH, Cincinnati-Blue Ash, NDB or GPS RWY 24, Amdt 1

Cincinnati, OH, Cincinnati-Blue Ash, GPS RWY 6, Amdt 1

Cincinnati, OH, Cincinnati Muni Airport-Lunken Field, LOC BC RWY 3R, Amdt 8

Cincinnati, OH, Cincinnati Muni Airport-Lunken Field, NDB or GPS RWY 21L, Amdt 12

Cincinnati, OH, Cincinnati Muni Airport-Lunken Field, NDB or GPS RWY 25, Amdt 7

Cincinnati, OH, Cincinnati Muni Airport-Lunken Field, ILS RWY 21L, Amdt 15

Roseburg, OR, Roseburg Regional, VOR-A, Amdt 6

Roseburg, OR, Roseburg Regional, GPS-A, Orig

Allentown, PA, Allentown Queen City Muni, VOR or GPS-B, Amdt 5

Lemmon, SD, Lemmon Muni, GPS RWY 29, Orig

St George, UT, St George Muni, GPS RWY 34, Orig

Marion/Wytheville, VA, Mountain Empire, LOC RWY 26, Amdt 1

Marion/Wytheville, VA, Mountain Empire, NDB RWY 26, Amdt 1

Richmond, VA, Richmond International, VOR RWY 34, Amdt 21

Richmond, VA, Richmond International, GPS RWY 34, Orig

Ephraim, WI, Ephraim-Fish Creek, GPS RWY 32, Orig

[FR Doc. 97-9147 Filed 4-8-97; 8:45 am]

BILLING CODE 4910-13-M

## COMMODITY FUTURES TRADING COMMISSION

### 17 CFR Part 145

#### Commission Records and Information

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commodity Futures Trading Commission ("Commission" or "CFTC") is amending its rules relating to Commission records and information. The modifications implement the portions of the Electronic Freedom of Information Act Amendments of 1996 which become effective March 31, 1997. As these modifications involve solely agency procedure and practice, public comment is not being sought.

**EFFECTIVE DATE:** March 31, 1997.

**ADDRESSES:** Jean A. Webb, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581; or by electronic mail to [secretary@cftc.gov](mailto:secretary@cftc.gov).

**FOR FURTHER INFORMATION CONTACT:** Merry Lymn, Assistant General Counsel, Office of the General Counsel, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Telephone: (202) 418-5120.

#### SUPPLEMENTARY INFORMATION:

##### I. Background—Need for Revisions

The Electronic Freedom of Information Act Amendments of 1996, Public Law 104-231, 110 Stat. 3048 (1996) ("EFOIA"), amended the Freedom of Information Act ("FOIA") (5

U.S.C. 552) to facilitate the dissemination of agency records created and retained in electronic formats and to assist requesters in obtaining information in the form or format most useful to them. EFOIA provides dates by which certain provisions must be implemented. This notice sets forth the Commission's modifications of its regulations found at 17 CFR Part 145 to implement those EFOIA provisions with a March 31, 1997 effective date. EFOIA provisions with a later effective date will be treated subsequently.

#### A. Definitions

##### 1. EFOIA Definition

Section 3 of EFOIA amends FOIA by modifying its definition of "record." Consequently, the Commission is revising its definition of "record" found at 17 CFR 145.0 to conform to EFOIA usage. Furthermore, because the current definition is inconsistent with *United States Dep't of Justice v. Tax Analysts*, 492 U.S. 136, 144-145, 149-154 (1989) (court opinions in agency files held to be agency records), and the Commission's subsequent practice, the definition of "record" is also revised by deleting the sentence "Further, the term 'records,' as used in this Part, does not include materials such as **Federal Register** notices or court filings that are available from public sources other than the Commission."

##### 2. Alphabetical Order

The definitional section of Part 145 is not in alphabetical order. The Commission believes that re-ordering the definitions alphabetically will make it easier for the user and will facilitate adding or deleting definitions in the future. Consequently, the new definitional section is alphabetized. Additionally, some of the existing definitions are redrafted to conform to the revised format.

#### B. Availability of Records

Under Section 5 of EFOIA, the Commission is required to make records available in any form or format requested if the Commission can readily reproduce them in that form or format. Accordingly, the Commission is amending § 145.7 to indicate that requesters should specify the form or format (including electronic formats) in which they prefer to receive a response. When requesters do not specify the form or format for a response, the Commission will respond in the form or format in which the document is most accessible to the Commission.

### C. Reference Materials and Guides

In accordance with Section 11 of EFOIA, as of March 31, 1997, individuals may obtain a guide for requesting records or information from the Commission which includes an index of all publicly available information of the Commission; a description of major information and record locator systems maintained by the Commission; and guidance for obtaining various types and categories of public information from the Commission. These reference materials will be available at Commission offices for public inspection and copying, and by writing or telephoning the Commission. Consequently, the Commission is modifying §§ 145.2 and 145.7 to include information about access to these materials.

## II. Related Matters

### Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA"), 5 U.S.C. 601, *et seq.* (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The Commission has previously determined, pursuant to 5 U.S.C. 605(b), that Part 145 rules relating to Commission records and information do not have a significant economic impact on a substantial number of small entities. Because they do not impose regulatory obligations on commodity professionals and small commodity firms, and because the amendments will enhance the FOIA process, the Commission does not expect the rule to have a significant economic impact on a substantial number of small business entities.

Accordingly, pursuant to Rule 3(a) of the RFA (5 U.S.C. 605(b)), the Chairperson, on behalf of the Commission, certifies that this rule will not have a significant economic impact on a substantial number of small entities. The Commission nonetheless invites comment from any member of the public who believes that these revisions would have a significant impact on small businesses.

### List of Subjects in 17 CFR Part 145

Confidential business treatment, Freedom of information.

For the reasons set forth in the preamble, Title 17, Part 145 is amended as follows:

### PART 145—COMMISSION RECORDS AND INFORMATION

1. The authority for Part 145 is revised to read:

**Authority:** Pub. L. 104-231, 110 Stat. 3048, Pub. L. 99-570, 100 Stat. 3207, Pub. L. 89-554, 80 Stat. 383, Pub. L. 90-23, 81 Stat. 54, Pub. L. 93-502, 88 Stat. 1561-1564 (5 U.S.C. 552); Sec. 101(a), Pub. L. 93-463, 88 Stat. 1389 (5 U.S.C. 4a(j)); unless otherwise noted.

2. § 145.0 is revised to read as follows:

#### § 145.0 Definitions.

For the purposes of Part 145 the following definitions are applicable:

*Assistant Secretary*—refers to the Assistant Secretary of the Commission for FOI, Privacy and Sunshine Acts Compliance.

*Compliance Staff*—refers to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's principal office in Washington, DC assigned to respond to requests for information and to handle various other matters under the Freedom of Information Act, the Privacy Act of 1974, and the Government in the Sunshine Act.

*Public Records*—in addition to the records described in § 145.1 (material published in the **Federal Register**) and in § 145.2 (records required to be made publicly available under the Freedom of Information Act), includes those records that have been determined by the Commission to be generally available to the public directly upon oral or written request from the Commission office or division responsible for the maintenance of such records. A compilation of Commission records routinely available to the public upon request appears in Appendix A to this Part 145.

*Nonpublic records*—are records not identified in § 145.1, § 145.2, or Appendix A of this Part 145. Nonpublic records must be requested, in writing, in accordance with the provisions of § 145.7.

*Record*—is any information or agency record maintained by the Commission in any format, including an electronic format. It includes any document, writing, photograph, sound or magnetic recording, videotape, microfiche, drawing, or computer-stored information or output in the possession of the Commission. The term "record" does not include personal convenience materials over which the Commission has no control, such as appointment calendars and handwritten notes, which may be retained or destroyed at an employee's discretion.

3. Section 145.2 is revised to read as follows:

#### § 145.2 Records available for public inspection and copying; documents published and indexed.

Except as provided in § 145.5, pertaining to nonpublic matters, and in

addition to those documents listed in Appendix A to Part 145, Compilation of Commission Records Available to the Public, the following materials are available for public inspection and copying during normal business hours at the Commission's Public Reading Room, located at the principal office of the Commission in Washington, DC and at the regional offices of the Commission:

(a) A guide for requesting records or publicly available information from the Commission which includes:

- (1) An index of all publicly available information of the Commission;
- (2) A description of major information and record locator systems;
- (3) Guidance for obtaining various types and categories of public information from the Commission;
- (b) Final opinions and orders of the Commission in the adjudication of cases, including concurring and dissenting opinions;

(c) Statements of policy and interpretations which have been adopted by the Commission and are not published in the **Federal Register**;

(d) Records released in response to FOIA requests that have been, or the Commission anticipates will be, the subject of additional FOIA requests;

(e) Administrative manuals and instructions that affect the public; and

(f) Indices providing identifying information to the public as to the materials made available pursuant to paragraphs (a) through (e) of this section.

4. § 145.7 is amended by adding an introductory paragraph and revising paragraph (a) to read as follows:

#### § 145.7 Requests for Commission records and copies thereof.

Requests for Commission records and copies thereof shall specify the preferred form or format (including electronic formats) of the response. The Commission will accommodate requesters as to form or format if the record is readily available in that form or format. When requesters do not specify the form or format of the response, the Commission will respond in the form or format in which the document is most accessible to the Commission.

(a) *Public inquiries and inspection of public records.* Information concerning the nature and extent of available public records may be obtained in person, by telephone, via Internet (<http://www.cftc.gov>), or by writing to the Commission offices designated in §§ 145.2 and 145.6.

\* \* \* \* \*

Issued by the Commission.

Dated: April 3, 1997.

**Jean A. Webb,**

*Secretary of the Commission, Commodity Futures Trading Commission.*

[FR Doc. 97-9003 Filed 4-8-97; 8:45 am]

BILLING CODE 6351-01-P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### 32 CFR Part 806b

[Air Force Reg. 12-35]

#### Air Force Privacy Act Program

**AGENCY:** Department of the Air Force, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Air Force is amending its Privacy Act regulation to add an exemption to the system of records identified as F111 AF JA B, Courts-Martial and Article 15 Records.

**EFFECTIVE DATE:** March 31, 1997.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anne Rollins at (703) 697-8674 or DSN 227-8674.

#### SUPPLEMENTARY INFORMATION:

**Executive Order 12866.** It has been determined that this 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.

**Regulatory Flexibility Act.** It has been determined 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.** It has been determined that this Privacy Act 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, and 44 U.S.C. Chapter 35.

The Department of the Air Force is amending its Privacy Act regulation to add an exemption to a system of records identified as F111 AF JA B, Courts-Martial and Article 15 Records. The proposed rule was published on January 28, 1997 at 62 FR 4025. No comments were received, therefore, the rule is being adopted as final.

#### List of subjects in 32 CFR Part 806b

Privacy.

Accordingly, 32 CFR part 806b is amended as follows:

#### Part 806b – Air Force Privacy Act Program

1. The authority citation for 32 CFR Part 806b continues to read as follows:

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

2. Appendix C to Part 806b is amended by adding paragraph (b)(20) as follows:

#### Appendix C to Part 806b-General and Specific Exemptions

\* \* \* \* \*

(b) Specific exemptions.\*\*\*

(20) *System identifier and name:* F111 AF JA B, Courts-Martial and Article 15 Records.

(i) *Exemption.* Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from the following subsection of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (e)(5), (e)(8), (f), and (g).

(ii) *Exemption.* Portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) from the following subsection of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

(iii) *Authority:* 5 U.S.C. 552a(j)(2) and (k)(2).

(iv) *Reason:* (1) From subsection (c)(3) because the release of the disclosure accounting, for disclosures pursuant to the routine uses published for this system, would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(2) From subsection (c)(4) because an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(4) From subsection (e)(1) because in the course of criminal investigations

information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(5) From subsection (e)(2) because in a criminal investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(7) From subsections (e)(4)(G) and (H) because this system of records is exempt from individual access pursuant to subsections (j) and (k) of the Privacy Act of 1974.

(8) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(9) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(10) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this