

the extent it includes this kind of records, the OIG Investigative Records system of records is exempt from the following sections of 552a of Title 5 U.S.C.: (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g), as well as from the corresponding regulatory subsections.

Section (k)(2) (Title 5 U.S.C. 552a(k)(2)) permits exemption from certain requirements if the system consists of investigatory material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2); Provided however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to January 1, 1975, under an implied promise that the identity of the source should be held in confidence. Accordingly, to the extent that it includes these kinds of records, this system of records is also exempt under Section (k)(2) from the following sections of 552a of Title 5 U.S.C.: (c)(3);(d); (e)(1); (e)(4)(G), (H), and (I); and (f), as well as from the corresponding regulatory subsections. This rule, amending 12 CFR 792.34, makes NCUA's regulations consistent with those of the majority of agencies with statutory IG's.

#### Summary of Comments and Discussion of Issues

The agency received no comments on its proposed rule.

#### Overview of Final Rule

The final rule is the same as the proposed rule (See 60 FR 18036, April 10, 1995). Two Privacy Act exemptions, 5 U.S.C. 552 (j)(2) and 5 U.S.C. 552a(k)(2) were proposed as discussed above.

#### Regulatory Procedures

##### Regulatory Flexibility Act

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NCUA certifies that this rule does not have a significant economic impact on a substantial number of small entities. The amendments to 12 CFR are procedural in nature and will aid an NCUA office to perform its criminal law enforcement function.

#### Paperwork Reduction Act

These amendments contain no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.)

#### Executive Order 12612

This amendment to NCUA's systems of record notice does not affect state regulation of credit unions.

#### List of Subjects in 12 CFR Part 792

Criminal penalties, Freedom of Information, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

By the National Credit Union Administration Board on June 12, 1995.

**Becky Baker,**

*Secretary of the Board.*

Accordingly, the proposed rule adding two new Privacy Act exemptions to the Office of Inspector General system of investigative records to 12 CFR part 792, is adopted by the NCUA Board as a final rule as follows:

#### PART 792—[AMENDED]

##### Subpart B—The Privacy Act

1. The authority citation for part 792 is revised to read as follows:

**Authority:** 12 U.S.C. 1766(a) and 1789(a)(7); 5 U.S.C. App. 3. Subpart B is also issued under 5 U.S.C. 552a.

2. In § 792.34, a new paragraph (b)(3) is added to read as follows:

##### § 792.34 Exemptions.

\* \* \* \* \*

(b) \* \* \*

(3) System NCUA–20, entitled, "Office of Inspector General (OIG) Investigative Records," consists of OIG records of closed and pending investigations of individuals alleged to have been involved in criminal violations. The records in this system are exempted pursuant to Sections (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), from sections (c)(3); (d); (e)(1); (e)(4)(G); (e)(4)(H); (e)(4)(I); and (f). The records in this system are also exempted pursuant to Section (j)(2) of the Privacy Act, 5 U.S.C. 552a(j)(2), from sections (c)(3); (c)(4); (d); (e)(1); (e)(2); (e)(3); and (g).

\* \* \* \* \*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[KY–67–1–6130a; FRL–5192–3]

#### Approval and Promulgation of Implementation Plans; Kentucky: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the State Implementation Plan (SIP) submitted by the Commonwealth of Kentucky through the Kentucky Natural Resources and Environmental Protection Cabinet for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), which was implemented by November 15, 1994. This implementation plan was submitted by the Commonwealth on November 13, 1992, to satisfy the federal mandate to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the Clean Air Act as amended in 1990 (CAA).

**DATES:** This action will be effective August 18, 1995 unless notice is received July 19, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be addressed to: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the Commonwealth of Kentucky may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460  
Environmental Protection Agency, Region IV Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Kentucky Department for Environmental Protection, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601.