

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2002-13524; Airspace Docket No. 02-AWP-07]

#### Proposed Revision of VOR Federal Airway V-257

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This action withdraws the notice of proposed rulemaking (NPRM) published in the **Federal Register** on November 7, 2002 (67 FR 67801). In that action, the FAA proposed to revise Federal Airway V-257 between the Phoenix, AZ, Very High Frequency Omni-directional Radio Range and Tactical Air Navigation Aids (VORTAC) and the Drake, AZ, VORTAC. The FAA has determined that withdrawal of the proposed rule is warranted since the proposed action would require the revision of numerous instrument procedures in the Phoenix area.

**EFFECTIVE DATE:** 0901 UTC, November 28, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ken McElroy, Airspace and Rules, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-8783.

**SUPPLEMENTARY INFORMATION:** On November 7, 2002, an NPRM was published in the **Federal Register** proposing to amend 14 Code of Federal Regulations (14 CFR) part 71 to revise Federal Airway V-257 between the Phoenix, AZ, Very High Frequency Omni-directional Radio Range and Tactical Air Navigation Aids (VORTAC) and the Drake, AZ, VORTAC (67 FR 67801). A review of airspace in the Phoenix area revealed that numerous procedures would need to be revised if the revision to Federal Airway V-257

proceeds, therefore the FAA has determined to withdraw the proposed action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Withdrawal

In consideration of the foregoing, the NPRM for FAA Docket No. FAA-2002-13524, Airspace Docket No. 02-AWP-07, as published in the **Federal Register** on November 7, 2002 (67 FR 67801), is hereby withdrawn.

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

Issued in Washington, DC, on November 17, 2005.

**Edith V. Parish,**

*Manager, Airspace and Rules.*

[FR Doc. 05-23307 Filed 11-25-05; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 31 CFR Part 1

#### Privacy Act of 1974, Proposed Implementation

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Proposed rule.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, the Department of the Treasury gives notice of a proposed amendment to this part to exempt Internal Revenue Service (IRS) system of records, Treasury/IRS 34.022—National Background Investigation Center Management Information System.

**DATES:** Comments must be received no later than December 28, 2005.

**ADDRESSES:** Comments should be submitted to Governmental Liaison and Disclosure, 1111 Constitution Avenue NW., Washington, DC 20224, attention: David Silverman, room 7562. Comments may also be submitted through the Federal rulemaking portal at <http://www.regulations.gov> (follow the instructions for submitting comments). Comments will be made available for inspection at the IRS Freedom of

Information Reading Room, also located at 1111 Constitution Avenue, NW. The telephone number for the Reading Room is (202) 622-5164 (this is not a toll free number).

**FOR FURTHER INFORMATION CONTACT:** Mary Anderson, Program Analyst, (703) 647-5477 (this is not a toll free number).

**SUPPLEMENTARY INFORMATION:** Currently, Treasury/IRS 34.022 is exempt under (j)(2) of the Privacy Act. After careful review, the Internal Revenue Service proposes an amendment to change the basis for the exemption claimed for the system of records from that which is provided under 5 U.S.C. 552a(j)(2) to that which is provided under 5 U.S.C. 552a(k)(5).

The (k)(5) exemption is more appropriate because the investigatory material contained in this system of records is collected and maintained solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information.

Under 5 U.S.C. 552a(k)(5), the head of any agency may promulgate rules to exempt any system of records within the agency from certain provisions of the Privacy Act of 1974 if the system is investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information, but only 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 September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Thus to the extent that the records in this system can be disclosed without revealing the identity of a confidential source, they are not within the scope of this exemption and are subject to all the requirements of the Privacy Act.

The system of records will be exempt from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5): 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

The sections of 5 U.S.C. 552a from which the system of records is exempt include in general those providing for

individuals' access to or amendment of records. When such access or amendment would cause the identity of a confidential source to be revealed, it would impair the future ability of the Department to compile investigatory material for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information. In addition, the system should be exempt from 5 U.S.C. 552a(e)(1) which requires that an agency maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose of the agency required to be accomplished by statute or executive order. The Department believes that to fulfill the requirements of 5 U.S.C. 552a(e)(1) would unduly restrict the agency in its information gathering inasmuch as it is often not until well after the investigation that it is possible to determine the relevance and necessity of particular information.

In a notice, to be published separately in the **Federal Register**, the Department proposes to revise Treasury/IRS 34.022. The purpose of the notice is to make certain alterations to the notice including changing the title from "Treasury/IRS 34.022—National Background Investigations Center Management Information System" to "Treasury/IRS 34.022—Automated Background Investigations System (ABIS)."

As required by Executive Order 12866, it has been determined that this proposed rule is not a significant regulatory action, and therefore, does not require a regulatory impact analysis.

The regulation will not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this Proposed rule does not have federalism implications under Executive Order 13132.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby certified that these regulations will not significantly affect a substantial number of small entities. The proposed rule imposes no duties or obligations on small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1995, the Department of the Treasury has determined that this proposed rule would not impose new record keeping, application, reporting, or other types of information collection requirements.

## List of Subjects in 31 CFR Part 1

Privacy.

Part 1 subpart C of Title 31 of the Code of Federal Regulations is proposed to be amended as follows:

### PART 1—[AMENDED]

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

**Authority:** 5 U.S.C. 301, 31 U.S.C. 321, subpart A also issued under 5 U.S.C. 552, as amended. Subpart C also issued under 5 U.S.C. 552a.

2. Section 1.36 of subpart C is amended as follows:

a. Paragraph (c)(1)(viii) is amended by removing "IRS 34.022—National Background Investigations Center Management Information System" from the table.

b. Paragraph (m)(1)(viii) is amended by adding the following text to the table in numerical order:

#### § 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 522a and this part.

*	*	*	*	*
(m)	*	*	*	*
(1)	*	*	*	*
(viii)	*	*	*	*

Number	Name of system
IRS 34.022	Automated Background Investigations System (ABIS)

Dated: October 3, 2005.

**Sandra L. Pack,**

*Assistant Secretary for Management and Chief Financial Officer.*

[FR Doc. E5–6577 Filed 11–25–05; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 661

[Docket No. FTA–2005–23082]

RIN 2132–AA80

#### Buy America Requirements; Amendments to Definitions and Waiver Procedures

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Safe, Accountable, Flexible, Efficient Transportation Equity

Act: A Legacy for Users (SAFETEA–LU) requires the Federal Transit Administration (FTA) to make certain changes to our Buy America requirements. Accordingly, this Notice of Proposed Rulemaking (NPRM) would clarify the Buy America requirements with respect to microprocessor waivers, remove two general waiver categories, allow for post-award waivers, require greater detail for public interest waivers, and specify that final decisions by FTA are subject to judicial review. In addition, this NPRM would clarify the definitions of end product, negotiated agreement, and contractor, and provide a list representative of those items. The NPRM also proposes addressing the procurement of systems under the definition of end product, negotiated agreement, and contractor to ensure that major system procurements are not used to circumvent the Buy America requirements. Finally, the NPRM would make a minor clarification to pre-award and post-delivery review of rolling stock purchases.

**DATES:** Comments requested by January 27, 2006. Late filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments [identified by DOT DMS Docket Number FTA–2005–23082] by any of the following methods:

**Federal Rulemaking Portal:** Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Web site:** <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

**Fax:** 202–493–2251.

**Mail:** Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, PL–401, Washington, DC 20590–0001. Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** You must include the agency name (Federal Transit Administration and Docket number (FTA–2005–23082) or the Regulatory Identification Number (RIN) for this rulemaking at the beginning of your comments. You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted, without change, to <http://dms.dot.gov> including any personal information provided and will be available to