

12 CFR part or section where identified and de- scribed	Current OMB control No.
552.13	1550-0016,
	1550-0025
559.3	1550-0077
559.11	1550-0067
559.12	1550-0013
559.13	1550-0065
560.93(f)	1550-0078
560.100	1550-0078
560.101	1550-0078
560.170	1550-0078
560.170(c)	1550-0083
560.172	1550-0078
560.210	1550-0078
562.1	1550-0011
562.1(b)	1550-0078
562.4	1550-0011
563.1	1550-0027
563.1(b)	1550-0011
563.22	1550-0016
563.41(e)	1550-0078
563.42(e)	1550-0078
563.43(f) through (h)	1550-0075
563.43(i)(3)	1550-0075
563.47(e)	1550-0011
563.74	1550-0050
563.76(c)	1550-0011
563.80	1550-0061
563.81	1550-0030
563.131	1550-0028
563.134	1550-0059
563.173(e)	1550-0011
563.174(e)	1550-0011
563.174(f)	1550-0011
563.175(e)	1550-0011
563.175(f)	1550-0011
563.177	1550-0041
563.180	1550-0084
563.180(d)	1550-0003
563.180(e)	1550-0079
563.181	1550-0032
563.183	1550-0032
Part 563b	1550-0014
563b.4	1550-0032
563b.20 through 563b.32	1550-0074
Part 563d	1550-0019
Part 563e	1550-0012
Part 563f	1550-0051
Part 563g	1550-0035
Part 564	1550-0078
566.4	1550-0011
Part 568	1550-0062
571.6	1550-0005
574.3(b)	1550-0032
574.4	1550-0032
574.5	1550-0032
574.6	1550-0015
Part 575	1550-0071
584.1(f)	1550-0011
584.2-1	1550-0063
584.2-2	1550-0063
584.9	1550-0063
590.4(h)	1550-0078

PART 561—DEFINITIONS

3. The authority citation for part 561 continues to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a.

§ 561.13 [Amended]

4. Section 561.13 is amended by removing footnote 1 to the tables.

PART 563—OPERATIONS

5. The authority citation for part 563 continues to read as follows:

Authority: 12 U.S.C. 375b, 1462, 1462a, 1463, 1464, 1467a, 1468, 1817, 1828, 3806.

§ 563.7 [Amended]

6. Section 563.7 is amended in paragraphs (a) and (d)(2) by removing the phrases “paragraph (e)” and “paragraph (e)(1)”, respectively, and by adding in lieu thereof the phrases “paragraph (d)” and “paragraph (d)(1)”, respectively.

§ 563.41 [Amended]

7. Section 563.41 is amended by removing the word “and” at the end of paragraph (e)(2)(i), and by adding in lieu thereof the word “or”; by removing the word “current” in paragraph (e)(2)(ii)(B); by redesignating paragraph (e)(2)(iii) as paragraph (e)(3); and by removing, in newly designated paragraph (e)(3), the phrase “paragraph (e)(2)(ii)”, and by adding in lieu thereof the phrase “paragraph (e)(2)”.

PART 563d—SECURITIES OF SAVINGS ASSOCIATIONS

8. The authority citation for part 563d continues to read as follows:

Authority: 12 U.S.C. 1462a, 1463, 1464; 15 U.S.C. 78c(b), 78l, 78m, 78w, 78d-1.

§ 563d.1 [Amended]

9. Section 563d.1 is amended in the fourth sentence by adding the phrase “Securities Filing Desk,” after the phrase “Business Transactions Division,”.

PART 574—ACQUISITION OF CONTROL OF SAVINGS ASSOCIATIONS

10. The authority citation for part 574 continues to read as follows:

Authority: 12 U.S.C. 1467a, 1817, 1831i.

§ 574.6 [Amended]

11. Section 574.6(c)(5) is amended by removing the phrase “paragraph (c)(5)”, and by adding in lieu thereof the phrase “paragraph (c)”.

Dated: November 18, 1996.

By the Office of Thrift Supervision.

Nicolas P. Retsinas,
Director.

[FR Doc. 96-31315 Filed 12-10-96; 8:45 am]

BILLING CODE 6720-01-P

DEPARTMENT OF JUSTICE**28 CFR Part 16**

[AAG/A Order No. 124-96]

Exemption of System of Records Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, is exempting the National DNA Index System (NDIS) from 5 U.S.C. 552a(c) (3) and (4); (d) (e) (1), and (2), and (3); (e)(4) (G) and (H); (e) (5) and (8); and (g). The purposes of the exemption are to maintain the confidentiality and security of information compiled for purposes of criminal investigation, or of reports compiled at any stage of the criminal law enforcement process. Therefore, to the extent that these records may be subject to the Privacy Act, they are subject to exemption under subsection (j)(2) and are available under the Privacy Act.

EFFECTIVE DATE: December 11, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, program Analyst (202-616-0178).

SUPPLEMENTARY INFORMATION: On July 18, 1996 (61 FR 37426), a proposed rule was published in the Federal Register with an invitation to comment. No comments were received.

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, it is hereby stated that the order will not have “a significant economic impact on a substantial number of small entities.”

List of Subjects in Part 16: Administrative Practices and Procedure, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

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, 28 CFR part 16 is amended as set forth below.

Dated: November 22, 1996.

Stephen R. Colgate,
Assistant Attorney General for
Administration.

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

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

2. 28 CFR 16.96 is amended by removing the heading “National Crime Information Center (NCIC) (Justice/FBI-”

001)'' and the undesignated paragraph which follows paragraph (k)(4); and by adding paragraphs (n) and (o) as set forth below.

§ 16.96 Exemptions of Federal Bureau of Investigation Systems—Limited Access, as indicated.

* * * * *

(n) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4); (d); (e) (1), (2), and 3; (e)(4) (G) and (H); (e) (5) and (8); and (g):

(1) National DNA Index System (NDIS) (JUSTICE/FBI-017).

(o) These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2). Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because making available the accounting of disclosures of records to the subject of the record would prematurely place the subject on notice of the investigative interest of law enforcement agencies, provide the subject with significant information concerning the nature of the investigation, or permit the subject to take measures to impede the investigation (e.g., destroy or alter evidence, intimidate potential witnesses, or flee the area to avoid investigation and prosecution), and result in a serious impediment to law enforcement.

(2)(i) From subsections (c)(4), (d), (e)(4) (G) and (H), and (g) because these provisions concern an individual's access to records which concern him/her and access to records in this system would compromise ongoing investigations. Such access is directed at allowing the subject of the record to correct inaccuracies in it. The vast majority of records in this system are from the DNA records of local and State NDIS agencies which would be inappropriate and not feasible for the FBI to undertake to correct.

Nevertheless, an alternate method to access and/or amend records in this system is available to an individual who is the subject of a record pursuant to procedures and requirements specified in the Notice of Systems of Records compiled by the National Archives and Records Administration and published in the Federal Register under the designation: National DNA Index System (NDIS) (JUSTICE/FBI-017)

(ii) In addition, from paragraph (d)(2) of this section, because to require the FBI to amend information thought to be incorrect, irrelevant, or untimely, because of the nature of the information collected and the essential length of time it is maintained, would create an

impossible administrative and investigative burden by forcing the agency to continuously retrograde investigations attempting to resolve questions of accuracy, etc.

(iii) In addition, from subsection (g) to the extent that the system is exempt from the access and amendment provisions of subsection (d).

(3) From subsection (e)(1) because:

(i) Information in this system is primarily from State and local records and it is for the official use of agencies outside the Federal Government.

(ii) It is not possible in all instances to determine the relevancy or necessity of specific information in the early stages of the criminal investigative process.

(iii) Relevance and necessity are questions of judgment and timing; what appears relevant and necessary when collected ultimately may be deemed unnecessary, and vice versa. It is only after the information is assessed that its relevancy in a specific investigative activity can be established.

(iv) Although the investigative process could leave in doubt the relevancy and necessity of evidence which had been properly obtained, the same information could be relevant to another investigation or investigative activity under the jurisdiction of the FBI or another law enforcement agency.

(4) From subsections (e)(2) and (3) because it is not feasible to comply with these provisions given the nature of this system. Most of the records in this system are necessarily furnished by State and local criminal justice agencies and not by individuals due to the very nature of the records and the system.

(5) From subsection (e)(5) because the vast majority of these records come from State and local criminal justice agencies and because it is administratively impossible for them and the FBI to insure that the records comply with this provision. Submitting agencies are urged and make every effort to insure records are accurate and complete; however, since it is not possible to predict when information in the indexes of the system (whether submitted by State and local criminal justice agencies or generated by the FBI) will be matched with other information, it is not possible to determine when most of them are relevant or timely.

(6) From subsection (e)(8) because the FBI has no logical manner to determine whenever process has been made public and compliance with this provision would provide an impediment to law enforcement by interfering with ongoing investigations.

[FR Doc. 96-31469 Filed 12-10-96; 8:45 am]

BILLING CODE 4410-02-M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 101 and 102

Procedures and Rules Governing Summary Judgment Motions and Advisory Opinions

AGENCY: National Labor Relations Board.

ACTION: Final rule.

SUMMARY: The National Labor Relations Board (NLRB) issues a final rule implementing the proposal set forth in its July 5, 1996 Notice of Proposed Rulemaking (NPR) to eliminate provisions in its current rules permitting parties to pending state proceedings to petition for an advisory opinion on whether the Board would assert jurisdiction under its commerce standards. The final rule does not implement the other proposal set forth in the Board's NPR which would have also eliminated provisions in the current rules requiring issuance of a notice to show cause before the Board grants a motion for summary judgment. The Board has decided to withdraw that proposal for further study in light of the comments and other actions recently taken by the Board to streamline the summary judgment process.

EFFECTIVE DATE: January 10, 1997.

FOR FURTHER INFORMATION CONTACT: John J. Toner, Executive Secretary, National Labor Relations Board, 1099 14th Street, NW., Room 11600, Washington, DC 20570. Telephone: (202) 273-1940.

SUPPLEMENTARY INFORMATION: As part of the Agency's ongoing efforts to streamline its operations, on July 5, 1996, the Board issued a Notice of Proposed Rulemaking (NPR) proposing certain changes to its rules and statements of procedure regarding motions for summary judgment and petitions for advisory opinions (61 FR 35172). Specifically, the Board proposed: (1) To eliminate provisions in the current rules and statements of procedure permitting parties to pending state proceedings to petition the Board for an advisory opinion on whether the Board would assert jurisdiction under its commerce standards; and (2) to also eliminate provisions in the current rules requiring the Board to issue a notice to show cause before granting a motion for summary judgment.

Four comments were received in response to the NPR, three from practitioners (Robert J. Janowitz, Kansas City, Missouri; Ira Drogin, New York, New York; and Rayford T. Blankenship, Greenwood, Indiana) and one from a