

AIRAC date	State	City	Airport	FDC	FDC date	Subject
5-Apr-12	ME	Bangor	Bangor Intl	2/7098	2/23/12	ILS OR LOC RWY 15, ILS RWY 15 (CAT II), ILS RWY 15 (CAT III), Amdt 6A.
5-Apr-12	IL	Chicago/Lake In The Hills	Lake In The Hills	2/7102	2/23/12	Takeoff Minimums and Obstacle DP, Orig.
5-Apr-12	AL	Huntsville	Huntsville Intl—Carl T Jones Field.	2/7139	2/23/12	VOR A, Amdt 12A.
5-Apr-12	TX	Dallas-Fort Worth	Dallas-Fort Worth Intl	2/7608	2/22/12	ILS RWY 13R (SA CAT II), Amdt 8.
5-Apr-12	TN	Knoxville	McGhee Tyson	2/7680	2/23/12	RNAV (GPS) RWY 5L, Amdt 1A.
5-Apr-12	TX	Waco	Waco Rgnl	2/7711	2/22/12	RNAV (GPS) RWY 32, Orig.
5-Apr-12	TX	Port Aransas	Mustang Beach	2/7820	2/23/12	RNAV (GPS) RWY 12, Orig-A.
5-Apr-12	TX	Port Aransas	Mustang Beach	2/7821	2/23/12	RNAV (GPS) RWY 30, Orig-A.
5-Apr-12	TX	Houston	Ellington Field	2/8123	2/23/12	RNAV (GPS) RWY 35L, Orig-B.
5-Apr-12	NC	Greensboro	Piedmont Triad Intl	2/8139	2/27/12	ILS RWY 5R (CAT II), Amdt 7A.
5-Apr-12	NC	Greensboro	Piedmont Triad Intl	2/8140	2/27/12	ILS RWY 5L (CAT III), Orig-A.
5-Apr-12	NC	Greensboro	Piedmont Triad Intl	2/8141	2/27/12	ILS OR LOC RWY 23R, Orig-A.
5-Apr-12	NC	Greensboro	Piedmont Triad Intl	2/8142	2/27/12	RNAV (GPS) RWY 5L, Orig-A.
5-Apr-12	NC	Greensboro	Piedmont Triad Intl	2/8143	2/27/12	ILS OR LOC RWY 5L, Orig-A.
5-Apr-12	NC	Greensboro	Piedmont Triad Intl	2/8144	2/27/12	ILS RWY 5L (CAT II), Orig-A.
5-Apr-12	NC	Greensboro	Piedmont Triad Intl	2/8146	2/27/12	ILS OR LOC RWY 5R, Amdt 7A.
5-Apr-12	NC	Greensboro	Piedmont Triad Intl	2/8148	2/27/12	RNAV (GPS) RWY 23R, Orig-A.
5-Apr-12	AZ	Phoenix	Phoenix Sky Harbor Intl	2/8151	2/27/12	ILS OR LOC RWY 25L, Amdt 1E.
5-Apr-12	AZ	Phoenix	Phoenix Sky Harbor Intl	2/8152	2/27/12	ILS OR LOC RWY 7R, Amdt 2.
5-Apr-12	UT	Vernal	Vernal Rgnl	2/8182	2/23/12	RNAV (GPS) RWY 34, Amdt 1.
5-Apr-12	SC	Aiken	Aiken Muni	2/8273	2/23/12	RNAV (GPS) RWY 7, Amdt 1.
5-Apr-12	SC	Aiken	Aiken Muni	2/8274	2/23/12	ILS OR LOC/DME RWY 7, Orig.
5-Apr-12	IN	Jeffersonville	Clark Rgnl	2/8287	2/22/12	NDB RWY 18, Amdt 1.
5-Apr-12	IN	Jeffersonville	Clark Rgnl	2/8288	2/22/12	ILS OR LOC RWY 18, Amdt 2.
5-Apr-12	IN	Auburn	De Kalb County	2/8896	2/22/12	VOR RWY 9, Amdt 7B.
5-Apr-12	ND	Bismarck	Bismarck Muni	2/8897	2/23/12	ILS OR LOC RWY 31, Amdt 33.
5-Apr-12	MN	Bemidji	Bemidji Rgnl	2/9058	2/22/12	RNAV (GPS) RWY 25, Orig.
5-Apr-12	NH	Portsmouth	Portsmouth Intl at Pease	2/9382	2/23/12	Takeoff Minimums and Obstacle DP, Orig.
5-Apr-12	AK	Kodiak	Kodiak	2/9393	2/22/12	ILS OR LOC/DME Y RWY 25, Amdt 2.
5-Apr-12	ME	Brunswick	Brunswick Executive	2/9657	2/23/12	ILS OR LOC/DME RWY 1R, Orig.

[FR Doc. 2012-6006 Filed 3-15-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF DEFENSE**Office of the Secretary**

[Docket ID DoD-2010-OS-0183]

32 CFR Part 311**Privacy Act; Implementation**

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense is exempting those records contained in DMDC 15 DoD, entitled “Armed Services Military Accession Testing” when the record includes the specific answers submitted and the answer key. Releasing this information to the individual will compromise the

objectivity or fairness of the test if the correct or incorrect answers are released.

DATES: This rule is effective March 16, 2012.

FOR FURTHER INFORMATION CONTACT: Mrs. Cindy Allard at (703) 588-6830.

SUPPLEMENTARY INFORMATION: The Proposed Rule was published on January 3, 2011, in the *Federal Register* (76 FR 56-57). During the comment period, two public comments were received.

The first commenter asserted that the proposed Privacy Act exemption rule "could possibly be viewed as a violation of [the] constitutional rights * * * [of] U.S. citizen[s]," making reference to the Third, Fifth, Sixth, and Fourteenth Amendments of the Constitution. Also the first commenter commented that the provision "of the answers and/or answer keys should be at the discretion of the test taker, i.e., U.S. citizens."

The Privacy Act exemption rule addresses an individual's answers to the Armed Services Vocational Aptitude Battery (ASVAB) and the appropriate answer key, allowing the Department of Defense to exempt an individual's ASVAB answers and the answer key from the access provisions of the Privacy Act of 1974.

The exemption rule is intended to ensure that individuals will not compromise the purpose of the ASVAB—to ascertain the skills and abilities of individuals joining the military or seeking to join the military. If individuals were allowed to have the specific responses to the questions as well as the correct answers, the Department of Defense would be unable to ensure that individuals were placed in jobs for which they had an aptitude, or more importantly, placed in jobs for which they had no aptitude. If individuals were allowed to have their individual responses as well as the correct answers, the integrity and scoring of the battery would be compromised rendering the testing worthless.

Individuals taking the test are provided a copy of their scores along with an explanation of what the given scores indicate.

The exemption rule is consistent with the Privacy Act, its underlying purposes, and the U.S. Constitution. Further, the rules published at 32 CFR part 311, The OSD Privacy Program, provide individuals an opportunity to appeal the denial of access to their records, which could include the consideration of alleged constitutional rights violations arising out of the denial of access to requested records.

The second commenter did not address the proposed exemption rule but addressed the first commenter's comments.

Executive Order 12866, "Regulatory Planning and Review" and Executive Order 13563, "Improving Regulation and Regulatory Review"

It has been determined that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; 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 these Executive orders.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

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.

Public Law 95-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

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 of 1974.

Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"

It has been determined that this Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, "Federalism"

It has been determined that the Privacy Act rules for the Department of Defense do not have federalism implications. The rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects in 32 CFR Part 311

Privacy.

Accordingly, 32 CFR part 311 is amended to read as follows:

PART 311—OFFICE OF THE SECRETARY OF DEFENSE AND JOINT STAFF PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 311 continues to read as follows:

Authority: Pub. L. 93-579, 88 Stat. 1986 (5 U.S.C. 522a).

■ 2. Section 311.8 is amended by adding paragraph (c)(16) to read as follows:

§ 311.8 Procedures for exemptions.

* * * * *

(c) * * *

(16) *System identifier and name:* DMDC 15 DoD, Armed Services Military Accession Testing.

(i) *Exemption:* Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service or military service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(d).

(ii) *Authority:* 5 U.S.C. 552a(k)(6).

(iii) *Reasons:* (A) An exemption is required for those portions of the Skill Qualification Test system pertaining to individual item responses and scoring keys to preclude compromise of the test and to ensure fairness and objectivity of the evaluation system.

(B) From subsection (d)(1) when access to those portions of the Skill Qualification Test records would reveal the individual item responses and scoring keys. Disclosure of the individual item responses and scoring keys will compromise the objectivity and fairness of the test as well as the validity of future tests resulting in the Department being unable to use the testing battery as an individual assessment tool.

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Dated: February 28, 2012.

Patricia L. Toppings,
OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 2012-6169 Filed 3-15-12; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD-2012-OS-0027]

32 CFR Part 311

Privacy Act of 1974; Implementation

AGENCY: Office of the Secretary, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: The Office of the Secretary of Defense is exempting those records contained in DMDC 11, entitled "Investigative Records Repository", when investigatory material is 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 such material would reveal the identity of a confidential source. This direct final rule makes nonsubstantive changes to the Office of the Secretary Privacy Program rules. These changes will allow the Department to add an exemption rule to the Office of the Secretary of Defense Privacy Program rules that will exempt applicable Department records and/or material from certain portions of the Privacy Act. This change will allow the Department to move part of the Department's personnel security program records from the Defense Security Service Privacy Program to the Office of the Secretary of Defense Privacy Program. This will improve the efficiency and effectiveness of DoD's program by preserving the exempt status of the applicable records and/or material when the purposes underlying the exemption(s) are valid and necessary. This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

DATES: The rule is effective on May 25, 2012 unless comments are received that would result in a contrary determination. Comments will be accepted on or before May 15, 2012. If DoD receives a significant adverse comment, the Department will publish a withdrawal of this direct final rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket 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, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

Instructions: All submissions received must include the agency name and docket number 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: Ms. Cindy Allard at (703) 588-6830.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will publish a withdrawal of this direct final rule in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, "Regulatory Planning and Review" and Executive Order 13563, "Improving Regulation and Regulatory Review"

It has been determined that Privacy Act rules for the Department of Defense are not significant rules. The rules do not (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy; a sector of the economy; 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 these Executive orders.

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. Chapter 6)

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.

Public Law 95-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been determined that Privacy Act rules for the Department of Defense impose no additional information collection requirements on the public under the Paperwork Reduction Act of 1995.

Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"

It has been determined that this Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, "Federalism"

It has been determined that the Privacy Act rules for the Department of Defense do not have federalism implications. The rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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PART 311—OFFICE OF THE SECRETARY OF DEFENSE AND JOINT STAFF PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 311 continues to read as follows:

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