

(d) *Final approval.* Idaho has final approval for the following elements of its program application originally submitted to EPA and approved, effective February 28, 2012, and the program revision application approved by EPA effective on March 10, 2020:

(1) *State statutes and regulations—(i) Incorporation by reference.* The materials cited in this paragraph (d)(1) are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Idaho provisions that are incorporated by reference in this paragraph (d)(1)(i) from Idaho's Office of Administrative Rules Coordinator, P.O. Box 83720, Boise, Idaho 83720; Phone number: 208-332-1820; website: <https://adminrules.idaho.gov/>. You may inspect all approved material at the EPA Region 10 office, 1200 Sixth Avenue, Seattle, Washington 98101, phone number (206) 553-6693, or the National Archives and Records Administration (NARA). For information on the availability of the material at NARA, email [fedreg.legal@nara.gov](mailto:fedreg.legal@nara.gov) or go to <https://www.archives.gov/federal-register/cfr/ibr-locations>.

(A) Idaho Statutory Requirements Applicable to the Underground Storage Tank Program, September 2018.

(B) Idaho Regulatory Requirements Applicable to the Underground Storage Tank Program, September 2018.

(ii) *Legal basis.* The EPA evaluated the following statutes and regulations which provide the legal basis for the State's implementation of the underground storage tank program, but they are not being incorporated by reference and do not replace Federal authorities:

(A) The statutory provisions include: (1) *Idaho Code*, Title 39, "Health and Safety," Chapter 1, "Environmental Quality—Health," Sections 39-108 and -109.

(2) *Idaho Code*, Title 39, "Healthy and Safety," Chapter 88, "Idaho Underground Storage Tank Act." The following Sections are part of the approved State program, although not incorporated by reference in this part for enforcement purposes: Sections 39-8805, -8808, -8810, and -8811.

(B) The regulatory provisions include: (1) *Idaho Administrative Code* 58 (April 1, 2018), Title 01, Chapter 02, "Water Quality Standards," Sections 851 and 852.

(2) *Idaho Administrative Code* 58 (April 1, 2018), Title 01, Chapter 07,

"Rules Regulating Underground Storage Tank Systems." The following Sections are part of the approved State program, although not incorporated by reference in this part for enforcement purposes: Sections 004.01, 400.01 and .03, 500, and 600.

(3) *Idaho Rules of Civil Procedure*, Rule 24(a).

(iii) *Provisions not incorporated by reference.* The following specifically identified sections and rules applicable to the Idaho underground storage tank program that are broader in coverage than the Federal program, are not part of the approved program, and are not incorporated by reference in this part for enforcement purposes:

(A) Idaho Administrative Code 58 (April 1, 2018), Title 01, Chapter 07, "Rules Regulating Underground Storage Tank Systems," Sections 010.16, 100.01 and .03, 200, 600, and 601.

(B) [Reserved]

(2) *Statement of legal authority.* The Attorney General's Statement, signed by the Deputy Attorney General of the State of Idaho on August 23, 2018, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the program revision application for approval on September 19, 2018, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the program revision application for approval on September 19, 2018, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 10 and the Idaho Department of Environmental Quality, signed by the EPA Regional Administrator on March 19, 2019, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

■ 3. Appendix A to part 282 is amended by adding an entry for "Idaho" in alphabetical order by State to read as follows:

## Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

\* \* \* \* \*

### Idaho

(a) The statutory provisions include:

(1) *Idaho Code*, Title 39, "Health and Safety," Chapter 1, "Environmental Quality—Health": Section 39-103, "Definitions," 39-103(3), (6), (7), (11), (12), (15)-(18); Section 39-107, "Board—Composition—Officers—Compensation—Powers—Subpoena—Depositions—Review—Rules," 39-107(7).

(2) *Idaho Code*, Title 39, "Health and Safety," Chapter 88, "Idaho Underground Storage Tank Act": Sections 39-8803, "Definitions," -8804, "Program Scope," -8805, "Rules Governing Underground Storage Tank Systems," -8805A, "Compliance Dates for Certain Rules," -8806, "Additional Measures to Protect Ground Water," -8807, "Operator Training," -8808, "Inspections," -8809, "Delivery Prohibition," and -8810, "Underground Storage Tank Database."

(b) The regulatory provisions include:

(1) *Idaho Administrative Code* 58, Title 01, Chapter 07:

Section 004 Incorporation by Reference; Section 010 Definitions (except 010.16, defining "Replace");

Section 100 Additional Measures to Protect Ground Water from Contamination (except 100.01-.03);

Section 101 Alternative Periodic Testing of Containment Sumps Used for Interstitial Monitoring of Piping;

Section 300 Training Requirements.

(2) *Idaho Administrative Code* 58, Title 01, Chapter 24.

(c) Copies of the Idaho provisions that are incorporated by reference are available from Idaho's Office of Administrative Rules Coordinator, P.O. Box 83720, Boise, ID 83720; Phone number: 208-332-1820; website: <https://adminrules.idaho.gov/>.

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## DEPARTMENT OF THE INTERIOR

### 43 CFR Part 2

[BSEE-2016-0001; 201E1700D2  
EECC000000 ET1EX0000.G40000]

RIN 1014-AA41

### Privacy Act Regulations; Exemptions for the Investigations Case Management System

**AGENCY:** Bureau of Safety and Environmental Enforcement, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Interior is issuing a final rule to amend its regulations to exempt certain records

in the BSEE–01, Investigations Case Management System, from one or more provisions of the Privacy Act because of civil and administrative law enforcement requirements.

**DATES:** This final rule is effective January 10, 2020.

**FOR FURTHER INFORMATION CONTACT:** Rowena Dufford, Associate Privacy Officer, Bureau of Safety and Environmental Enforcement, 45600 Woodland Road, Mail Stop VAE–MSD, Sterling, VA 20166, *privacy@bsee.gov* or (703) 787–1257.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department of the Interior (DOI) published a notice of proposed rulemaking in the **Federal Register** at 81 FR 67267, September 30, 2016, proposing to exempt certain records in the Investigations Case Management System (CMS) in accordance with 5 U.S.C. 552a(k)(2) of the Privacy Act of 1974, as amended, because of civil and administrative law enforcement requirements. The CMS system of records notice was published in the **Federal Register** at 81 FR 67386, September 30, 2016.

Comments were invited on the CMS system of records notice and the notice of proposed rulemaking. DOI received no comments on the system of records notice, but received two comments on the notice of proposed rulemaking. One commenter did not address the specific exemption but expressed concern that access to the records should be preserved and not taken away. The other commenter suggested the proposed rule contravenes the intent of the Privacy Act by creating a “blanket [exemption]” on disclosures of all types of agency records. The commenter further stated that by amending the rule, the Bureau of Safety and Environmental Enforcement indicates that all information in CMS is intended for law enforcement purposes and that there is concern that the release of this information could lead to witness tampering. As stated in the proposed rule and consistent with the Privacy Act, the exemptions from one or more provisions of the Privacy Act may be waived on a case-by-case basis where a release would not interfere with or adversely affect investigations or enforcement activities. These comments on the notice of proposed rulemaking require no revisions, therefore, DOI will implement the rulemaking as proposed.

**Procedural Requirements**

**1. Regulatory Planning and Review**  
(Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs in the Office of Management and Budget will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. DOI developed this rule in a manner consistent with these requirements.

**2. Regulatory Flexibility Act**

DOI certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*). This rule does not impose a requirement for small businesses to report or keep records on any of the requirements contained in this rule. The exemptions to the Privacy Act apply to individuals, and individuals are not covered entities under the Regulatory Flexibility Act.

**3. Small Business Regulatory Enforcement Fairness Act (SBREFA)**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

**4. Unfunded Mandates Reform Act**

This rule does not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or on the private sector, of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This rule makes only minor changes to 43 CFR part 2. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

**5. Takings (E.O. 12630)**

In accordance with Executive Order 12630, the rule does not have significant takings implications. The rule is not a governmental action capable of interference with constitutionally protected property rights. This rule makes only minor changes to 43 CFR part 2. A takings implication assessment is not required.

**6. Federalism (E.O. 13132)**

In accordance with Executive Order 13132, this rule does not have any federalism implications to warrant the preparation of a Federalism Assessment. The rule is not associated with, nor will it 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. A Federalism Assessment is not required.

**7. Civil Justice Reform (E.O. 12988)**

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Does not unduly burden the judicial system.

(b) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(c) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

**8. Consultation With Indian Tribes (E.O. 13175)**

In accordance with Executive Order 13175, the Department of the Interior has evaluated this rule and determined that it would have no substantial effects on federally recognized Indian Tribes.

**9. Paperwork Reduction Act**

This rule does not require an information collection from 10 or more parties and a submission under the

Paperwork Reduction Act is not required.

#### 10. National Environmental Policy Act (NEPA) of 1969

This rule does not constitute a major Federal Action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by a categorical exclusion. This rule meets the criteria set forth in 43 CFR 46.210(i), 516 Departmental Manual 15.4C(1), and the BSEE Interim NEPA Policy Document 2013–09, for a categorical exclusion. The rule's administrative effects are to exempt CMS from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2) because of civil and administrative law enforcement requirements and therefore would not have any environmental impacts. BSEE also analyzed this rule to determine if it involves any of the extraordinary circumstances set forth in 43 CFR 46.215 that would require an environmental assessment or an environmental impact statement for actions otherwise eligible for a categorical exclusion. BSEE concluded that this rule does not meet any of the criteria for extraordinary circumstances.

#### 11. Data Quality Act

In developing this rule, there was no need to conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

#### 12. Effects on Energy Supply (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. A Statement of Energy Effects is not required.

#### 13. Clarity of This Regulation

We are required by Executive Order 12866 and 12988, the Plain Writing Act of 2010 (H.R. 946), and the Presidential Memorandum of June 1, 1998, to write

all rules in plain language. This means each rule we publish must:

- Be logically organized;
- Use the active voice to address readers directly;
- Use clear language rather than jargon;
- Be divided into short sections and sentences; and
- Use lists and tables wherever possible.

#### List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Confidential information, Courts, Freedom of Information Act, Privacy Act.

For the reasons stated in the preamble, the Department of the Interior amends 43 CFR part 2 as follows:

#### PART 2—FREEDOM OF INFORMATION ACT; RECORDS AND TESTIMONY

- 1. The authority citation for part 2 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 553; 31 U.S.C. 3717; 43 U.S.C. 1460, 1461.

- 2. Amend § 2.254 by adding paragraph (b)(18) to read as follows:

##### § 2.254 Exemptions.

\* \* \* \* \*

(b) \* \* \*

(18) Investigations Case Management System (CMS), BSEE–01.

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**Teri Barnett,**

*Departmental Privacy Officer, Department of the Interior.*

[FR Doc. 2019–28237 Filed 1–9–20; 8:45 am]

**BILLING CODE 4310–VH–P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 27

[WT Docket No. 18–120]

#### Transforming the 2.5 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments.

**SUMMARY:** The Federal Communications Commission (FCC or Commission) is

correcting final rules that appeared in the **Federal Register** on October 25, 2019. The published rules contained language stating that certain rules were not currently effective, because the FCC was awaiting Paperwork Reduction Act approval from the Office of Management and Budget (OMB). In fact, OMB had previously granted Paperwork Reduction Act approval, and the language in question was unnecessary. By correcting these amendments, the FCC removes unnecessary rules.

**DATES:** Effective January 10, 2020.

**FOR FURTHER INFORMATION CONTACT:** John Schauble of the Wireless Telecommunications Bureau, Broadband Division, at (202) 418–0797 or [John.Schauble@fcc.gov](mailto:John.Schauble@fcc.gov).

**SUPPLEMENTARY INFORMATION:** For the reason stated in the summary, the Commission removes 47 CFR 27.14(v) and 27.1204(f), which were erroneously added in final rules published on October 25, 2019 (84 FR 57343).

#### List of Subjects in 47 CFR Part 27

Communications common carriers, Communications equipment.

Accordingly, 47 CFR part 27 is corrected by making the following correcting amendments:

#### PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

- 1. The authority citation for part 27 continues to read as follows:

**Authority:** 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, 337, 1403, 1404, 1451, and 1452, unless otherwise noted.

##### § 27.14 [Amended]

- 2. In § 27.14, remove paragraph (v).

##### § 27.1204 [Amended]

- 3. In § 27.1204, remove paragraph (f). Federal Communications Commission.

**Cecilia Sigmund,**

*Federal Register Liaison Officer, Office of the Secretary.*

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