§ 64.1703 Interception requirements and restrictions.

An employee or officer of a telecommunications carrier shall assist in intercepting and disclosing to a third party a wire, oral, or electronic communication or shall provide access to call-identifying information only upon receiving a court order or other lawful authorization.

§ 64.1704 Carrier records.

(a) The officers of any telecommunications carrier shall ensure that the carrier maintains records of any assistance provided for the interception and disclosure to third parties of any wire, oral, or electronic communication or of any call-identifying information. The record will be made either contemporaneously with each interception, or not later than 48 hours from the time each interception begins, and shall include:

(1) The telephone number(s) or circuit number(s) involved;

(2) The date and time the interception started;

(3) The date and time the interception stopped;

(4) The identity of the law enforcement officer presenting the authorization;

(5) The name of the judge or prosecuting attorney signing the authorization;

(6) The type of interception (*e.g.*, pen register, trap and trace, ''Title III'' interception pursuant to 18 U.S.C. 2510 *et seq.* and collateral state statutes, Foreign Intelligence Surveillance Act (''FISA'') 50 U.S.C. 1801 *et seq.*); and

(7) The names of all telecommunications carrier personnel involved in performing, supervising, and internally authorizing, the interception, and the names of those who possessed knowledge of the interception.

(b) A separate record shall be kept of any instances of interception, and of the identities of third parties to which disclosure of call-identifying information is made. In addition to the information listed in paragraphs (a) (1) through (7) of this section, these records will provide a complete discussion of the facts and circumstances surrounding the interception and disclosure. Each record shall be maintained in a secure location accessible only by authorized carrier personnel for a period of ten (10) years from its creation.

(c) The officers of any telecommunications carrier shall assure that any employee, agent, or officer of the carrier engaged in performing authorized interceptions for law enforcement personnel or having access to such information does not disclose to any other person any information about such activity. Any employee or officer who has access to such information shall sign a statement that provides as follows:

(1) The telephone number(s) or circuit identification number(s) involved;

(2) The name of each employee or officer who effected the interception and possessed information concerning its existence, and their respective positions within the telecommunications carrier;

(3) The date and time the interception started;

(4) The date and time the interception stopped;

(5) The type of interception (e.g., pen register, trap and trace, ''Title III'' interception pursuant to 18 U.S.C. 2510 *et seq.* and collateral state statutes, Foreign Intelligence Surveillance Act (''FISA'') 50 U.S.C. 1801 *et seq.*);

(6) A copy or description of the written authorization for the employee and officer to participate in surveillance activity; and

(7) A statement that the employee or officer will not disclose information about the interception to any person, not properly authorized by statute or court order.

§ 64.1705 Compliance statements.

(a) Each telecommunications carrier having annual revenues from telecommunications operations in excess of the threshold defined in 47 CFR 32.9000 shall file with the Commission a statement of the policies, processes and procedures it uses to comply with the requirements of this subpart. These statements shall be filed with the Secretary, Federal Communications Commission, on or before [Date to be inserted in Final Rule], and shall be captioned, ''Interception Procedures'' filed pursuant to § 64.1704. Carriers seeking confidential treatment for any part of the statement shall clearly state the authority justifying such treatment pursuant to 47 CFR 0.459 and shall fully document all facts upon which that carrier proposes to rely in its request for confidential treatment.

(b) Any telecommunications carrier having annual revenues from telecommunications operations that do not exceed the threshold defined in 47 CFR 32.9000 may elect:

(1) To file the statement required in paragraph (a) of this section; or

(2) To certify that it observes procedures specified in the submission made pursuant to paragraph (a) of this section.

[FR Doc. 97–30902 Filed 11–26–97; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST–97–1472; Notice 97–12]

RIN: 2105–AC68

Privacy Act Implementation: Coast Guard's Marine Safety Information System

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: DOT proposes to amend its rules implementing the Privacy Act of 1974 to exempt from certain provisions of the Act the Coast Guard's Marine Safety Information System. Public comment is invited.

DATES: Comments are due December 29, 1997.

ADDRESSES: Comments should be addressed to Documentary Services Division, Attention: Docket Section, Room PL401, Docket OST–97–1472, Department of Transportation, C–55, Washington, DC 20590. Any person wishing acknowledgment that his/her comments have been received should include a self-addressed stamped postcard. Comments received will be available for public inspection and copying in the Documentary Services Division, Room PL401, Department of Transportation Building, 400 Seventh Street, SW., Washington, DC, from 9:00 AM to 5:00 PM ET Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, C–10, Department of Transportation, Washington, DC 20590, telephone (202) 366–9156. Fax (202) 366–9170.

SUPPLEMENTARY INFORMATION:

Background

The Coast Guard's Marine Safety Information System (MSIS) collects selected information on commercial and/or documented vessels operating in US waters, and collects and manages the data needed to monitor the safety performance of maritime vessels and facilities, with which the Coast Guard comes into contact while performing its marine safety functions. It also monitors the identities of individuals and corporations that own or operate these

vessels, and, if appropriate, aids the Coast Guard to develop law enforcement actions against such vessels, facilities, individuals, and corporations.

MSIS consolidates information from two other Coast Guard Privacy Act record systems: DOT/CG 561, Port Safety Reporting System (Individual Violation Histories), and DOT/CG 587, Investigation of Marine Safety Laws or Regulations. It also encompasses the automated, but not the manual, portions of DOT/C 591, Merchant Vessel Documentation System.

Because of the capability to retrieve information by the names or other unique identifiers of individuals, MSIS is subject to the Privacy Act, which imposes many restrictions on the use and dissemination of information in the system. However, because MSIS can be used for law enforcement purposes, it is exempted from some of these restrictions.

Privacy Act Exemption

All records in this system that fall within 5 U.S.C. 552a(k)(2) are exempt from the provisions of 5 U.S.C. 552a, subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). However, should at any time Exemption (j)(2) be deemed inapplicable, then under Exemption (k)(2), if a person is denied any right, privilege, or benefit to which he or she would otherwise be entitled to by Federal law as a result of keeping this material, the material must be released to the subject of the record, unless doing so would reveal the identity of a confidential source.

These records are exempt from subsection (c)(3) because the release of the accounting for disclosures made pursuant to subsection (b), including those permitted under the routine uses published for this system of records, would permit the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to determine whether he or she is the subject or investigation, or to obtain valuable information concerning the nature of that investigation, and the information obtained, or the identity of witnesses and informants and would therefore present a serious impediment to law enforcement.

These records are exempt from subsection (d) because access to information contained in this records system would inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation, or the nature and scope of the information and evidence obtained as to his activities, or the identity of witnesses and informants. These factors would present a serious impediment to effective law enforcement because they could prevent the successful completion of an investigation, lead to the improper influencing of witnesses, the destruction of evidence, or disclose information which would constitute an unwarranted invasion of another individual's personal privacy.

To require the Coast Guard 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 its investigations attempting to resolve questions of accuracy, etc.

These records are also exempt from subsections (e)(1), (e)(4)(G), (H), and (I) because of and to the extent that the records are exempt from the individual access provisions of subsection (d). The nature of the investigative activities is such that vital information about an individual can only be obtained from other persons who are familiar with such individual and his activities. In such investigations, it is not feasible to rely upon information furnished by the individual concerning his or her own activities.

In a criminal investigation, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation would be placed on notice as to the existence of the investigation and would be able to avoid detection, influence witnesses improperly, destroy evidence, or fabricate testimony.

In the collection of information for criminal law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can often only be determined in a court of law. The restriction of subsection (e)(5) would restrict the ability of trained investigators, intelligence analysts, and government attorneys in exercising their judgment in reporting on information and investigations and impede the development of criminal or other intelligence necessary for effective law enforcement.

In the course of criminal and other law enforcement investigations, cases and matters, the Coast Guard will occasionally obtain information concerning actual or potential violations of law which are not strictly within its statutory or other authority or may compile information in the course of an investigation which may not be relevant to a specific inquiry. In the interests of effective law enforcement, it is necessary to retain such information in this system of records since it can aid in establishing pattern of criminal activity and can provide valuable leads for other law enforcement agencies.

These records are exempt from subsection (f) because procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to him or her dealing with an actual or potential criminal, civil, or regulatory investigation must be exempted because such notice to an individual would be detrimental to the successful conduction and/or completion of an investigation, pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under, or may become the subject of, an investigation and could enable the subjects to avoid detection, to influence witnesses improperly, to destroy evidence, or to fabricate testimony.

Since an exemption is being claimed for subsection (d) of the Act the rules required pursuant to subsection (f)(2) through (5) are inapplicable to the system of records to the extent that this system of records is exempted from subsection (d).

Analysis of Regulatory Impacts

This amendment is not a ''significant regulatory action'' within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, I certify that this proposal will not have a significant economic impact on a substantial number of small entities, because the reporting requirements, themselves, are not changed.

This proposal does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969.

The Department has analyzed this rule under the principles and criteria contained in Executive Order 12612 (''Federalism'') and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This rule does not impose any unfunded

mandates as defined by the Unfunded Mandates Reform Act of 1995.

Finally, the proposal does not contain any collection of information requirements, requiring review under the Paperwork Reduction Act of 1995.

List of Subjects in 49 CFR Part 10:

Penalties, Privacy.

Accordingly, DOT proposes to amend 49 CFR part 10 as follows:

PART 10—[AMENDED]

1. The authority citation to part 10 would remain as follows:

Authority: 5 U.S.C. 552a; 49 U.S.C. 322.

2. Part II.A of the appendix to part 10 would be amended by adding a new paragraph 15, to read as follows:

Appendix to Part 10—Exemptions

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Part II. Specific exemptions.

A. * * *

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15. Marine Safety Information System, maintained by the Operations Systems Center, U.S. Coast Guard (DOT/CG 588). The purpose of this exemption is to prevent persons who are the subjects of criminal investigations from learning too early in the investigative process that they are subjects, what information there is in Coast Guard files that indicates that they may have committed unlawful conduct, and who provided such information.

* * * * *

Issued in Washington, DC, on November 18, 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97–31171 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172 and 175

[Docket HM–224A; Notice No. 97–15]

RIN 2137–AC92

Hazardous Materials: Prohibition of Oxidizers Aboard Aircraft; Notice of Public Meeting and Reopening of Comment Period

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Proposed rules; public meeting and reopening of comment period.

SUMMARY: RSPA is inviting additional comments concerning proposals to prohibit the transportation of oxidizers in passenger-carrying aircraft and in inaccessible locations on cargo aircraft, as issued by RSPA in a notice of proposed rulemaking on December 30, 1996, and a supplemental notice of proposed rulemaking on August 20, 1997. RSPA and FAA will hold a public meeting on January 14, 1998, in Washington, DC. In addition, RSPA is reopening the comment period for Docket HM–224A until February 13, 1998.

DATES: *Comments.* Comments must be received by February 13, 1998.

Public meeting The public meeting will be held on January 14, 1998 beginning at 9:00 a.m.

ADDRESSES: *Comments.* Address comments to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, room 8421, 400 Seventh Street, SW, Washington, D.C. 20590–0001. Comments should identify the docket number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. Comments may also be submitted by e-mail to the following address: rules@rspa.dot.gov. The Dockets Unit is located in the Department of Transportation headquarters building (Nassif Building) at the above address on the eighth floor. Public dockets may be reviewed there between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Public meeting The public meeting will be held at the Federal Aviation Administration Auditorium, Third floor, 800 Independence Avenue, SW, Washington, D.C. 20591. Any person planning to present a statement at the public meeting should notify Diane LaValle, by telephone or by e-mail before January 9, 1998. Oral statements should be limited to 10 minutes in length.

FOR FURTHER INFORMATION CONTACT: Diane LaValle or John Gale, Office of Hazardous Materials Standards, (202) 366–8553, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590–0001. E-mail address: rules@rspa.dot.gov.

SUPPLEMENTARY INFORMATION: On December 30, 1996, RSPA published a notice of proposed rulemaking in the **Federal Register** [61 FR 68955] which proposed to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) to prohibit the carriage of oxidizers, including compressed oxygen, in passenger-carrying aircraft and in inaccessible locations on cargo aircraft. The December 30, 1996 notice of proposed rulemaking analyzed Class D cargo compartments. On August 20, 1997 a supplemental notice of proposed rulemaking was published in the **Federal Register** [62 FR 44374] which specifically analyzed the prohibition of oxidizers in other than Class D cargo compartments.

Nine associations requested that RSPA schedule a public meeting to more fully explore issues relating to the necessity and effect of the proposed ban on transportation of oxidizers aboard aircraft. RSPA believes the request has merit and will hold a public meeting on January 14, 1998 to provide an opportunity for oral comment on the proposed action. RSPA is also reopening the comment period to provide additional time for submission of written comments.

Issued in Washington, DC on November 21, 1997 under authority delegated in 49 CFR, Part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 97–31114 Filed 11–26–97; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–97–3148]

RIN 2127–AC62

Federal Motor Vehicle Safety Standards; Fuel System Integrity; Crossover Lines

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Termination of rulemaking.

SUMMARY: This document terminates a rulemaking in which the agency had considered amending Federal Motor Vehicle Safety Standard No. 301, *Fuel System Integrity,* to limit fuel spillage experienced by vehicles equipped with a crossover fuel line. Upon reviewing the comments on its proposal, the agency concludes that the safety benefits of the proposed amendment are too small to justify its issuance.

FOR FURTHER INFORMATION CONTACT: *For technical issues:* Dr. William J.J. Liu, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C., 20590. Telephone: (202) 366–4923. FAX (202) 366–4329.