

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(c) Special flight permits will not be issued.

**Note 5:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 1998-171-039(A)R2 and 1998-170-056(A)R2, both dated January 12, 2000.

Issued in Fort Worth, Texas, on November 14, 2000.

**Michele M. Owsley,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 16

[AAG/A Order No. 210-2000]

#### Privacy Act of 1974; Implementation

**AGENCY:** Department of Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Justice proposes to exempt a Privacy Act system of records from subsections (c) (3) and (4), (d), (e)(1), (e)(2), (e)(4)(G) and (H), (e)(5), (f), and (g) of the Privacy Act, 52 U.S.C. 552a. The system of records is: the "United States Attorneys' Office, *Giglio* Information Files, JUSTICE/USA-018."

The "United States Attorneys' Office, *Giglio* Information Files, JUSTICE/USA-018" enables United States Attorneys' offices to maintain and disclose records of potential impeachment information received from the Department's investigative agencies, in accordance with *Giglio v. United States*, 405 U.S. 150 (1972). It permits the United States Attorneys' offices to obtain from federal and state agencies and to maintain and disclose for law enforcement purposes records of impeachment information that is material to the defense. The exemptions are necessary as explained in the accompanying rule.

**DATES:** Submit any comments by January 2, 2001.

**ADDRESSES:** Address all comments to Mary Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

**FOR FURTHER INFORMATION CONTACT:** Mary Cahill—202-307-1823.

**SUPPLEMENTARY INFORMATION:** In the notice section of today's **Federal Register**, the Department of Justice provides a description of the "*Giglio*

Information Files, JUSTICE/USA-018." This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-602, 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 Procedures, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Dated: November 21, 2000.

**Stephen R. Colgate,**

*Assistant Attorney General for  
Administration.*

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, it is proposed to amend part 16 of Title 28 of the Code of Federal Regulations as follows:

#### PART 16—[AMENDED]

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; 31 U.S.C. 3717, 9701.

2. It is proposed to amend § 16.81 by redesignating current paragraph (g) as (i) and adding paragraphs (g) and (h) to read as follows:

#### § 16.81 Exemption of the United States Attorneys Systems-limited access.

\* \* \* \* \*

(g) The *Giglio* Information Files (JUSTICE/USA-018) system of records is exempt from 5 U.S.C. 552a subsections (c)(4), (e)(2), (e)(5), and (g) of the Privacy Act, pursuant to 5 U.S.C. 552a (j)(2), and exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G) and (H), and (f), pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. § 552a(j)(2) and (k)(2).

(h) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3); because an exemption is being claimed for subsection (d), this subsection will not be applicable.

(2) From subsection (c)(4); because an exemption is being claimed for subsection (d), this subsection will not be applicable.

(3) From subsection (d); because access to the records contained in these systems is not necessary or may impede an ongoing investigation. Most information in the records is derivative

from the subject's employing agency files, and individual access will be through the employing agency's files. Additionally, other information in the records may be related to allegations against an agent or witness that are currently being investigated. Providing access to this information would impede the ongoing investigation.

(4) From subsection (e)(1); because in the interests of effective law enforcement and criminal prosecution, *Giglio* records will be retained because they could later be relevant in a different case; however, this relevance cannot be determined in advance.

(5) From subsection (e)(2); because the nature of the records in this system, which are used to impeach or demonstrate bias of a witness, requires that the information be collected from others.

(6) From subsections (e)(4) (G) and (H); because this system of records is exempt from individual access pursuant to subsections (j) and (k) of the Privacy Act of 1974.

(7) From subsection (e)(5); because the information in these records is not being used to make a determination about the subject of the records. According to constitutional principles of fairness articulated by the Supreme Court in *United States v. Giglio*, the records are required to be disclosed to criminal defendants to ensure fairness of criminal proceedings.

(8) From subsection (f); because records in this system have been exempted from the access provisions of subsection (d).

(9) From subsection (g); because records in this system are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 97

[USCG 2000-7080]

RIN 2115-AF97

#### Cargo Securing on Vessels Operating in U.S. Waters

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing regulations to implement cargo securing standards for U.S. and foreign vessels,