

free at (866) 208-3676, or for TTY, contact (202) 502-8659.

#### Effective Date

9. The removal of the OCSLA reporting regulations is effective immediately, pursuant to 5 U.S.C. 533(b). The Commission is issuing this as a final rule without a period for public comment, because under 5 U.S.C. 533(b), notice and comment procedures are unnecessary where a rulemaking concerns only agency procedure and practice or where the agency finds notice and comment unnecessary. The provisions of 5 U.S.C. 801 regarding Congressional review of final rules do not apply to this final rule, because this rule concerns agency procedure and practice and will not substantially affect the rights of non-agency parties.<sup>12</sup>

#### List of Subjects

##### 18 CFR Part 330

Reporting and recordkeeping requirements.

##### 18 CFR Part 385

Administrative practice and procedure, Electric utilities, Penalties, Pipelines, Reporting and recordkeeping requirements.

By the Commission.

**Linda Mitry,**

*Acting Secretary.*

■ In consideration of the foregoing, under the authority of U.S.C. 825h, the Commission amends 18 CFR Chapter I as follows:

#### **SUBCHAPTER O—REGULATIONS UNDER THE OUTER CONTINENTAL SHELF LANDS ACT (OCSLA)—[REMOVED]**

■ 1. Subchapter O, consisting of part 330, is removed and reserved.

#### **PART 385—RULES OF PRACTICE AND PROCEDURE**

■ 2. The authority citation for part 385 continues to read as follows:

**Authority:** 5 U.S.C. 551-557; 15 U.S.C. 717-717z, 3301-3432; 16 U.S.C. 791a-8225r, 2601-2645; 31 U.S.C. 3701, 9701; 42 U.S.C. 7101-7352; 49 U.S.C. 60502; 49 App. U.S.C. 1-85 (1988).

■ 3. In § 385.2011, paragraph (b)(6) is removed.

[FR Doc. 04-5761 Filed 3-16-04; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### 32 CFR Part 806b

[Air Force Instruction 37-132]

#### Privacy Act; Implementation

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Air Force is adding an exemption rule for the system of records F071 JTF A, entitled "Computer Network Crime Case System". The exemptions [(j)(2) and (k)(2)] increase the value of the system of records for law enforcement purposes.

The proposed rule was published on December 9, 2003, at 68 FR 68578. No comments were received; therefore, the Department of the Air Force is adopting the rule as published below.

**EFFECTIVE DATE:** February 10, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Anne Rollins at (703) 601-4043 or DSN 329-4043.

#### **SUPPLEMENTARY INFORMATION:**

##### **Executive Order 12866, "Regulatory Planning and 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 this Executive order.

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

It has been certified that Privacy Act rules for the Department of Defense do not have significant economic impact on a substantial number of small entities because they are concerned only with the administration of Privacy Act systems of records within the Department of Defense.

##### **Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)**

It has been certified that Privacy Act rules for the Department of Defense impose 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 certified that the 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 certified that the Privacy Act rules for the Department of Defense do not have federalism implications. The rules do 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 806b**

Privacy.

■ Accordingly, 32 CFR part 806b is to be amended as follows:

#### **PART 806b—AIR FORCE PRIVACY ACT PROGRAM**

■ 1. The authority citation for 32 CFR part 806b continues to read as follows:

**Authority:** Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. Appendix D to part 806b is amended by adding paragraph (e)(8) to read as follows:

#### **Appendix D to Part 806b—General and Specific Exemptions**

\* \* \* \* \*

(e) \* \* \*

(8) System identifier and name: F071 JTF A, Computer Network Crime Case System.

(i) Exemption: (A) Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency, which performs as its principle function any activity pertaining to the enforcement of criminal laws. Any portion of this system of records which falls within the provisions of 5 U.S.C. 552a(j)(2) may be exempt from the following subsections of 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g).

<sup>12</sup> See 5 U.S.C. 804(3)(B) (2002).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identity of a confidential source.

**Note:** When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions. Any portion of this system of records which falls within the provisions of 5 U.S.C. 552a(k)(2) may be exempt from the following subsections of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

(ii) Authority: 5 U.S.C. 552a(j)(2) and (k)(2).

(iii) Reasons: (A) From subsection (c)(3) because the release of accounting of disclosure would inform a subject that he or she is under investigation. This information would provide considerable advantage to the subject in providing him or her with knowledge concerning the nature of the investigation and the coordinated investigative efforts and techniques employed by the cooperating agencies. This would greatly impede criminal law enforcement.

(B) From subsection (c)(4) and (d), because notification would alert a subject to the fact that an open investigation on that individual is taking place, and might weaken the on-going investigation, reveal investigative techniques, and place confidential informants in jeopardy.

(C) From subsection (e)(1) because the nature of the criminal and/or civil investigative function creates unique problems in prescribing a specific parameter in a particular case with respect to what information is relevant or necessary. Also, information may be received which may relate to a case under the investigative jurisdiction of another agency. The maintenance of this information may be necessary to provide leads for appropriate law enforcement purposes and to establish patterns of activity that may relate to the jurisdiction of other cooperating agencies.

(D) From subsection (e)(2) because collecting information to the fullest extent possible directly from the subject individual may or may not be practical in a criminal and/or civil investigation.

(E) From subsection (e)(3) because supplying an individual with a form containing a Privacy Act Statement would tend to inhibit cooperation by many individuals involved in a criminal and/or civil investigation. The effect would be somewhat adverse to established investigative methods and techniques.

(F) From subsections (e)(4)(G), (H), and (I) because this system of records is exempt from the access provisions of subsection (d).

(G) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the

investigative process. It is the nature of law enforcement for investigations to uncover the commission of illegal acts at diverse stages. It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.

(H) From subsection (e)(8) because the notice requirements of this provision could present a serious impediment to law enforcement by revealing investigative techniques, procedures, and existence of confidential investigations.

(I) From subsection (f) because the agency's rules are inapplicable to those portions of the system that are exempt and would place the burden on the agency of either confirming or denying the existence of a record pertaining to a requesting individual might in itself provide an answer to that individual relating to an on-going investigation. The conduct of a successful investigation leading to the indictment of a criminal offender precludes the applicability of established agency rules relating to verification of record, disclosure of the record to that individual, and record amendment procedures for this record system.

(J) From subsection (g) because this system of records should be exempt to the extent that the civil remedies relate to provisions of 5 U.S.C. 552a from which this rule exempts the system.

\* \* \* \* \*

Dated: March 11, 2004.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 04-5978 Filed 3-16-04; 8:45 am]

**BILLING CODE 5001-06-M**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 66

[USCG-2000-7466]

RIN 1625-AA55

#### Allowing Alternatives to Incandescent Lights, and Establishing Standards for New Lights, in Private Aids to Navigation

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Coast Guard published in the *Federal Register* of December 8, 2003 a final rule concerning private aids to navigation and the use of light-emitting diodes (LEDs). The final rule, as published, contained an incorrect telephone number. This document corrects that error.

**DATES:** Effective March 17, 2004.

**FOR FURTHER INFORMATION CONTACT:** For questions on this correction notice, call or e-mail Dan Andrusiak, Office of Aids to Navigation (G-OPN), U.S. Coast Guard, at telephone 202-267-0327, or [dandrusiak@comdt.uscg.mil](mailto:dandrusiak@comdt.uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### Need for Correction

The final rule, as published, contained a telephone number in 33 CFR 66.01-5 in which two digits were transposed. The correct telephone number is (800) 368-5647.

##### Correction of Publication

##### § 66.01-5 [Amended]

■ In rule FR Doc. 03-29650 published on December 8, 2003, (68 FR 68235), make the following correction. On page 68238, in the third column, in the introductory text of § 66.01-5, remove the telephone number “(800) 368-5674”, and, in its place, add “(800) 368-5647”.

Dated: March 9, 2004.

**David S. Belz,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.*

[FR Doc. 04-6034 Filed 3-16-04; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[CGD01-04-020]

#### Drawbridge Operation Regulations: Hackensack River, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Newburyport US1 Bridge, mile 3.4, across the Merrimack River between Newburyport and Salisbury, Massachusetts. Under this temporary deviation the bridge need operate only one bascule leaf for bridge openings from March 15, 2004 through April 2, 2004. The southeast bascule leaf may remain in the closed position to navigation. This temporary deviation is necessary to facilitate emergency structural repairs at the bridge.

**DATES:** This deviation is effective from March 15, 2004 through April 2, 2004.

**FOR FURTHER INFORMATION CONTACT:** John McDonald, Project Officer, First Coast Guard District, at (617) 223-8364.