

economic impact on a substantial number of small entities.

#### List of Subjects in 28 CFR Part 16

Administrative practices and procedures, Courts, Freedom of Information Act, and Privacy.

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, 28 CFR part 16 is amended as follows:

#### PART 16—[AMENDED]

##### Subpart E—Exemption of Records Systems under the Privacy Act

1. The authority for part 16 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g), and 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, and 534; 31 U.S.C. 3717 and 9701.

2. Section 16.98 is amended as follows:

- (a) By revising paragraph (c)
- (b) By revising the first sentence of paragraph (d)
- (c) By removing paragraphs (g) and (h).

The revisions read as follows:

##### **§ 16.98 Exemption of the Drug Enforcement Administration (DEA)—limited access.**

\* \* \* \* \*

(c) Systems of records identified in paragraphs (c)(1) through (c)(7) below are exempted pursuant to the provisions of 5 U.S.C. 552a (j)(2) from subsections (c)(3) and (4); (d)(1), (2), (3) and (4); (e)(1), (2) and (3), (e)(5), (e)(8); and (g) of 5 U.S.C. 552a. In addition, systems of records identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), and (c)(6) below are also exempted pursuant to the provisions of 5 U.S.C. 552a (k)(1) from subsections (c)(3); (d)(1), (2), (3) and (4); and (e)(1):

- (1) Air Intelligence Program (Justice/DEA–001)
- (2) Clandestine Laboratory Seizure System (CLSS) (Justice/DEA–002)
- (3) Investigative Reporting and Filing System (Justice/DEA–008)
- (4) Planning and Inspection Division Records (Justice/DEA–010)
- (5) Operation Files (Justice/DEA–011)
- (6) Security Files (Justice/DEA–013)
- (7) System to Retrieve Information from Drug Evidence (STRIDE/Ballistics) (Justice/DEA–014)

(d) Exemptions apply to the following systems of records only to the extent that information in the systems is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2): Air Intelligence Program (Justice/DEA–001); Clandestine Laboratory Seizure System

(CLSS) (Justice/DEA–002); Planning and Inspection Division Records (Justice/DEA–010); and Security Files (Justice/DEA–013). \* \* \*

\* \* \* \* \*

Dated: March 14, 2003.

**Paul R. Corts,**  
*Assistant Attorney General for Administration.*

[FR Doc. 03–6925 Filed 3–21–03; 8:45 am]

**BILLING CODE 4410–09–P**

#### DEPARTMENT OF JUSTICE

##### Federal Bureau of Investigation

#### 28 CFR Part 16

**[FBI 109P; AAG/A Order No. 010–2003]**

**RIN 1110–AA08**

##### Privacy Act of 1974; Implementation

**AGENCY:** Department of Justice, Federal Bureau of Investigation.

**ACTION:** Final rule.

**SUMMARY:** The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), is exempting the FBI's National Crime Information Center (NCIC) (JUSTICE/FBI–001), Central Records System (CRS) (JUSTICE/FBI–002), and National Center for the Analysis of Violent Crime (NCAVC) (JUSTICE/FBI–015) systems of records from the Privacy Act. The exemption is necessary to avoid interference with law enforcement functions and responsibilities of the FBI.

**EFFECTIVE DATE:** March 24, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mary Cahill (202) 307–1823.

**SUPPLEMENTARY INFORMATION:** The FBI is exempting the FBI's National Crime Information Center, Central Records System and National Center for the Analysis of Violent Crime systems of records from subsection (e)(5) of the Privacy Act, 5 U.S.C. 552a. Also, the FBI is correcting a typographical error by moving the title of the National Crime Information Center to the correct subsection. Except for these amendments, the final rule changes do not alter practices and procedures that are currently in effect. However, the FBI is currently reviewing additional changes to this regulation for possible promulgation in future rulemaking.

This rule relates to individuals, as opposed to small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, the rule will not have a significant

economic impact on a substantial number of small entities.

#### List of Subjects in 28 CFR Part 16

Administrative practices and procedures, Courts, Freedom of information, and Privacy.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 793–78, 28 CFR part 16 is amended as follows:

#### PART 16—[AMENDED]

##### Subpart E—Exemption of Records Systems under the Privacy Act.

1. The authority citation 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. Section 16.96 is amended as follows:

- (a) By revising the introductory text of paragraph (a);
- (b) By redesignating paragraph (b)(6) as (b)(7) and adding a new paragraph (b)(6);
- (c) By revising the introductory text of paragraph (g) and adding new paragraph (g)(1);
- (d) By redesignating paragraph (h)(5) as (h)(6) and adding new paragraph (h)(5);
- (e) By revising the introductory text of paragraph (j);
- (f) By adding a new paragraph (k)(5);
- (g) By removing “National Crime Information Center (NOIC) [sic] (JUSTICE/FBI–001).” from paragraph (k)(4).

The revisions and additions read as follows.

##### **§ 16.96 Exemption of Federal Bureau of Investigation Systems—limited access.**

(a) The following system of records is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G) and (H), (e)(5), (e)(8), (f) and (g):

\* \* \* \* \*

(b) \* \* \*

(6) From subsection (e)(5) because in the collection of information for 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. The restrictions imposed by subsection (e)(5) would limit the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the