

**SUMMARY:** The Department of the Army is amending an existing exemption rule for the system of records A0025-55 TAPC, entitled 'Freedom of Information Act Program Files'. The amendments being made to the rule are administrative, *i.e.*, amending the system identifier, the system name, and revising the reasons for claiming the exemptions. No additional exemptions are being claimed.

**EFFECTIVE DATE:** This rule becomes effective May 14, 2003.

**FOR FURTHER INFORMATION CONTACT:** Ms. Janice Thornton at (703) 806-7137/DSN 656-7137.

**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 determined 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 determined 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 determined 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 determined 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 505**

Privacy.

■ Accordingly 32 CFR part 505 is amended to read as follows:

**PART 505—THE ARMY PRIVACY PROGRAM**

■ 1. The authority citation for 32 CFR part 505 continues to read as follows:

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

■ 2. Section 505.5, paragraph (e)(3) is revised to read as follows:

**§ 505.5 Exemptions.**

\* \* \* \* \*

(e) *Exempt Army Records.* \* \* \*  
(3) *A0025-55 TAPC.*

(i) *System name:* Freedom of Information Act Program Files.

(ii) *Exemption:* During the processing of Freedom of Information Act (FOIA) requests exempt materials from other systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those "other" systems of records are entered into this system, the Department of the Army claims the same exemptions for the records from those "other" systems that are entered into this system, as claimed for the original primary system of which they are a part.

(iii) *Authority:* 5 U.S.C. 552a(j)(2), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), and (k)(7).

(iv) *Reasons:* Records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to

protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided the President and others are not compromised, to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations, to preserve the confidentiality and integrity of Federal testing materials, and to safeguard evaluation materials used for military promotions when furnished by a confidential source. The exemption rule for the original records will identify the specific reasons why the records are exempt from specific provisions of 5 U.S.C. 552a.

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Dated: April 30, 2003.

**Patricia L. Toppings,**

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

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**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 100**

**[CGD01-03-030]**

**Special Local Regulation: Harvard-Yale Regatta, Thames River, New London, CT**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of implementation of regulations.

**SUMMARY:** This notice implements the permanent regulations for the annual Harvard-Yale Regatta, a rowing competition held on the Thames River in New London, CT. The regulation is necessary to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and anticipated congestion at the time of the event, thus providing for the safety of life and property on the affected navigable waters.

**DATES:** The regulations in 33 CFR 100.101 are effective on June 7, 2003, from 9:30 a.m. to 5 p.m. If the regatta is canceled due to weather, this section will be in effect on the following day, Sunday, June 8, 2003, during the same hours.

**FOR FURTHER INFORMATION CONTACT:** Petty Officer Austin Nagle, Office of Search and Rescue, First Coast Guard District, (617) 223-8460.