

- (i) The National Security Agency Act of 1959 (Public Law 86–36 Section 6);
- (ii) 18 U.S.C. 798;
- (iii) 50 U.S.C. 403–3(c)(6);
- (iv) 10 U.S.C. 130; and
- (v) 10 U.S.C. 2305(g).

(4) Records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(5) Interagency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of the right to a fair trial or to an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy of a living person, including surviving family members of an individual identified in such a record;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a source within NSA/CSS, state, local, or foreign agency or authority, or any private institution which furnishes the information on a confidential basis, or could disclose information furnished from a confidential source and obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; and

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

(8) Records contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Geological and geophysical information and data, including maps, concerning wells.

(c) Information which has not been given a security classification pursuant to the criteria of an Executive Order, but which may be withheld from the public

for one or more of FOIA exemptions 2 through 9 cited in paragraphs (b)(2) through (b)(9) of this section, shall be considered “UNCLASSIFIED//FOR OFFICIAL USE ONLY” (U//FOUO). No other material shall be considered or marked U//FOUO. The marking of appropriate records with the U//FOUO designation at the time of their creation provides notice of U//FOUO content and shall facilitate review when a record is requested under the FOIA. However, records requested under the FOIA which do not bear the U//FOUO designation shall not be assumed to be releasable without examination for the presence of information that requires continued protection and qualifies as exempt from public release.

Dated: May 16, 2003.

**Patricia L. Toppings,**

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

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 574

RIN 0702–AA37

#### United States Soldiers’ and Airmen’s Home

**AGENCY:** Department of the Army, DoD.

**ACTION:** Final rule.

**SUMMARY:** This action removes obsolete regulations concerning the U.S. Soldiers’ and Airmen’s Home facility.

**EFFECTIVE DATE:** May 23, 2003.

**ADDRESSES:** Headquarters, Army Retirement Services, ATTN: DAPE–RSO, 200 Stovall St. Alexandria, VA 22332–0470

**FOR FURTHER INFORMATION CONTACT:** Mr. John Radke, (703) 325–9158.

**SUPPLEMENTARY INFORMATION:** The Headquarters, Army Retirement Services (DAPE–RSO), is the proponent for regulations in 32 CFR part 574 and, acting with the advice of his operations and legal staffs, had concluded these regulations are obsolete. Due to changes in the laws governing oversight of the U.S. Soldiers’ and Airmen’s Home, there is no longer a necessity for these regulations. After coordination with The Judge Advocate General (ATTN: DAJA–ALG) and the Office of the Deputy Chief of Staff, Air Force (ATTN: AF/DPI), it was rescinded April 1994. In August, DOD has rescinded DOD directive 1338.20, “Armed forces Retirement Home (AFRH). Therefore, it would be

helpful in avoiding confusion with the public if 32 CFR, Part 574, is removed.

#### List of Subjects in 32 CFR Part 574

United States Soldiers’ and Airmen’s Home

#### PART 574—[REMOVED]

■ Accordingly, for reasons stated in the preamble, under the authority of the Armed Forces Retirement Home Act of 1991 (Pub. L. 101–510, Title XV, Nov. 5, 1990) and subsequent amendments now codified at Chapter 10 Title 24, U.S. Code (24 U.S.C. 401–433), 32 CFR part 574, *United States Soldiers’ and Airmen’s Home*, is removed in its entirety.

**Luz D. Ortiz,**

*Army Federal Register Liaison Officer.*

[FR Doc. 03–13009 Filed 5–22–03; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03–1226; MB Docket No. 03–27, RM–10631]

#### Radio Broadcasting Services; Cotulla and Dilley, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of IH–35 Broadcasters, allots Channel 264A to Cotulla, Texas, as the community’s third local FM service. In order to accommodate the allotment at Cotulla, the Audio Division substitutes Channel 229A for vacant Channel 264A at Dilley, Texas. See 68 FR 7963, February 19, 2003. Channel 264A can be allotted to Cotulla, Texas, consistent with the minimum distance separation requirement of the Commission’s rules at city reference coordinates. The reference coordinates for Channel 264A at Cotulla are 28–26–12 north latitude and 99–14–05 west longitude. Although concurrence has been requested for Channel 264A at Cotulla, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: “Operation with the facilities specified for Cotulla herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement.” Additionally, Channel