§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–6764, and by adding the following new airworthiness directive:

92–02–02. **British Aerospace:** Amendment 39–8138. Docket 91–NM–203–AD. Supersedes AD 90–21–12, Amendment 39–6764.

Applicability: Model ATP series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent reduced structural integrity of the fuselage, accomplish the following:

(a) Within 50 hours time-in-service after October 29, 1990 (the effective date of AD 90–21–12, Amendment 39–6764), and thereafter at intervals not to exceed 50 hours time-in-service, apply an icing inhibitor to the propeller blades in accordance with British Aerospace Service Bulletin ATP–61–2, Revision 1, dated October 31, 1989, or Revision 2, dated October 25, 1990, or Revision 3, dated April 19, 1991.

(b) Installation of Modification 10129A (installation of ice guards on both the left and right sides of the fuselage) in accordance with British Aerospace Service Bulletin ATP–53–10, dated March 7, 1990; or installation of Modification 10174A (installation of a new propeller digital ice control timer unit and a new propeller blade and roller assembly) in accordance with British Aerospace Service Bulletin ATP–30–13, Revision 1, dated February 15, 1991, constitutes terminating action for the repetitive applications of icing inhibitor to the propeller blades as required by paragraph (a) of this AD.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The icing inhibitor application requirements of this AD must be done in accordance with British Aerospace Service Bulletin ATP–61–2, Revision 1, dated October 31, 1989; or Revision 2, dated October 25, 1990; or Revision 3, dated April 19, 1991; which include the following list of effective pages:

Service bulletin	Page No.	Revision level	Date
ATP–61–2, Revision 1.	1	1	October 31, 1989.
	2, 3	(Original)	July 28, 1989.
ATP–61–2, Revision 2.	1, 2, 3	2	October 25, 1990.
ATP–61–2, Revision 3.	1, 2	3	April 19, 1991.
	3	2	October 25, 1990.

The modifications specified in this AD must be done in accordance with British Aerospace Service Bulletin ATP–53–10, dated March 7, 1990 (for Modification 10129A); and British Aerospace Service Bulletin ATP–30–13, Revision 1, dated February 15, 1991 (for Modification 10174A). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(f) This amendment (39–8138), AD 92–02–02, becomes effective April 13, 1990.

Issued in Renton, Washington, on December 23, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–5362 Filed 3–6–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 91–NM–170–AD; Amendment 39–8182; AD 92–06–02]

Airworthiness Directives; SAAB-Scania Models SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to SAAB-Scania Models SF–340A and SAAB 340B series airplanes, that requires inspection and modification of the passenger door handle mechanism. This amendment is prompted by reports of cracked spring pins in the door handle attachments. The actions specified by this AD are intended to prevent impeded passenger evacuation during an emergency egress.

DATES: Effective April 13, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 13, 1992.

ADDRESSES: The service information referenced in this AD may be obtained from SAAB-Scania AB, Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to SAAB-Scania Models SF–340A and SAAB 340B series airplanes was published in the **Federal Register** on October 8, 1991 (56 FR 50681). That action proposed to require inspection and modification of the passenger door handle mechanism.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule, but voices concern about the proposed compliance time of 600 landings. The commenter estimates that normal regional air travel may result in eight landings per day. At this rate, the compliance time (600 landings) would occur in 75 days. Five landings per day would result in a compliance schedule of 120 days. The commenter believes that the proposed rule would expose the travelling public to a potential risk longer than desirable, and recommends that the rule be revised to reduce the compliance time to 30 days.

The FAA does not agree with the commenter. The FAA would expect that a pin failure would be detected during normal operation. The door opening mechanism is activated every flight, and is at a time when the failure of the door to open or close would be an obvious indication of a door problem. Since the door opening mechanism is activated every flight, and the potential for a door failure and an emergency evacuation occurring on the same flight are relatively remote, the FAA considers that the commenter's suggested compliance time of 30 days would not significantly increase safety over the proposed compliance time of 600 landings.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 121 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $55 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $19,965.

The regulations adopted herein will 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. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AIRWORTHINESS DIRECTIVES]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive.

92-06-02. **SAAB-Scania:** Amendment 39-8182. Docket 91-NM-170-AD.

Applicability: Model SF-340A series airplanes, Serial Numbers 004 through 159; and SAAB 340B series airplanes, Serial Numbers 160 through 259; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent impeded passenger evacuation during an emergency egress, accomplish the following:

(a) Within 600 landings after the effective date of this AD, accomplish the following in accordance with SAAB Service Bulletin 340-52-014, dated April 16, 1991:

(1) After removing the two main passenger door handle spring pins (roll pins), perform an inspection of the spring pin holes for proper hole tolerance. If the hole diameter is undersize or oversize, prior to further flight, repair in accordance with the service bulletin.

(2) Replace the two spring pins on the main passenger door handle mechanism with new spring pins, and install additional locking bolts at the upper and lower door handles in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. The request should be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspection, repair, and replacement shall be done in accordance with SAAB Service Bulletin 340-52-014, dated April 16, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment becomes effective on April 13, 1992.

Issued in Renton, Washington, on February 18, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-5360 Filed 3-6-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 64-92]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is exempting a Privacy Act system of records from subsection (d) of the Privacy Act, 5 U.S.C. 552a. This system of records is the "Office of the Inspector General, Freedom of Information/Privacy Acts (FOI/PA) Records, (JUSTICE/OIG-003)." Records in this system may contain information which relates to official Federal investigations and matters of law enforcement of the Office of the Inspector General (OIG) pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act Amendments of 1988. Accordingly, where applicable, the exemptions are necessary to avoid interference with the law enforcement functions of the OIG. Specifically, the exemptions are necessary to prevent subjects of investigation from frustrating the investigatory process; preclude the disclosure of investigative techniques; protect the identities and physical safety of confidential sources and of law enforcement personnel; ensure the OIG's ability to obtain information from information sources; protect the privacy of third parties; and safeguard classified information as required by Executive Order 12356.

EFFECTIVE DATE: This rule will be effective March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, (202) 514-6329.

SUPPLEMENTARY INFORMATION: A proposed rule with invitation to comment was published in the **Federal Register** on October 9, 1991. One comment was received regarding the Department's application of the exemption pursuant to 5 U.S.C. 552a(j)(2). The Department responded by explaining that the system contains few original materials and that the exemption is necessary to protect records retrieved from other systems of records subject to the (j)(2) exemption and which are retained also in the FOI/PA system of records to enable the OIG to discharge more efficiently and accurately its responsibilities. Further, the Department explained that it has not claimed the exemption for *all* records in the system; the exemption is claimed only to the extent permitted by law.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, 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 28 CFR Part 16

Administrative Practices and Procedures, Courts, Freedom of Information Act, Privacy Act, and Government in the Sunshine Act.

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 16.75 is amended by adding paragraphs (c) and (d) as set forth below.

Dated: February 21, 1992.

Harry H. Flickinger,

Assistant Attorney General for Administration.

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. 28 CFR 16.75 is amended by adding paragraphs (c) and (d) to read as follows: [1]

§ 16.75 Exemption of the Office of the Inspector General Systems/Limited Access.

* * * * *

(c) The following system of records is exempted from 5 U.S.C. 552a(d).

(1) Office of the Inspector General, Freedom of Information/Privacy Acts (FOI/PA) Records (JUSTICE/OIG–003). This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1), and (k)(2). To the extent that information in a record pertaining to an individual does not relate to official Federal investigations and law enforcement matters, the exemption does not apply. In addition, where compliance would not appear to interfere with or adversely affect the overall law enforcement process, the applicable exemption may be waived by the Office of the Inspector General (OIG).

(d) Exemption from subsection (d) is justified for the following reasons:

(1) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation of the existence of that investigation; of the nature and scope of the information and evidence obtained as to his activities; of the identity of confidential sources, witnesses, and law enforcement personnel; and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

[1] A proposal to add Section 16.75 (paragraphs (a) and (b)) was published in the **Federal Register** at 56 FR 48469 on September 25, 1991. A final rule to add these paragraphs; will be published concurrently with this final rule in today's **Federal Register**.

[FR Doc. 92–5123 Filed 3–4–92; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 16

[AAG/A Order No. 63–92]

Exemption of Records System Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Department of Justice is exempting a Privacy Act system of records from subsections (c)(3) and (4), (d), (e)(1), (2), (3), (5), and (8), and (g) of the Privacy Act, 5 U.S.C. 552a. This system of records is the "Office of the Inspector General Investigative Records (JUSTICE/OIG–001)." Information in this system relates to official Federal investigations and matters of law enforcement of the Office of the Inspector General (OIG) pursuant to the Inspector General Act of 1978, 5 U.S.C. App., as amended by the Inspector General Act amendments of 1988. The exemptions are necessary to avoid interference with the law enforcement functions of the OIG. Specifically, the exemptions are necessary to prevent subjects of investigations from frustrating the investigatory process; preclude the disclosure of investigative techniques; protect the identities and physical safety of confidential informants and of law enforcement personnel; ensure the OIG's ability to obtain information from information sources; protect the privacy of third parties; and safeguard classified information as required by Executive Order 12356.

EFFECTIVE DATE: This rule will be effective March 9, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia E. Neely, (202) 514–6329.

SUPPLEMENTARY INFORMATION: A proposed rule with invitation to comment was published in the **Federal Register** on September 25, 1991. One comment was received regarding the Department's application of the exemption pursuant to 5 U.S.C. 552a(j)(2). The Department responded by explaining that the system contains investigative records which are protected by subsection (j)(2) and that the name of the system of records (which may erroneously imply that the system is only an administrative system) will be changed. Accordingly, this final rule reflects the change in the name of the system from "Office of the Inspector General Record Index, JUSTICE/OIG–001" to "Office of the Inspector General Investigative Records, JUSTICE/OIG–001."

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, 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 28 CFR Part 16

Administrative Practices and Procedure, Courts, Freedom of Information Act, Privacy Act, and Government in the Sunshine Act.

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 by adding a new section, § 16.75, as set forth below.

Dated: February 21, 1992.

Harry H. Flickinger,

Assistant Attorney General for Administration.

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. 28 CFR part 16 is amended by adding § 16.75 to read as follows:

§ 16.75 Exemption of the Office of the Inspector General Systems/Limited Access.

(a) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e)(1), (2), (3), (5), and (8), and (g) of 5 U.S.C. 552a. In addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k)(1) and (k)(2) from subsections (c)(3), (d), and (e)(1) of 5 U.S.C. 552a:

(1) Office of the Inspector General Investigative Records (JUSTICE/OIG–001).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (j)(2), (k)(1) and (k)(2). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, e.g., public source materials, the applicable exemption may be waived, either partially or totally, by the Office of the Inspector General (OIG).

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

(1) From subsection (c)(3) because release of disclosure accounting could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of the investigation and the fact that they are subjects of the investigation, and reveal investigative interest by not only the OIG, but also by the recipient agency. Since release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, release could result in the destruction of documentary evidence, improper influencing of witnesses, endangerment of the physical safety of confidential sources, witnesses, and law enforcement personnel, the fabrication of testimony, flight of the subject from the area, and other activities that could impede or compromise the investigation. In addition, accounting for each disclosure could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy.

(2) From subsection (c)(4) because this system is exempt from the access provisions of subsection (d) pursuant to subsections (j) and (k) of the Privacy Act.

(3) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation, of the existence of that investigation; of the nature and scope of the information and evidence obtained as to his activities; of the identity of confidential sources, witnesses, and law enforcement personnel, and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1) because the application of this provision could impair investigations and interfere with the law enforcement responsibilities of the OIG for the following reasons:

(i) It is not possible to detect relevance or necessity of specific information in the early stages of a civil, criminal or other law enforcement investigation, case, or matter, including investigations in which use is made of properly classified information. Relevance and necessity are questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(ii) During the course of any investigation, the OIG may obtain information concerning actual or potential violations of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the OIG should retain this information, as it may aid in establishing patterns of criminal activity, and can provide valuable leads for Federal and other law enforcement agencies.

(iii) In interviewing individuals or obtaining other forms of evidence during an investigation, information may be supplied to an investigator which relates to matters incidental to the primary purpose of the investigation but which may relate also to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

(5) From subsection (e)(2) because, in some instances, the application of this provision would present a serious impediment to law enforcement for the following reasons:

(i) The subject of an investigation would be placed on notice as to the existence of an investigation and would therefore be able to avoid detection or apprehension, to improperly influence witnesses, to destroy evidence, or to fabricate testimony.

(ii) In certain circumstances the subject of an investigation cannot be required to provide information to investigators, and information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct must be obtained from other sources.

(iii) In any investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to verify the evidence necessary for successful litigation.

(6) From subsection (e)(3) because the application of this provision would provide the subject of an investigation with substantial information which could impede or compromise the investigation. Providing such notice to a subject of an investigation could interfere with an undercover investigation by revealing its existence, and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) From subsection (e)(5) because the application of this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Material which may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as an investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, and thereby impede effective law enforcement.

(8) From subsection (e)(8) because the application of this provision could prematurely reveal an ongoing criminal investigation to the subject of the investigation, and could reveal investigative techniques, procedures, or evidence.

(9) From subsection (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d) pursuant to subsections (j)(2) and (k)(1) and (k)(2) of the Privacy Act.

[FR Doc. 92-5124 Filed 3-6-92; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Corpus Christi, Texas, Regulation 01-92]

Safety and Security Zone Regulations; Gulf of Mexico and Corpus Christi Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency Rule.

SUMMARY: The Coast Guard is establishing safety and security zones in the Gulf of Mexico and Corpus Christi Bay. These zones are needed to safeguard the Spanish replica caravels, NINA, PINTA, and SANTA MARIA, against sabotage or other subversive acts, accidents, or other causes of a similar nature during their visit to Corpus Christi, Texas, in celebration of Christopher Columbus's discovery of the Americas. The safety and security zones will be in place during their arrival and departure transits, and while moored in Corpus Christi Bay. Entry into these zones is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: These regulations become effective at 12:01 a.m. on March 10, 1992, or upon the arrival of the caravels at the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties (which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3), whichever occurs first; and terminate at 11:59 p.m. on March 23, 1992, or after the last caravel has passed the seaward limit of the United States territorial sea on its departure from Corpus Christi, Texas, whichever occurs first.

Except the stationary waterside safety zone in § 165.T0801(d) becomes effective at 6 a.m. on March 12, 1992, and terminates at 12 p.m. on March 23, 1992.

FOR FURTHER INFORMATION CONTACT: LTJG K. S. ROBERTS at (512) 888-3162.

SUPPLEMENTARY INFORMATION: Under 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent damage to or destruction of the caravels and sufficient details on their visit was not available in time to provide for full public participation in this rulemaking effort.

Drafting Information: The drafters of this regulation are LTJG K. S. Roberts, Assistant Chief, Port Operations Department, and CAPT R. J. Reining, Commanding Officer, U.S. Coast Guard Marine Safety Office, Corpus Christi, Texas, and CDR D. Dickman, project attorney, Eighth Coast Guard District, New Orleans, Louisiana.

Discussion of Regulation

The safety and security zones are needed to ensure the safety and security of the caravels while in Corpus Christi, Texas, for Los Barcos, the Columbus Day Fleet Festival, March 13-22, 1992. This festival is part of the United States official Quincentennial Celebration of the 500th anniversary of the Christopher Columbus discovery of the Americas. The caravels are official emissaries of the Kingdom of Spain to the United States. Their visit is intended to promote closer relations between Spain and the United States.

There have been reports published in the local newspaper that certain individuals intend to disrupt or prevent the visit of the caravels to Corpus Christi.

Moving safety zones will protect the caravels during their arrival and departure transits, and their movements within Corpus Christi Bay. Stationary waterside safety and security zones will protect the caravels whenever they are moored within Corpus Christi Bay.

The moving safety zones will be patrolled by Coast Guard and Coast Guard Auxiliary vessels and vessels from other Federal, State, and local law enforcement agencies. Only vessels that are securely moored to fixed structures or beached on the shore and vessels that have prior authorization from the Captain of the Port, Corpus Christi, Texas (COTP), or the Patrol Commander will be allowed within the moving safety zones. Vessels requesting permission to enter a safety or security zone may be boarded and inspected by law enforcement personnel and required to submit a complete list of passengers and crew.

The stationary waterside safety and security zones will be marked by buoys and booms. They will be patrolled by Coast Guard and Coast Guard Auxiliary vessels and vessels from the U.S. Customs Service, Texas Department of Parks and Wildlife, and Corpus Christi Marina Patrol. No vessels, other than the caravels will be permitted within the stationary waterside security zone at the Corpus Christi Barge Dock. Only vessels that have prior authorization from COTP or the Patrol Commander will be allowed within the stationary waterside safety zones and the stationary waterside security zone at Naval Station Ingleside. Vessels requesting permission to enter a stationary waterside safety zone may be boarded and inspected by law enforcement personnel. No swimmers will be permitted within the stationary waterside safety and security zones.

The first moving safety zone, which will surround the caravels during the arrival transit, will be in effect from the time the caravels reach the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties, which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3, until they moor at either the Naval Station in Ingleside, Texas, or the Barge Dock at Corpus Christi, Texas. The caravels are expected to arrive sometime between March 10th and the morning of March 12, 1992. If they arrive before the morning of March 12, 1992, they will moor at Naval Station Ingleside. If they arrive on March 12th, they will proceed directly to the Barge Dock.

A second moving safety zone will be in effect, if needed, during the transit from Naval Station Ingleside to the Corpus Christi Barge Dock, which is expected to begin at approximately 10 a.m., on March 12, 1992.

The third moving safety zone will be in effect for the departure transit from the Corpus Christi Barge Dock to the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties, which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3. The transit is expected to begin at approximately 11 a.m., on March 23, 1992. The last caravel should leave the territorial sea before 5 p.m., on March 23, 1992.

A security zone will be established in the waters off the Naval Station Ingleside, while the vessels are moored at the Naval Station. No swimmers or vessels will be permitted inside the security zone without the permission of the Captain of the Port. Permission will be granted to any U.S. Navy vessels, the caravels and their Spanish naval escorts, tugs assisting the caravels, vessels of Spain '92 and the Los Barcos sponsoring organization, and press boats. No weapons or explosives will be allowed aboard any vessel, other than naval vessels and vessels assisting in the enforcement of the safety zone.

A stationary waterfront security zone will be established in the waters off the Corpus Christi Barge Dock within 75 feet of the caravels, while the vessels are moored at the Barge Dock. No swimmers or vessels will be permitted inside the security zone.

A stationary waterfront safety zone will be established in the waters between the Corpus Christi Barge Dock and the spoil island and breakwater opposite the Barge Dock. No swimmers or vessels will be permitted inside the safety zone without the permission of the Captain of the Port. Permission will be granted to the caravels, tugs assisting the caravels, vessels of the sponsoring organizations, commercial tour boats, and press boats. In addition, a limited number of spectator boats will be allowed to transit through the safety zone during daylight hours, after being boarded by Coast Guard, Corpus Christi Marina Patrol, or the Texas Parks and Wildlife Service. No weapons or explosives will be allowed aboard any vessel, other than those assisting in the enforcement of the safety zone.

In recognition of the public's rights under the First Amendment of the Constitution of the United States of America, arrangements will be made to allow individuals or groups desiring to peacefully protest or demonstrate against the caravels or the exploration and settlement of the Western Hemisphere by Europeans to do so within the safety zone.

The public is advised that anti-swimmer devices may be installed within the waters of the stationary waterside safety and security zones. These devices may pose a threat to the safety and health of anyone swimming in the water in the vicinity of the caravels.

This regulation is issued under 33 U.S.C. 1225 and 1231 and 50 U.S.C. 191, as set out in the authority citation for all of part 165.

Federalism

This proposed action has been analyzed under the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 604–6, and 160.5; 49 CFR 1.46.

2. A new § 165.T0801 is added to read as follows:

§ 165.T0801 Safety and Security Zone: Gulf of Mexico and Corpus Christi Bay.

(a) A moving safety zone exists whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are underway within the territorial sea of the United States within the Gulf of Mexico or within Corpus Christi Bay and its approaches. The moving safety zone extends 500 feet ahead of the leading caravel and 250 feet astern of the last caravel, including the intervals between the caravels, and the entire width of the Aransas Pass Entrance Channel and Corpus Christi Ship Channel.

(b) A stationary security zone exists within the waters of Corpus Christi Bay enclosing the western turning basins off the piers of the Naval Station at Ingleside, Texas, whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are moored to Naval Station piers A–1 through A–5. The stationary security zone is enclosed by a line drawn from the west end of the Naval Station pier (latitude 27°49'18" N, longitude 97°12'34" W) to the southwest corner of the Naval Station finger pier (latitude 27°49'7" N, longitude 97°12'32" W), thence along the south face of the finger pier to the southeast corner (latitude 27°49'6.5" N, longitude 97°12'31" W), thence along the east face of the finger pier until it joins the main pier (latitude 27°49'18" N, longitude 97°12'26" W), thence along the shoreline to the beginning point. The perimeter of the security zone will be marked by a floating yellow or international orange containment boom.

(c) A stationary security zone exists within the waters of Corpus Christi Bay off the Corpus Christi Barge Dock at Corpus Christi, Texas, whenever the Spanish replica caravels NINA, PINTA, or SANTA MARIA are moored to the Barge Dock. The stationary security zone is a line drawn from the east face of the Barge Dock at a point 75 feet to the south of the first caravel (latitude 27°48'34.2" N, longitude 97°23'33.6" W), thence to a point perpendicular to and 100 feet east of the east face of the Barge Dock (latitude 27°48'34.8" N, longitude 97°23'30.6" W), thence parallel to the Barge Dock to a point 100 feet east of the east face of the Barge Dock and 75 feet north of the last caravel (latitude 27°48'30.5" N, longitude 97°23'30.0" W), thence to a point on the east face of the Barge Dock 75 feet north of the last caravel (latitude 27°48'30.2" N, longitude 97°23'31.3" W). The perimeter of the security zone will be marked by a floating yellow or international orange containment boom.

(d) A stationary safety zone exists within the waters of Corpus Christi Bay between the Corpus Christi Barge Dock at Corpus Christi, Texas, and the breakwater east of and approximately parallel to the Barge Dock. The stationary safety zone is enclosed by lines connecting the Corpus Christi seawall and the breakwater. One line is drawn from the north corner of the Corpus Christi seawall, where the seawall meets the seawall along the Corpus Christi Channel (latitude 27°48'38.0" N, longitude 97°23'33.0" W), to the north end of the breakwater (latitude 27°48'33.8" N, longitude 97°23'18.0" W). The other line is drawn from the south corner of the Barge Dock (latitude 27°48'28.0" N, longitude 97°23'32.0" W) to the south end of the breakwater (latitude 27°48'27.2" N, longitude 97°23'17.0" W). Both lines will be marked by buoys and a floating yellow or international orange containment boom.

(e) *Regulations.* (1) The Captain of the Port is the Captain of the Port, Corpus Christi, Texas.

(2) The Coast Guard Patrol Commander is the commissioned, warrant, or petty officer of the U.S. Coast Guard designated by the Captain of the Port, Corpus Christi, Texas, to serve as the Patrol Commander in charge of enforcing this section. The Coast Guard Patrol Commander will be on board a Coast Guard vessel in the vicinity of the safety or security zone.

(3) No vessel may enter the moving safety zone estabished in paragraph (a) of this section without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(4) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA; the Spanish Navy escort vessel, SN SERVIOLA (P–71); vessels of the United States Navy; and vessels designated by the Captain of the Port to escort the Spanish replica caravels and enforce this section; no vessel may enter or remain in the stationary security zone at Naval Station Ingleside, established in paragraph (b) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(5) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA no vessel may enter or remain in the stationary security zone at the Corpus Christi Barge Dock, established in paragraph (c) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(6) Except for the Spanish replica caravels NINA, PINTA, and SANTA MARIA and vessels designated by the Captain of the Port to escort the Spanish replica caravels and enforce this section; no vessel may enter or remain in the stationary safety zone at the Corpus Christi Barge Dock, established in paragraph (d) of this section, without the permission of the Captain of the Port or Coast Guard Patrol Commander.

(7) No individual may enter or remain in the waters of the stationary waterside security zone at Naval Station Ingleside or the safety and security zones at the Corpus Christi Barge Dock, established in paragraphs (b), (c), and (d) of this section, without the permission of the Captain of the Port.

(8) The Patrol Commander may delegate his authority to permit vessels to enter the stationary waterside safety and security zones established in paragraphs (b) and (d) to the senior Coast Guard boarding officer on board vessels patrolling the perimeter of the safety or security zones.

(9) Vessels desiring to enter one of the safety or security zones may contact:

(i) The Captain of the Port through the Chief, Port Operations Department, U.S. Coast Guard Marine Safety Office, Second Floor, 400 Mann Street, Corpus Christi, Texas, telephone number (512) 888-3162.

(ii) The Coast Guard Patrol Commander by calling on VHF-FM Channel 16 or by coming alongside one of the Coast Guard, Coast Guard Auxiliary, Corpus Christi Marine Patrol, or Texas Department of Public Safety Boats patrolling in the vicinity of the safety of security zone.

(10) Vessels desiring to enter or remain in the safety or security zones may be boarded by either the Coast Guard, U.S. Customs, Texas Department of Parks and Wildlife, or Corpus Christi Marina Patrol to ensure they are in compliance with all applicable Federal or State laws and do not possess any weapons or other articles on board that would pose a threat to the caravels. This paragraph does not apply to naval vessels of the United States or Spain.

(11) Coast Guard vessels will display a flashing blue light while patrolling in the immediate vicinity of the safety and security zones whenever the Coast Guard Patrol Commander is on scene.

(f) *Effective dates.* (1) With the exception of the stationary waterside safety zone in paragraph (d) of this section, this section becomes effective at 12:01 a.m. on March 10, 1992, or upon the arrival of the caravels at the seaward limit of the United States territorial sea in the Gulf of Mexico off the entrance to the Aransas jetties (which is located between the Aransas Pass Entrance Lighted Whistle Buoy AP and Aransas Pass Lighted Buoy 3), whichever occurs first. It terminates at 11:59 p.m. on March 23, 1992, or after the last caravel has passed the seaward limit of the United States territorial sea on its departure from Corpus Christi, Texas, whichever occurs first.

(2) The stationary waterside safety zone in paragraph (d) of this section becomes effective at 6 a.m. on March 12, 1992, and terminates at 12 p.m. on March 23, 1992.

Dated: March 2, 1992.

Robert J. Reining,

Captain, U. S. Coast Guard, Captain of the Port, Corpus Christi, Texas.

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DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AF06

Mandatory Disclosure of Social Security Numbers

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning the disclosure of social security numbers and the discontinuance of compensation and pension benefits. This amendment implements recently enacted legislation. The intended effect of this amendment is to incorporate a requirement for disclosure of social security numbers in VA's adjudication regulations and to establish a date for termination of benefits when the beneficiary fails to disclose his or her social security number.

EFFECTIVE DATE: This amendment is effective November 5, 1990, the date the legislation was signed into law.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to add a new § 3.216 to 38 CFR and to amend § 3.500 in the Federal Register of April 24, 1991 (56 FR 18796-7). Interested persons were invited to submit written comments, suggestions or objections on or before May 24, 1991. We received one comment from the American Legion.

The commenter expressed concern that many beneficiaries, particularly those receiving benefits via electronic deposit who have failed to keep VA informed of changes in their mailing addresses, might have their benefits terminated without due process of law. The commenter suggests that the 60 day response period is arbitrary and also that VA explore alternative methods of contacting beneficiaries who fail to respond to a VA request for social security numbers.

The Omnibus Budget Reconciliation Act of 1990, Public Law 101-508, amended the Internal Revenue Code of 1986 to allow disclosure to VA of information from Federal tax returns in conjunction with specified VA benefit programs. Public Law 101-508 also authorizes VA to match information from its records against income and death information from other agencies, and makes it mandatory for claimants to furnish social security numbers upon request. Since Congress has taken the cost savings associated with this authority into account in the Budget Reconciliation process, realization of these savings should not be delayed for an indefinite period.

The 60 day period allowed for reply to a request for social security numbers is not arbitrary; it provides a generous period of time for the beneficiary to furnish data already in his or her possession. It also allows time for VA to attempt to discover a current address when the initial request is returned as undeliverable. When VA determines that benefits must be discontinued, 38 CFR 3.105(g) requires that a notice be sent to the beneficiary at his or her latest address of record, and that the beneficiary be given 60 days to reply. Consequently, the beneficiary from whom no response is received would have, at a minimum, an additional 60 days before benefits were terminated for failure to furnish social security numbers as requested.

VA has explored alternative methods of contacting individuals receiving benefits via electronic deposit, and has issued a nationwide press release to inform the general public of the requirement that social security