

Comments may be hand delivered to the same address from 9:00 a.m. to 4:00 p.m. Monday through Friday or sent by facsimile to 202-273-3153.

**FOR FURTHER INFORMATION CONTACT:** Nancy Pierskalla, Management Analyst, Indian Gaming Management Staff Office, at 202-219-4068.

**SUPPLEMENTARY INFORMATION:** On Friday, June 7, 1996, the Bureau of Indian Affairs published a proposed rule, 61 FR 29044, concerning Tribal Revenue Allocation Plans. The deadline for receipt of comments was August 6, 1996. On Thursday, February 20, 1997, the Bureau published a notice at 62 FR 7742 to extend the comment period until March 24, 1997. The notice published on February 20 incorrectly stated in the **SUPPLEMENTARY INFORMATION** section of the preamble that the deadline for receipt of comments was March 7, 1997. Accordingly, on page 7742, in the first and second column, the final sentence in the **SUPPLEMENTARY INFORMATION** section is corrected to read: "The comment period is reopened to allow consideration of the comments received after August 6, 1996, and additional comments received on or before March 24, 1997."

Dated: March 3, 1997.

George Skibine,

*Director, Indian Gaming Management Staff.*  
[FR Doc. 97-5588 Filed 3-6-97; 8:45 am]

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## DEPARTMENT OF JUSTICE

### 28 CFR Part 16

[AAG/A Order No. 130-97]

#### Exemption of Records Systems Under the Privacy Act

**AGENCY:** Department of Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of Justice proposes to exempt 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 maintained by the Immigration and Naturalization Service (INS) and is entitled "Office of Internal Audit Investigations Index and Records, JUSTICE/INS-002." Information in this system relates to official Federal investigations and law enforcement matters of the Office of Internal Audit of the INS, 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 certain internal law enforcement functions of the INS for which records falling within the scope of subsections (j)(2) and (k)(2) may be generated. Specifically, the exemptions are necessary to prevent subjects of investigations from frustrating the investigatory process; to preclude the disclosure of investigative techniques; to protect the identities and physical safety of confidential informants and of law enforcement personnel; to ensure OIA's ability to obtain information from information sources; and to protect the privacy of third parties.

**DATES:** Submit any comments by April 7, 1997.

**ADDRESSES:** Address all comments to Patricia E. Neely, Program Analyst, Information Management and Security Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530 (Room 850, WCTR Building).

**FOR FURTHER INFORMATION CONTACT:** Patricia E. Neeley 202-616-0178.

**SUPPLEMENTARY INFORMATION:** In the notice section of today's Federal Register, the Department of Justice provides a description of the "Office of Internal Audit Investigations Index and Records, JUSTICE/INS-002."

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-602, 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 Part 16

Administrative practices and procedures, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy 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, it is proposed to amend part 16, of title 28 of the Code of Federal Regulations as set forth below.

Dated: February 11, 1997.

Stephen R. Colgate,  
*Assistant Attorney General for Administration.*

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

Authority: 5 U.S.C. 401, 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. It is proposed to amend 28 CFR 16.99 by adding paragraphs (g) and (h) to read as follows:

#### § 16.99 Exemption of the Immigration and Naturalization Service Systems-limited access.

\* \* \* \* \*

(g) The Office of Internal Audit Investigations Index and Records (Justice/INS-002) system of records is exempt under 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), but only to the extent that this system contains records within the scope of subsection (j)(2), and to the extent that records in the system are subject to exemption therefrom. In addition, this system of records is also exempt under the provisions of 5 U.S.C. 552a(k)(2) from subsections (c)(3); (d); and (e)(1), but only to the extent that this system contains records within the scope of subsection (k)(2), and to the extent that records in the system are subject to exemption therefrom.

(h) The following justifications apply to the exemptions from particular subsections:

(1) From subsection (c)(3) because the release of the disclosure accounting for disclosure could permit the subject of an actual or potential criminal or civil investigation to obtain valuable information concerning the existence and nature of the investigation, the fact that individuals are subjects of the investigation, and present a serious impediment to law enforcement.

(2) From subsection (c)(4) to the extent that the exemption from subsection (d) is applicable. Subsection (c)(4) will not be applicable to the extent that records in the system are properly withholdable under subsection (d).

(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 a criminal or civil investigation of the existence of that investigation; of the nature and scope of the information and evidence obtained as to their 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. Such disclosures 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 these records could result in a disclosure that would constitute an unwarranted invasion of the privacy of third parties.

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 in the course of criminal or civil investigations, the Immigration and Naturalization Service often obtains information concerning the violation of laws other than those relating to violations over which INS has investigative jurisdiction. In the interests of effective law enforcement, it is necessary that INS retain this information since it can aid in establishing patterns of criminal activity and provide valuable leads for those law enforcement agencies that are charged with enforcing other segments of the criminal law.

(5) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection or apprehension.

(6) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to criminal law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life or physical safety of confidential informants.

(7) From subsection (e)(5) because in the collection of information for criminal 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 and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement.

(8) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to criminal law

enforcement as this could interfere with the Immigration and Naturalization Service's ability to issue administrative subpoenas and could reveal investigative techniques and procedures.

(9) From subsection (g) for those portions of this system of records that were compiled for criminal law enforcement purposes and which are subject to exemption from the access provisions of subsection (d) pursuant to subsection (j)(2).

[FR Doc. 97-5663 Filed 3-6-97; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP MIAMI 96-954]

RIN 2115-AA97

#### Safety Zone; Port Everglades; Fort Lauderdale, FL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish moving safety zones around naval aircraft carriers transiting the waters of Port Everglades, Fort Lauderdale, Florida. These proposed regulations are needed to protect all vessels and the public from the safety hazards associated with the arrival and departure of naval aircraft carriers making port calls. During arrival and departure, these types of vessels require the use of the center channel in Port Everglades for safe navigation and leave no room for other vessels to safely pass. Therefore, these proposed regulations are necessary for the safety of life on the navigable waters.

**DATES:** Comments must be received on or before May 6, 1997.

**ADDRESSES:** Comments may be mailed to Commanding Officer, U.S. Coast Guard, Marine Safety Office, Claude Pepper Federal Building, 51 SW 1st Ave., 5th Floor, Miami, FL 33130-1608, or may be hand delivered to Room 501 at the same address, between 8 A.M. and 4 P.M., Monday through Friday, except federal holidays. Comments will become part of this docket and will be available for inspection or copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** CDR R.M. Miles, Chief, Port Management and Response Department, USCG Marine Safety Office Miami at (305) 535-8743.

## SUPPLEMENTARY INFORMATION:

### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice [COTP MIAMI 96-054], the specific section of this proposal to which their comments apply and give reasons for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½" × 11" unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelop. The Coast Guard will consider all comments received during the comment period. The regulations may be changed in view of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will add to the rulemaking process.

### Discussion of Proposed Regulations

These proposed regulations are needed to provide for the safety of life on the navigable waters during the arrival and departure of naval aircraft carriers in Port Everglades, Fort Lauderdale, Florida. These moving safety zones are necessary, because of the significant risks associated with naval aircraft carriers transiting the area due to their size, draft, and channel restrictions. Historically, the Coast Guard has established a moving safety zone each time these class of naval vessels has transited the waters of Port Everglades both to and from a port call. Given the recurring nature of these port calls and the safety dangers associated with naval aircraft carriers, the Coast Guard proposes to establish a moving safety zone around these vessels during their arrival and departure from Port Everglades, Fort Lauderdale, Florida.

The proposed moving safety zone would be established in an area 700 yards forward, 500 yards astern and 350 yards on either side of naval aircraft carriers entering or departing Port Everglades. The proposed safety zone regulations would only be established for a period of one and a half hours during the arrival and departure of these