

Energy Regulatory Commission, Office of the Executive Director, 888 First Street, NE., Washington, DC 20426 [Attention: Ellen Brown, email: [DataClearance@ferc.gov](mailto:DataClearance@ferc.gov), phone: (202) 502-8663, fax: (202) 273-0873].

78. Comments concerning the information collections in this rule and the associated burden estimates should be sent to the Commission and to the Office of Management and Budget, Office of Information and Regulatory Affairs [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments to OMB should be sent by email to: [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Please reference Docket No. RM13-7-000 (FERC-725P) in your submission.

#### IV. Regulatory Flexibility Act Analysis

79. The Regulatory Flexibility Act of 1980 (RFA)<sup>115</sup> generally requires a description and analysis of rules that will have significant economic impact on a substantial number of small entities. As discussed above, Reliability Standard PRC-005-2 will apply to an estimated 867 individual entities (the number of entities registered as a distribution provider, a generator owner, a transmission owner, or any combination of those three functional entities). Comparison of the NERC Compliance Registry with data submitted to the Energy Information Administration on Form EIA-861 indicates that, of these entities, 230 may qualify as small entities.<sup>116</sup> Of the 230 small entities, 90 are registered as a combination of distribution providers, generator owners and transmission owners, but it is assumed that each entity would have only one comprehensive program to review.

80. The Commission estimates that, on average, each of the 230 small entities affected will have a one-time cost of \$560, representing a one-time review of the program for each entity, consisting of 8 man-hours at \$70/hour as explained above in the information collection statement. We do not consider this cost to be a significant economic impact for small entities. Accordingly, the Commission certifies

that Reliability Standard PRC-005-2 will not have a significant economic impact on a substantial number of small entities.

#### V. Environmental Analysis

81. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.<sup>117</sup> The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.<sup>118</sup> The actions taken herein fall within this categorical exclusion in the Commission's regulations.

#### VI. Document Availability

82. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (<http://www.ferc.gov>) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

83. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

84. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at (202) 502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at [public.referenceroom@ferc.gov](mailto:public.referenceroom@ferc.gov).

#### VII. Effective Date and Congressional Notification

85. This Final Rule is effective February 24, 2014.

86. The Commission has determined, with the concurrence of the Administrator of the Office of

Information and Regulatory Affairs of OMB, that this rule is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.<sup>119</sup> The Commission will submit the Final Rule to both houses of Congress and to the General Accountability Office.

By the Commission.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

**Note:** The Appendix will not appear in the *Code of Federal Regulations*.

#### Appendix A

##### Commenters

Associated Electric Cooperative, Inc., Basin Electric Power Cooperative, Inc. and Tri-State Generation and Transmission Association (Cooperatives)  
Duke Energy Corporation (Duke Energy)  
Idaho Power Company (Idaho Power)  
International Transmission Company d/b/a ITC Transmission, Michigan Electric Transmission Company, LLC, ITC Midwest LLC and ITC Great Plains, LLC (ITC)  
North American Electric Reliability Corporation (NERC)  
Oncor Electric Delivery Company LLC (Oncor)  
United States Department of the Interior, Bureau of Reclamation (Bureau of Reclamation)

[FR Doc. 2013-30628 Filed 12-23-13; 8:45 am]

**BILLING CODE 6717-01-P**

#### DEPARTMENT OF JUSTICE

##### 28 CFR Part 16

[CPCLO Order No. 006-2013]

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

**AGENCY:** Executive Office for Organized Crime Drug Enforcement Task Forces (OCDETF), Department of Justice.

**ACTION:** Correcting amendments.

**SUMMARY:** The Department of Justice (the Department or DOJ) published a final rule in the **Federal Register** on November 21, 2013, which added a new section to the Department's Privacy Act exemption regulations to exempt two OCDETF systems of records from certain subsections of the Privacy Act. The final text of the rule incorrectly referred to exempted "subsections" of the Privacy Act as "paragraphs" of the new section. This document corrects the final rule by revising the new section.

**DATES:** Effective on December 24, 2013.

**FOR FURTHER INFORMATION CONTACT:** Jill Aronica, Chief Information Systems

<sup>115</sup> 5 U.S.C. 601-12.

<sup>116</sup> The RFA definition of "small entity" refers to the definition provided in the Small Business Act (SBA), which defines a "small business concern" as a business that is independently owned and operated and that is not dominant in its field of operation. See 15 U.S.C. 632 (2006). According to the Small Business Administration, an electric utility is defined as "small" if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours.

<sup>117</sup> *Regulations Implementing the National Environmental Policy Act of 1969*, Order No. 486, FERC Stats. & Regs. ¶ 30,783 (1987).

<sup>118</sup> 18 CFR 380.4(a)(2)(ii).

<sup>119</sup> See 5 U.S.C. 804(2) (2007).

Section, Executive Office for OCDEF, phone 202–514–1860.

**SUPPLEMENTARY INFORMATION:** The final rule published in the **Federal Register** on November 21, 2013 (78 FR 69753), added § 16.135 as a new section to the Department's Privacy Act exemption regulations to exempt two OCDEF systems of records from certain subsections of the Privacy Act (5 U.S.C. 552a). The final text of rule § 16.135(c) incorrectly referred to exempted "subsections" of the Privacy Act as "paragraphs" of § 16.135. This document corrects the final rule by revising § 16.135(c).

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

Administrative practice and procedure, Courts, Freedom of information, Privacy, 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 2940–2008, 28 CFR part 16 is corrected by making the following correcting amendments:

#### PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

■ 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.

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

■ 2. In § 16.135, revise paragraph (c) introductory text and paragraphs (c)(1) through (c)(10) to read as follows:

##### § 16.135 Exemptions of Executive Office for Organized Crime Drug Enforcement Task Forces Systems.

\* \* \* \* \*

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

(1) From subsection (c)(3) because to provide the subject with an accounting of disclosures of records in these systems could inform that individual of the existence, nature, or scope of an actual or potential law enforcement or counterintelligence investigation by the Organized Crime Drug Enforcement Task Forces, the Organized Crime Drug Enforcement Task Force Fusion Center, the International Organized Crime Intelligence and Operations Center, or the recipient agency, and could permit that individual to take measures to avoid detection or apprehension, to learn of the identity of witnesses and informants, or to destroy evidence, and

would therefore present a serious impediment to law enforcement or counterintelligence efforts. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record. Moreover, release of an accounting may reveal information that is properly classified pursuant to Executive Order.

(2) From subsection (c)(4) because this subsection is inapplicable to the extent that an exemption is being claimed for subsections (d)(1), (2), (3), and (4).

(3) From subsection (d)(1) because disclosure of records in the system could alert the subject 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 or her activities, of the identity of confidential witnesses and informants, of the investigative interest of the Organized Crime Drug Enforcement Task Forces, the Organized Crime Drug Enforcement Task Force Fusion Center, the International Organized Crime Intelligence and Operations Center, and other intelligence or law enforcement agencies (including those responsible for civil proceedings related to laws against drug trafficking or related financial crimes or international organized crime); could lead to the destruction of evidence, improper influencing of witnesses, fabrication of testimony, and/or flight of the subject; could reveal the details of a sensitive investigative or intelligence technique, or the identity of a confidential source; or could otherwise impede, compromise, or interfere with investigative efforts and other related law enforcement and/or intelligence activities. In addition, disclosure could invade the privacy of third parties and/or endanger the life, health, and physical safety of law enforcement personnel, confidential informants, witnesses, and potential crime victims. Access to records could also result in the release of information properly classified pursuant to Executive Order.

(4) From subsection (d)(2) because amendment of the records thought to be inaccurate, irrelevant, incomplete, or untimely would also interfere with ongoing investigations, criminal or civil law enforcement proceedings, and other law enforcement activities; would impose an impossible administrative burden by requiring investigations, analyses, and reports to be continuously reinvestigated and revised; and may impact information properly classified pursuant to Executive Order.

(5) From subsections (d)(3) and (4) because these subsections are

inapplicable to the extent that exemption is claimed from subsections (d)(1) and (2) and for the reasons stated in § 16.135(c)(3) and (c)(4).

(6) From subsection (e)(1) because, in the course of their acquisition, collation, and analysis of information under the statutory authority granted, the Organized Crime Drug Enforcement Task Forces, the Organized Crime Drug Enforcement Task Force Fusion Center, and the International Organized Crime Intelligence and Operations Center will occasionally obtain information, including information properly classified pursuant to Executive Order, that concerns actual or potential violations of law that are not strictly within their statutory or other authority or may compile and maintain information which may not be relevant to a specific investigation or prosecution. This is because it is impossible to determine in advance what information collected during an investigation or in support of these mission activities will be important or crucial to an investigation. In the interests of effective law enforcement, it is necessary to retain such information in these systems of records because it can aid in establishing patterns of criminal activity of a suspect and can provide valuable leads for federal and other law enforcement agencies. This consideration applies equally to information acquired from, or collated or analyzed for, both law enforcement agencies and agencies of the U.S. foreign intelligence community and military community.

(7) From subsection (e)(2) because in a criminal, civil, or regulatory investigation, prosecution, or proceeding, the requirement that information be collected to the greatest extent practicable from the subject individual would present a serious impediment to law enforcement because the subject of the investigation, prosecution, or proceeding would be placed on notice as to the existence and nature of the investigation, prosecution, or proceeding and would therefore be able to avoid detection or apprehension, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Moreover, thorough and effective investigation and prosecution may require seeking information from a number of different sources.

(8) From subsection (e)(3) because to comply with the requirements of this subsection during the course of an investigation could impede the information-gathering process, thus hampering the investigation or intelligence gathering. Disclosure to an individual of investigative interest

would put the subject on notice of that fact and allow the subject an opportunity to engage in conduct intended to impede that activity or avoid apprehension. Disclosure to other individuals would likewise put them on notice of what might still be a sensitive law enforcement interest and could result in the further intentional or accidental disclosure to the subject or other inappropriate recipients, convey information that might constitute unwarranted invasions of the personal privacy of other persons, unnecessarily burden law enforcement personnel in information-collection activities, and chill the willingness of witnesses to cooperate.

(9) From subsections (e)(4)(G) and (H) because this system is exempt from the access and amendment provisions of subsection (d).

(10) From subsection (e)(4)(I) to the extent that this subsection could be interpreted to require more detail regarding system record sources than has been published in the **Federal Register**. Should this subsection be so interpreted, exemption from this provision is necessary to protect the sources of law enforcement and intelligence information and to protect the privacy and safety of witnesses and informants and other information sources. Further, greater specificity could compromise other sensitive law enforcement information, techniques, and processes.

\* \* \* \* \*

Dated: December 5, 2013.

**Erika Brown Lee,**

*Chief Privacy and Civil Liberties Officer,  
United States Department of Justice.*

[FR Doc. 2013-30067 Filed 12-23-13; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 64

[Docket No. USCG-2012-0054]

RIN 1625-AC11

#### Waiver for Marking Sunken Vessels With a Light at Night

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising its regulations to implement section 301 of the Coast Guard and Maritime Transportation Act of 2004. This Act authorized the Commandant to waive

the statutory requirement to mark sunken vessels with a light at night if the Commandant determines that placing a light would be impractical and waiving the requirement would not create an undue hazard to navigation. The Commandant has delegated to the Coast Guard District Commander in whose district the sunken vessel is located the authority to grant this waiver.

**DATES:** This final rule is effective January 23, 2014.

**ADDRESSES:** Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket number USCG-2012-0054 and are available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket online by going to <http://www.regulations.gov> and following the instructions on that Web site.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email LT Patrick N. Armstrong, Coast Guard; telephone 202-372-1561, email [Patrick.N.Armstrong@uscg.mil](mailto:Patrick.N.Armstrong@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Barbara Hairston, Program Manager, Docket Operations, telephone 202-366-9826.

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##### I. Abbreviations

BLS Bureau of Labor Statistics  
CFR Code of Federal Regulations  
COTP Captain of the Port  
E.O. Executive Order  
MISLE Marine Information for Safety and Law Enforcement  
NAICS North American Industry Classification System  
NPRM Notice of proposed rulemaking

Pub. L. Public Law  
§ Section symbol  
U.S.C. United States Code  
USCG United States Coast Guard

## II. Regulatory History

The Coast Guard published a notice of proposed rulemaking (NPRM) on May 28, 2013 (78 FR 31872). We note that the NPRM was published with an incorrect Regulatory Identification Number of 1625-AA97, and so we published a correcting notice on September 10, 2013 (78 FR 55230). We received no comments on the proposed rule, no public meeting was requested, and none was held.

## III. Background

The Coast Guard is revising its regulations in Title 33 of the Code of Federal Regulations (CFR) part 64, which prescribe rules relating to the marking of structures, sunken vessels, and other obstructions for the protection of maritime navigation. These regulations apply to all sunken vessels in the navigable waters or waters above the continental shelf of the United States. The current regulations in 33 CFR 64 require an owner of a vessel, raft, or other craft that is wrecked and sunk in a navigable channel to immediately mark it with a buoy or a beacon during the day and a light at night, and maintain the markings until the wreck is removed. The current wording uses the phrase “buoy or daymark,” which we are replacing with “buoy or beacon” in this part. This is a more precise phrase encompassing floating and fixed aids to navigation. There are no provisions for exemptions to this regulation. However, the Commandant is authorized by statute to grant a waiver from the lighting requirement if the Coast Guard determines, due to conditions of the waterway, that marking the sunken vessel with a light is impracticable and that not marking the sunken vessel does not pose an undue hazard to navigation. Such a waiver could save owners the cost of marking sunken vessels with a light without jeopardizing navigational safety.

The potential for saving owners money where there is little risk to navigation safety is the primary purpose of this rule. This final rule adds to the regulations a provision in section 301 of the Coast Guard and Maritime Transportation Act of 2004 (“the Act”) (Pub. L. 108-293), codified at 33 U.S.C. 409, that authorizes the Commandant to waive the requirement to mark a sunken vessel, raft, or other craft with a light at night if the Commandant determines it would be “impracticable and granting