

On page 42051, column 2, in the preamble under the paragraph heading "Special Rules for Determining Applicability of Mandatory Flat Rate Withholding", lines 2 and 3 from the top of the column, the language, "the final regulations and the revenue procedure provide employers with a" is corrected to read "the final regulations provide employers with a".

Cynthia E. Grigsby,

Senior Federal Register Liaison Officer,
Publications and Regulations Branch, Legal
Processing Division, Associate Chief Counsel
(Procedures and Administration).

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DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 015-2006]

Privacy Act of 1974; Implementation

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends part 16 of title 28 of the Code of Federal Regulations to reflect the applicability of Privacy Act Systems of Records Notices and any associated exemptions to the newly established National Security Division (NSD) at the Department of Justice. The National Security Division was created by section 506 of the USA PATRIOT Improvement and Reauthorization Act of 2005, by consolidating the resources of the Office of Intelligence Policy and Review (OIPR) and the Criminal Division's Counterterrorism and Counterespionage Sections. Therefore, Privacy Act Systems of Records Notices and any associated exemptions that applied to OIPR and the Criminal Division's Counterterrorism and Counterespionage Sections, are adopted by and applicable to the NSD until modified, superseded, or revoked in accordance with law.

DATES: *Effective Date:* This rule is effective October 3, 2006

FOR FURTHER INFORMATION CONTACT: Mary Cahill, Justice Management Division, U.S. Department of Justice, 1331 Pennsylvania Ave., NW., Suite 1400, Washington, DC 20530; Telephone: (202) 307-1823.

SUPPLEMENTARY INFORMATION: Because OIPR is transferring in its entirety to NSD, all the Privacy Act Systems of Records Notices and exemptions that applied to OIPR are adopted by and now apply to NSD. As a result of the transfer of the Criminal Division's

Sections to NSD, the following Privacy Act System of Records Notice and associated exemptions are adopted by and apply to NSD: "Central Criminal Division Index File and Associated Records, JUSTICE/CRM-001" (to the extent that subject matters therein are transferred to the jurisdiction of NSD), 63 FR 8659 (February 20, 1998), as amended in part by 66 FR 17200 (March 29, 2001), (this notice and associated exemptions continue to apply to the Criminal Division as well). The notices for the following nonexempt Systems of Records are also adopted by and apply to NSD: "Registration and Propaganda Files Under the Foreign Agents Registration Act of 1938, as amended, JUSTICE/CRM-017" 53 FR 16794 (May 11, 1988), and "Registration Files of Individuals Who Have Knowledge of or Have Received Instruction or Assignment in Espionage, Counterespionage, or Sabotage Service or Tactics of a Foreign Government or of a Foreign Political Party, JUSTICE/CRM-018" 52 FR 47197 (December 11, 1987).

No substantive changes are being made to the Privacy Act Systems of Records Notices and associated exemptions at this time, and the adoption by and continued applicability of the notices and exemptions to NSD will not add or remove any substantive rights or obligations of the public.

Administrative Procedure Act—5 U.S.C. 553

This rule is a rule of agency organization and relates to a matter relating to agency management and is therefore exempt from the requirements of prior notice and comment and a 30-day delay in the effective date. *See* 5 U.S.C. 553(a)(2), 553(b)(3)(A).

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. Further, a Regulatory Flexibility Analysis was not required to be prepared for this final rule since the Department was not required to publish a general notice of proposed rulemaking for this matter.

Executive Order 12866—Regulatory Planning and Review

This action has been drafted and reviewed in accordance with Executive Order 12866 Regulatory Planning and

Review, section 1(b), Principles of Regulation. This rule is limited to agency organization, management, and personnel as described by Executive Order 12866 section 3(d)(3) and, therefore, is not a "regulation" or "rule" as defined by that Executive Order. Accordingly, this action has not been reviewed by the Office of Management and Budget.

Executive Order 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988—Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This action pertains to agency management, personnel and organizations and does not substantially affect the rights or obligations of non-agency parties and, accordingly, is not a "rule" as that term is used by the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)). Therefore, the reporting requirement of 5 U.S.C. section 801 does not apply.

List of Subjects in 28 CFR Part 16

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

■ Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 793-78, title 28 of the Code of Federal Regulations is amended as follows:

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

■ 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. Amend § 16.74 by revising paragraph (a) introductory text to read as follows:

§ 16.74 Exemption of Office of Intelligence Policy and Review Systems—limited access.

(a) The following systems of records are exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(8), (f) and (g); these systems of records and associated exemptions are adopted by and apply with equal force and effect to the National Security Division, until modified, superseded, or revoked in accordance with law:

* * * * *

■ 3. Amend § 16.91 by adding a sentence at the end of paragraph (a)(1) to read as follows:

§ 16.91 Exemption of Criminal Division Systems—limited access, as indicated.

(a) * * *

(1) * * * This system of records and associated exemptions is adopted by and applies with equal force and effect to the National Security Division, until modified, superseded, or revoked in accordance with law.

* * * * *

Dated: September 28, 2006.

Lee J. Lofthus,

Acting Assistant Attorney General for Administration.

[FR Doc. E6-16280 Filed 10-2-06; 8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has determined that USS BENFOLD (DDG 65) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special function as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: *Effective Date:* September 21, 2006.

FOR FURTHER INFORMATION CONTACT:

Commander Gregg A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave., SE., Suite 3000, Washington Navy Yard, DC 20374-5066, telephone 202-685-5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that USS BENFOLD (DDG 65) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific

provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; and Annex I, paragraph 2(f)(ii), pertaining to the vertical placement of task lights. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements. All other previously certified deviations from the 72 COLREGS not affected by this amendment remain in effect.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

■ For the reasons set forth in the preamble, amend part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read:

Authority: 33 U.S.C. 1605.

■ 2. In Table Five of § 706.2 revise the entry for USS BENFOLD (DDG 65) to read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. Annex I, sec. 3(a)	After mast-head light less than 1/2 ship's length aft of forward mast-head light. Annex I, sec. 3(a)	Percentage horizontal separation attained
USS BENFOLD	DDG 65	X	X	X	14.8
* * *	*	*		*	*