

would unduly restrict TIGTA in its information gathering inasmuch as it is often not until well after the investigation that it is possible to determine the relevance and necessity of particular information.

(2) If any investigatory material contained in the above-named systems becomes involved in criminal or civil matters, exemptions of such material under 5 U.S.C. 552a(j)(2) or (k)(2) is hereby claimed.

Under 5 U.S.C. 552a(k)(6), the head of a Federal agency may promulgate rules to exempt a system of records from certain provisions of 5 U.S.C. 552a if the system of records is "testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service." The Department of the Treasury proposes to exempt the DO.306—TIGTA Recruiting and Placement systems of records from provisions 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

The reason for exempting the system of records from various provisions pursuant to 5 U.S.C. 552a(k)(6) is that disclosure of the material in the system would compromise the objectivity or fairness of the examination process.

Any information from a system of records for which an exemption is claimed under 5 U.S.C. 552a(j) or (k) which is also included in another system of records retains the same exempt status such information has in the system for which such exemption is claimed.

The Department of the Treasury has determined that this proposed rule is not a "significant regulatory action" under Executive Order 13132.

Pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, for the reasons set forth above, it is hereby certified that this rule will not have significant economic impact on a substantial number of small entities.

In accordance with the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq., the Department of the Treasury has determined that this proposed rule would not impose new recordkeeping, application, reporting, or other types of information collection requirements.

List of Subjects in 31 CFR Part 1

Privacy.

Part 1 Subpart C of Title 31 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1—[AMENDED]

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

Authority: 5 U.S.C. 301, 31 U.S.C. 321, subpart A also issued under 5 U.S.C. 552, as amended. Subpart C also issued under 5 U.S.C. 552a.

2. Section 1.36 is amended as follows:

a. Paragraph (c)(1)(i) is amended by adding "DO .303—TIGTA General Correspondence; DO .307—TIGTA Employee Relations Matters, Appeals, Grievances, and Complaint Files; DO .308—TIGTA Data Extracts; DO .309—TIGTA Chief Counsel Case Files; DO .310—TIGTA Chief Counsel Disclosure Section Records" to the table in numerical order.

b. Paragraph (g)(1)(i) is amended by adding "DO .303—TIGTA General Correspondence; DO .307—TIGTA Employee Relations Matters, Appeals, Grievances, and Complaint Files; DO .308—TIGTA Data Extracts; DO .309—TIGTA Chief Counsel Case Files; DO .310—TIGTA Chief Counsel Disclosure Section Records" to the table in numerical order.

c. Paragraph (m)(1)(i) is amended by adding "DO .306—TIGTA Recruiting and Placement" to the table in numerical order.

d. Paragraph (o)(1) is amended by adding "DO .306—TIGTA Recruiting and Placement" to the table in numerical order. The additions to § 1.36 read as follows:

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 522a and this part.

Table with asterisks and sub-paragraphs (c), (1), (i) indicating amendments.

Table with columns Number and System name. Rows include DO .303, DO .307, DO .308, DO .309, and DO .310.

Table with asterisks and sub-paragraphs (g), (1), (i) indicating amendments.

Table with columns Number and System name. Rows include DO .303, DO .307, DO .308, and DO .309.

Table with columns Number and System name. Row: DO .310 ... TIGTA Chief Counsel Disclosure Section Records.

Table with asterisks and sub-paragraphs (m), (1), (i) indicating amendments.

Table with columns Number and System name. Row: DO .306 ... TIGTA Recruiting and Placement.

Table with asterisks and sub-paragraphs (O), (1) indicating amendments.

Table with columns Number and System name. Row: DO .306 ... TIGTA Recruiting and Placement.

Table with asterisks indicating amendments.

Dated: September 8, 2003.

W. Earl Wright, Jr.,

Acting Chief, Management and Administrative Programs Officer.

[FR Doc. 03–24055 Filed 9–18–03; 12:01 pm]

BILLING CODE 4810–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD11–03–005]

RIN 1625–AA09

Drawbridge Operation Regulations; Connection Slough, Stockton, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating requirements of the Reclamation District Drawbridge across Connection Slough, between Mandeville and Bacon Islands, near Stockton, CA, by reducing the periods of time when the drawspan is required to open on signal for the passage of vessels and by increasing the advance notice periods. The bridge owner requests these changes in order to reduce the costs of operating the drawbridge. The proposed action would reduce the number of hours the bridge needs to be manned and, therefore, would reduce costs to the owner.

DATES: Comments and related material must reach the Coast Guard on or before October 22, 2003.

**ADDRESSES:** You may mail comments and related material to Commander (oan), Eleventh Coast Guard District, Building 50-3, Coast Guard Island, Alameda, CA 94501-5100. The Bridge Section maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at Commander (oan), Eleventh Coast Guard District, Building 50-3, Coast Guard Island, Alameda, CA 94501-5100 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, telephone (510) 437-3516.

**SUPPLEMENTARY INFORMATION:**

**Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking [CGD11-03-005], indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the Coast Guard Bridge Section at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

The bridge owner, Central California Redevelopment Company (CCRC Farms), has requested changing the dates and times for manning their Reclamation District drawbridge, crossing Connection Slough between Mandeville and Bacon Islands, near Stockton, CA. The reason for the proposal is to reduce operating costs of the bridge while continuing to meet the reasonable needs of vessel traffic.

The existing regulation, 33 CFR 117.150, requires the bridge, from May 1 through October 31, to open on signal between the hours of 6 a.m. and 10 p.m., and from November 1 through April 30, to open on signal between the hours of 9 a.m. and 5 p.m. All other times the drawbridge must open on signal if notice is given at least 4 hours in advance. The drawbridge must open upon 1-hour notice for emergency vessel operation.

**Discussion of Proposed Rule**

The proposed changes are as follows: From May 15 through September 15 the bridge would open on signal between the hours of 9 a.m. and 5 p.m., and it would open upon 12 hours notice between the hours of 5 p.m. and 9 a.m. From September 16 through May 14 the bridge would open upon 12 hours notice between the hours of 9 a.m. and 5 p.m., and it would open upon 24 hours notice between the hours of 5 p.m. and 9 a.m. The bridge would continue to open upon 1-hour notice for emergency vessel operation. The above changes would lower the costs of operating the bridge for the bridge owner without significantly impacting waterway users.

**Regulatory Evaluation**

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Homeland Security.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. Vessel counts derived from drawbridge operating logs and land traffic counts were submitted by CCRC Farms in support of their request, showing little demand for bridge openings during the proposed periods of advance notice. The Coast Guard, through individual correspondence, also requested comments regarding the proposed changes from established waterway representatives and known operators. The Coast Guard did not receive any responses from these users of the waterway. The above counts and lack of response from waterway users show that there is little or no requirement for opening the drawbridge during the proposed periods of advance notice,

therefore the impact of the proposed regulation is expected to be minimal.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. No small entities were identified that would be affected by the proposed rule. Vessel traffic counts indicate the waterway users presently requiring operation of the drawspan would continue to receive the same level of service at the bridge. The proposal is to decrease unnecessary manning of the bridge during times and dates when the bridge historically has not been called for an opening.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see ADDRESSES*) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

**Collection of Information**

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520.).

**Federalism**

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year.

Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### Taking of Private Property

This proposed rule would not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID, which guides the Coast

Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this proposed rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation, since promulgation of drawbridge regulations has been determined not to have any effect on the environment.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 33 CFR 1.05–1(g); Department of Homeland Security Delegation No. 0170.1; section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Revise § 117.150 to read as follows:

#### § 117.150 Connection Slough.

The draw of the Reclamation District No. 2027 bridge between Mandeville and Bacon Islands, mile 2.5 near Stockton, from May 15 through September 15, shall open on signal between the hours of 9 a.m. and 5 p.m., and it shall open upon 12 hours notice between the hours of 5 p.m. and 9 a.m. From September 16 through May 14 the bridge shall open upon 12 hours notice between the hours of 9 a.m. and 5 p.m., and it shall open upon 24 hours notice between the hours of 5 p.m. and 9 a.m. The bridge shall open on signal if at least one-hour notice is given for emergency operations or vessels in distress.

Dated: September 9, 2003.

**J.M. Hass,**

*Captain, U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.*  
[FR Doc. 03–24016 Filed 9–18–03; 12:01 pm]

**BILLING CODE 4910–15–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 81

[AZ–094–FOAb; FRL–7561–6]

#### Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for the Phoenix Metropolitan Area, Arizona

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to find that the Phoenix metropolitan nonattainment area in Arizona has attained the National Ambient Air Quality Standard (NAAQS) for carbon monoxide (CO) by its Clean Air Act deadline of December 31, 2000. The Phoenix area has had no exceedances of the CO standard since 1996, and has six years of clean air quality data.

**DATES:** Any comments on this proposal must arrive by October 22, 2003.

**ADDRESSES:** Comments should be mailed or emailed to Wienke Tax, Office of Air Planning (AIR–2), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov), or submit comments at <http://www.regulations.gov>. We prefer electronic comments.

You can inspect copies of EPA's **Federal Register** notice and TSD at our Region IX office during normal business hours (see address above). Due to increased security, we suggest that you call at least 24 hours prior to visiting the Regional Office so that we can make arrangements to have someone meet you. The **Federal Register** notice and TSD are also available as electronic files on EPA's Region 9 Web Page at <http://www.epa.gov/region09/air>.

#### FOR FURTHER INFORMATION CONTACT:

Wienke Tax, Office of Air Planning, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, phone: (520) 622–1622, e-mail: [tax.wienke@epa.gov](mailto:tax.wienke@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, the words "we," "us," and "our" mean U.S. EPA.

Based on ambient air quality data recorded on Phoenix area monitors during 1999 and 2000, we are proposing to find that the area has met the CO standard by its statutory deadline of December 31, 2000.

In the Rules and Regulations section of this **Federal Register**, we are making this attainment finding in a direct final action without prior proposal because we believe this action is not