

- (i) The National Security Agency Act of 1959 (Public Law 86-36 Section 6);  
 (ii) 18 U.S.C. 798;  
 (iii) 50 U.S.C. 403-3(c)(6);  
 (iv) 10 U.S.C. 130; and  
 (v) 10 U.S.C. 2305(g).

(4) Records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(5) Interagency or intra-agency memoranda or letters that would not be available by law to a party other than an agency in litigation with the agency.

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records:

- (i) Could reasonably be expected to interfere with enforcement proceedings;  
 (ii) Would deprive a person of the right to a fair trial or to an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy of a living person, including surviving family members of an individual identified in such a record;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a source within NSA/CSS, state, local, or foreign agency or authority, or any private institution which furnishes the information on a confidential basis, or could disclose information furnished from a confidential source and obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; and

(vi) Could reasonably be expected to endanger the life or physical safety of any individual.

(8) Records contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(9) Geological and geophysical information and data, including maps, concerning wells.

(c) Information which has not been given a security classification pursuant to the criteria of an Executive Order, but which may be withheld from the public

for one or more of FOIA exemptions 2 through 9 cited in paragraphs (b)(2) through (b)(9) of this section, shall be considered "UNCLASSIFIED//FOR OFFICIAL USE ONLY" (U//FOUO). No other material shall be considered or marked U//FOUO. The marking of appropriate records with the U//FOUO designation at the time of their creation provides notice of U//FOUO content and shall facilitate review when a record is requested under the FOIA. However, records requested under the FOIA which do not bear the U//FOUO designation shall not be assumed to be releasable without examination for the presence of information that requires continued protection and qualifies as exempt from public release.

Dated: May 16, 2003.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03-12969 Filed 5-22-03; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Army

#### 32 CFR Part 574

RIN 0702-AA37

#### United States Soldiers' and Airmen's Home

**AGENCY:** Department of the Army, DoD.

**ACTION:** Final rule.

**SUMMARY:** This action removes obsolete regulations concerning the U.S. Soldiers' and Airmen's Home facility.

**EFFECTIVE DATE:** May 23, 2003.

**ADDRESSES:** Headquarters, Army Retirement Services, ATTN: DAPE-RSO, 200 Stovall St. Alexandria, VA 22332-0470

**FOR FURTHER INFORMATION CONTACT:** Mr. John Radke, (703) 325-9158.

**SUPPLEMENTARY INFORMATION:** The Headquarters, Army Retirement Services (DAPE-RSO), is the proponent for regulations in 32 CFR part 574 and, acting with the advice of his operations and legal staffs, had concluded these regulations are obsolete. Due to changes in the laws governing oversight of the U.S. Soldiers' and Airmen's Home, there is no longer a necessity for these regulations. After coordination with The Judge Advocate General (ATTN: DAJA-ALG) and the Office of the Deputy Chief of Staff, Air Force (ATTN: AF/DPI), it was rescinded April 1994. In August, DOD has rescinded DOD directive 1338.20, "Armed forces Retirement Home (AFRH). Therefore, it would be

helpful in avoiding confusion with the public if 32 CFR, Part 574, is removed.

#### List of Subjects in 32 CFR Part 574

United States Soldiers' and Airmen's Home

#### PART 574—[REMOVED]

■ Accordingly, for reasons stated in the preamble, under the authority of the Armed Forces Retirement Home Act of 1991 (Pub. L. 101-510, Title XV, Nov. 5, 1990) and subsequent amendments now codified at Chapter 10 Title 24, U.S. Code (24 U.S.C. 401-433), 32 CFR part 574, *United States Soldiers' and Airmen's Home*, is removed in its entirety.

**Luz D. Ortiz,**

*Army Federal Register Liaison Officer.*

[FR Doc. 03-13009 Filed 5-22-03; 8:45 am]

BILLING CODE 3710-08-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 03-1226; MB Docket No. 03-27, RM-10631]

#### Radio Broadcasting Services; Cotulla and Dilley, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Audio Division, at the request of IH-35 Broadcasters, allots Channel 264A to Cotulla, Texas, as the community's third local FM service. In order to accommodate the allotment at Cotulla, the Audio Division substitutes Channel 229A for vacant Channel 264A at Dilley, Texas. See 68 FR 7963, February 19, 2003. Channel 264A can be allotted to Cotulla, Texas, consistent with the minimum distance separation requirement of the Commission's rules at city reference coordinates. The reference coordinates for Channel 264A at Cotulla are 28-26-12 north latitude and 99-14-05 west longitude. Although concurrence has been requested for Channel 264A at Cotulla, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified for Cotulla herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement." Additionally, Channel

229A can be allotted to Dilley, Texas, consistent with the minimum distance separation requirements of the Commission's rules, provided there is a site restriction 6.3 kilometers (3.9 miles) south of the community. The reference coordinates for Channel 229A at Dilley are 28-36-56 north latitude and 99-10-48 west longitude.

Although concurrence has been requested for Channel 229A at Dilley, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified for Dilley herein is subject to modification, suspension or, termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement." A filing window for Channel 264A at Cotulla, Texas and Channel 229A at Dilley, Texas, will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

**DATES:** Effective June 16, 2003.

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Rolanda F. Smith, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's report and order, MB Docket No. 03-27, adopted April 28, 2003, and released April 30, 2003. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 264A at Cotulla, by removing Channel 264A and by adding Channel 229A at Dilley.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

[FR Doc. 03-12966 Filed 5-22-03; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 78

[CS Docket No. 99-250, FCC 02-149]

#### Cable Television Relay Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, announcement of effective date.

**SUMMARY:** The Federal Communications Commission has received Office of Management and Budget (OMB) approval for the public information collection contained in the Commission's decision expanding the eligibility for licenses in the Cable Television Relay Service (CARS) to all Multichannel Video Programming Distributors (MVPDs).

**DATES:** Section 78.13(f) published at 67 FR 43257, June 27, 2002, received OMB approval and was effective March 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Wayne T. McKee, 202-418-2355.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission has received OMB approval for the expansion of the class of those eligible to file FCC Form 327, Application for a Television Relay Service Station Authorization, OMB Control No. 3060-0055. The information collection was revised in the Order in CS Docket No. 99-250 which appears at 67 FR 43257, June 27, 2002. The effective date of the rules adopted in that Order was published as July 29, 2002, except for § 78.13(f) which contains modified information collection requirements that would not be effective until approved by the Office of Management and Budget. Through this document, the Commission announces that it has received this approval (OMB Control No. 3060-0110, Expiration Date: August 31, 2003) and that § 78.13(f) is effective on March 13, 2003.

Pursuant to the Paperwork Reduction Act of 1995, Public Law 96-511, an

agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Les Smith, Federal Communications Commission, (202) 418-0217.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 03-12918 Filed 5-22-03; 8:45 am]

**BILLING CODE 6712-01-P**

#### DEPARTMENT OF TRANSPORTATION

#### Surface Transportation Board

#### 49 CFR Part 1180

[STB Ex Parte No. 282 (Sub-No. 20)]

#### Railroad Consolidation Procedures—Exemption For Temporary Trackage Rights

**AGENCY:** Surface Transportation Board.

**ACTION:** Final rule.

**SUMMARY:** The Surface Transportation Board (Board) amends its rules to exempt from regulation, under 49 U.S.C. 10502, as a class, authorization of temporary trackage rights proposals under 49 U.S.C. 11323 that are based on written agreements, are not filed or sought in responsive applications in rail consolidation proceedings, are limited to overhead operations, and expire on a date certain. This class exemption would permit authorization of temporary trackage rights for a limited period of time, not to exceed 1 year from the effective date of the exemption. It would also permit termination of such rights without the need to file for discontinuance authority at the end of the authorization period, as the authority would automatically terminate on the date specified. Carriers taking advantage of this class exemption are subject to the standard provisions for the protection of employees. The exemption automatically removes these transactions from regulatory oversight and simplifies and expedites the process for commencing temporary trackage rights operations. The regulations at 49 CFR Part 1180 are amended, as set forth in the Appendix, to implement this action.