

**TABLE I-00—SELECTION OF RETIREMENT RATE CATEGORY**  
(For Plans with valuation dates after December 31, 1999, and before January 1, 2001)

Participant reaches URA in year—	Participant's Retirement Rate Category is—			
	Low <sup>1</sup> if monthly benefit at URA is less than—	Medium <sup>2</sup> if monthly benefit at URA is		High <sup>3</sup> if monthly benefit at URA is greater than—
		From	To	
2001 .....	430	430	1,814	1,814
2002 .....	440	440	1,856	1,856
2003 .....	450	450	1,899	1,899
2004 .....	461	461	1,942	1,942
2005 .....	471	471	1,987	1,987
2006 .....	482	482	2,033	2,033
2007 .....	493	493	2,080	2,080
2008 .....	504	504	2,127	2,127
2009 .....	516	516	2,176	2,176
2010 or later .....	528	528	2,226	2,226

<sup>1</sup> Table II-A.<sup>2</sup> Table II-B.<sup>3</sup> Table II-C.

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Issued in Washington, DC, this 19th day of November, 1999.

**David M. Strauss,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 99-31043 Filed 11-30-99; 8:45 am]

**BILLING CODE 7708-01-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### 32 CFR Part 287

[DISA Instruction 630-225-8]

#### Defense Information Systems Agency Freedom of Information Act Program

**AGENCY:** Defense Information Systems Agency, DoD.

**ACTION:** Final rule.

**SUMMARY:** This part applies to the Department of Defense, Defense Information Systems Agency and the Office of the Manager, National Communications System (OMNCS). The regulation provides guidance on the implementation of the "Freedom of Information Act Program" within the Defense Information Systems Agency and the OMNCS. It was written to comply with the Freedom of Information Act, as amended by the "Electronic Freedom of Information Act" amendments of 1996.

**EFFECTIVE DATE:** November 30, 1999.

**ADDRESSES:** Defense Information Systems Agency, Attn: RGC (FOIA Officer), 701 South Courthouse Road, Arlington, VA 22204.

#### FOR FURTHER INFORMATION CONTACT:

Robin M. Berger, (703) 607-6515.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866, "Regulatory Planning and Review"

It has been determined that 32 CFR part 287 is not a significant regulatory action. The rule does not:

(1) Have an annual effect of the economy of \$100 million or more or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

#### Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This part would provide guidance on the implementation of the Freedom of Information Act Program within the Defense Information Systems Agency and the Office of the Manager, National Communications System (OMNCS). It was written to comply with the

Freedom of Information Act, as amended by the Electronic Freedom of Information Act amendments of 1996.

#### Public Law 104-13, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified that this part does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

#### Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities. This part would provide guidance on the implementation of the Freedom of Information Act Program within the Defense Information Systems Agency and the Office of the Manager, National Communications System (OMNCS). It was written to comply with the Freedom of Information Act, as amended by the Electronic Freedom of Information Act amendments of 1996.

#### List of Subjects in 32 CFR Part 287

Freedom of information.

Accordingly, 32 CFR part 287 is revised to read as follows:

#### PART 287—DEFENSE INFORMATION SYSTEMS AGENCY FREEDOM OF INFORMATION ACT PROGRAM

Sec.

287.1 Purpose.

287.2 Applicability.

287.3 Authority.

287.4 Duties of the FOIA Officer.

287.5 Responsibilities.

- 287.6 Duties of the DITCO and the DTIC FOIA Officers.
- 287.7 Fees.
- 287.8 Appeal rights.
- 287.9 Reports.
- 287.10 Questions.
- 287.11 "For Official Use Only" Records.

Authority: 5 U.S.C. 552.

#### **§ 287.1 Purpose.**

This part assigns responsibilities for the Freedom of Information Act (FOIA) Program for DISA.

#### **§ 287.2 Applicability.**

This part applies to DISA and the Office of the Manager, National Communications System (OMNCS).

#### **§ 287.3 Authority.**

This part is published in accordance with (IAW) the authority contained in 32 CFR part 286. It supplements 32 CFR part 286 to accommodate specific requirements of the DISA FOIA Program. However, 32 CFR part 286 takes precedence and shall be used for all issues not covered by this part.

#### **§ 287.4 Duties of the FOIA officer.**

The DISA FOIA Officer, located at DISA Headquarters, 701 S. Courthouse Road, Arlington, Virginia, is vested with the authority, within DISA, to release documentation for all requests of Agency records received by DISA directorates and field activities. The DISA FOIA Officer will:

(a) Make the materials described in 32 CFR 286.7 available for public inspection and reproduction. (A current index of this material will be maintained in accordance with 32 CFR 286.8).

(b) Establish education and training programs for all DISA employees who contribute to the DISA FOIA Program.

(c) Respond to all requests for records from private persons IAW 32 CFR part 286 whether the requests are received directly by DISA Headquarters or by DISA field activities. Coordinate proposed releases with the General Counsel in any case in which the release is, or may be, controversial. Coordinate all proposed denials with the General Counsel.

(d) Be the DISA principal point of contact for coordination with the Directorate for Freedom of Information and Security Review (DFOISR) Washington Headquarters Services, reference FOIA issues.

(e) Ensure the cooperation of DISA with DFOISR in fulfilling the responsibilities of monitoring the FOIA Program.

(f) Coordinate cases of significance with DFOISR, after coordination with the General Counsel and with the

approval of the Chief of Staff, when the issues raised are unusual, precedent setting, or otherwise require special attention or guidance.

(g) Advise DFOISR prior to the denial of a request or prior to an appeal when two or more DoD components are affected by the request for a particular record or when circumstances suggest a potential public controversy.

(h) Ensure completion of the annual reporting requirement contained in 32 CFR part 286.

#### **§ 287.5 Responsibilities**

(a) *Deputy Directors, Headquarters, DISA; Commanders and Chiefs of DISA Field Activities; and the Deputy Manager, NCS.* These individuals will furnish the FOIA Officer, when requested, with DISA documentary material, which qualifies as a record IAW 32 CFR part 286, for the purpose of responding to FOIA requests.

(b) *Chief of Staff.* The Chief of Staff will, on behalf of the Director, DISA, respond to the corrective or disciplinary action recommended by the Merit Systems Protection Board for arbitrary or capricious withholding of records requested, pursuant to the Freedom of Information Act, by military members or civilian employees of DISA. (This will be coordinated with the General Counsel.)

(c) *General Counsel.* The General Counsel or, in his or her absence, the Deputy General Counsel, is vested with the authority to deny, in whole or in part, a FOIA request received by DISA. The General Counsel will:

(1) Make the decision to deny a record in whole or in part; to deny a fee category claim; to deny a request for waiver or reduction in fees; to deny a request to review an initial fee estimate; to deny a request for expedited processing; or to confirm that no records were located during the initial search IAW 5 U.S.C. 552, as supplemented by the guidance provided in 32 CFR part 286

(2) Inform the person denied the basis for the denial of the request and of his or her right to appeal the decision to the Director, DISA, via written correspondence.

(3) Review any appeal the public may consider adverse in nature and ensure that the basis for the determination by the Director, DISA, be in writing, state the reasons for the denial, and inform the requester of his or her right to a judicial review in the appropriate U.S. District Court.

(4) Arrange for the publication of this part in the **Federal Register**.

(d) Chief, Legal Counsel, Defense Information Technology Contracting

Organization (DITCO). The Chief Legal Counsel, DITCO, or, in his or her absence, the Deputy Legal Counsel, DITCO, is vested with same authority and responsibilities, for DITCO, as stated in paragraph (c) of this section.

(e) Administrator, Defense Technical Information Center (DTIC). The Administrator, DTIC, is vested with the same authority and responsibilities, for DTIC, as stated in paragraph (c) of this section.

#### **§ 287.6 Duties of the DITCO and the DTIC FOIA officers.**

(a) *DITCO FOIA Officer.* The DITCO FOIA Officer, located at 2300 East Drive, Scott AFB, IL 62225, is vested with the authority, within DITCO, to release documentation for all requests of records received by DITCO and its field activities, as stated in § 287.4 (a), (b), and (c) and assist the DISA FOIA officer in carrying out the duties stated in § 287.4 (d) and (h).

(b) *DTIC FOIA Officer.* The DTIC FOIA Officer, located at 8725 John J. Kingman Road, Suite 0944, Ft. Belvoir, VA 22060, is vested with the authority, within DTIC, to release documentation for all requests of records within DTIC, as stated in § 287.4 (a), (b), and (c) and assist the DISA FOIA officer in carrying out the duties stated in § 287.4 (d) and (h).

#### **§ 287.7 Fees.**

Fees charged to the requester are contained in 32 CFR part 286.

#### **§ 287.8. Appeal rights.**

All appeals should be addressed to the Director, DISA, and be postmarked no later than 60 days after the date of the initial denial letter.

#### **§ 287.9. Reports.**

An annual report will be furnished to the FOIA Officer by the field activities by 15 October IAW 32 CFR part 286.

#### **§ 287.10 Questions.**

Questions on both the substance and procedures of the FOIA and the DISA implementation thereof should be addressed to the FOIA Officer by the most expeditious means possible, including telephone calls, faxes, and electronic mail. FOIA requests should be addressed as follows: Defense Information Systems Agency, 701 S. Courthouse Road, Arlington, VA 22204-2199, Attn: RGC. Calls should be made to (703) 607-6515. Faxed requests should be addressed to the FOIA Officer at (703) 607-4344. Electronic mail requests should be addressed to [bergerr@ncr.disa.mil](mailto:bergerr@ncr.disa.mil).

**§ 287.11 "For Official Use Only" Records.**

The designation "For Official Use Only" will be applied to documents and other material only as authorized by 32 CFR part 286 and DoD 5200.1-R.<sup>1</sup>

Dated: November 24, 1999.

**L.M. Bynum,**

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

[FR Doc. 99-31118 Filed 11-30-99; 8:45 am]

BILLING CODE 5001-10-P

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 100**

[CGD 05-99-089]

RIN 2115-AE46

**Special Local Regulations for Marine Events; New Year's Celebration Fireworks, Patapsco River, Baltimore, MD**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is adopting temporary special local regulations for the New Year's Celebration Fireworks, to be held over the waters of the Patapsco River, Baltimore, Maryland. These special local regulations are needed to protect spectators and other vessels transiting the event area from the dangers associated with the fireworks displays. The effect will be to restrict general navigation in the regulated areas in order to enhance the safety of life and property during the event.

**DATES:** This rule is effective from 11:45 p.m. on December 31, 1999 to 12:35 a.m. on January 1, 2000, and from 6:45 p.m. to 7:35 p.m. on January 1, 2000.

**ADDRESSES:** Comments and materials received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [CGD 05-99-089] and are available for inspection or copying at Commander (Aoax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23704-5004, between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. **FOR FURTHER INFORMATION CONTACT:** S. L. Phillips, Project Manager, Operations Division, Auxiliary Section, at (757) 398-6204.

**SUPPLEMENTARY INFORMATION:****Regulatory Information**

On October 8, 1999, we published a notice of proposed rulemaking (NPRM) entitled "Special Local Regulations for Marine Events; New Year's Celebration Fireworks, Patapsco River, Baltimore, MD" in the **Federal Register** (64 FR 54849). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

**Background and Purpose**

The Baltimore Office of Promotions will sponsor the New Year's Celebration Fireworks, to be held over the waters of the Patapsco River, Baltimore, Maryland. The event will consist of pyrotechnic displays fired from 2 barges positioned in the Inner Harbor and Northwest Harbor. A fleet of spectator vessels is anticipated. Due to the need for vessel control during the fireworks displays, vessel traffic will be temporarily restricted to provide for the safety of spectators and transiting vessels.

**Regulatory Evaluation**

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 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 Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the regulated area will only be in effect for a limited amount of time, extensive advisories will be made to the affected maritime community so that they may adjust their schedules accordingly, and the event schedule will allow commercial interests to coordinate their activities to allow for minimum disruption to their enterprise.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this 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 rule will not have a significant economic impact on a substantial number of small entities.

The Coast Guard expects the impact of this proposed rule to be minimal. The regulated area will only be in effect for a limited amount of time, extensive advisories will be made to the affected maritime community so that they may adjust their schedules accordingly, and the event schedule will allow commercial interests to coordinate their activities to allow for minimum disruption to their enterprise.

**Assistance for Small Entities**

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. No requests for assistance were received.

**Collection of Information**

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

**Federalism**

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

**Unfunded Mandates Reform Act**

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

**Taking of Private Property**

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

**Civil Justice Reform**

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

<sup>1</sup> Copies may be obtained via Internet at <http://web7.whs.osd.mil/corres.htm>