

information in response to this request, which we considered in preparing our plan for retrospective regulatory review. The plan is available on DOI's Open Government Web site at: <http://www.doi.gov/open/regsreview/>. This Web site provides links to the plan, the Department's regulations, and an email in-box at [RegsReview@ios.doi.gov](mailto:RegsReview@ios.doi.gov) that interested parties may use to suggest, on an ongoing basis, improvements to DOI's regulations.

We continue to invite comment on all of our regulations but are specifically asking for public comment on the following regulations or policy documents at this time:

- 25 CFR part 169—Rights-of-Way on Indian Land (1076-AF20)
- 25 CFR part 23—Indian Child Welfare Act (1076-AF25)
- 25 CFR part 256—Housing Improvement Program (1076-AF22)
- Expanding Incentives for Voluntary Conservation Actions Under the Endangered Species Act (1018-AY29)

#### Ongoing Public Engagement

DOI views retrospective regulatory review as a continuing process. Public engagement is an essential element, and the public may submit feedback at any time via email at [RegsReview@ios.doi.gov](mailto:RegsReview@ios.doi.gov).

At this time, we are asking for comments related to the following questions:

(1) Are there any specific changes we could make to these regulations that would make them more effective or less burdensome in achieving their regulatory objectives?

(2) DOI has proposed specific rules to review over the next two years. Are there other rules that could benefit from retrospective review in the near future? If so, please identify the rules by their CFR citation (e.g., 25 CFR part 39) or by their subject matter (e.g., forestry rules) and give us detailed ideas on how we can streamline, consolidate, or make these regulations more efficient. Please suggest specific language that would make these rules or guidance more efficient and less burdensome where possible.

(3) Are there ways DOI can better scale its regulations to lessen the burdens imposed on small entities within the existing statutory requirements? Please suggest specific things we could do to exempt small entities or provide more flexible or less-burdensome requirements while still satisfying the requirements of the law.

(4) Are DOI regulations and guidance written in language that is clear and easy to understand? Please suggest which regulations and guidance are

good candidates for a rewriting in plain language.

(5) How can we ensure that our regulations promote our mission in ways that are most efficient and least burdensome to the public?

The Department is issuing this request solely to seek useful information as part of its ongoing public engagement process. Responses to this request do not bind DOI to any further actions related to the response.

Before including your address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time pursuant to the Freedom of Information Act. While you can ask us in your comment to withhold your personal identifying information from the public review, we would seek to honor your request to the extent allowable under the law but we cannot guarantee that we will be able to do so.

**Authority:** E.O. 13653, 76 FR 3821, Jan. 21, 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

Dated: May 20, 2015.

**Michael L. Connor,**

*Deputy Secretary.*

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**BILLING CODE 4334-34-P**

## OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

### 32 CFR Part 1701

#### Privacy Act of 1974: Implementation

**AGENCY:** Office of the Director of National Intelligence.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of the Director of National Intelligence (ODNI) proposes to exempt two new systems of records from subsections (c)(3); (d)(1),(2),(3),(4); (e)(1) and (e)(4)(G),(H),(I); and (f) of the Privacy Act. With respect to the existing system of records named ODNI Information Technology Systems Activity and Access Records (ODNI-19), the ODNI proposes to invoke subsection (k)(2) as an additional rationale for exempting records from these provisions of the Privacy Act. The ODNI has previously established a rule, published on March 28, 2008, that will preserve the exempt status of records it receives when the reason for the exemption remains valid.

**DATES:** Submit comments on or before July 6, 2015.

**ADDRESSES:** You may submit comments by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>.

*Email:* [DNI-FederalRegister@dni.gov](mailto:DNI-FederalRegister@dni.gov).

*Mail:* Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer L. Hudson, Director, Information Management Division, Office of the Chief Information Officer, Office of the Director of National Intelligence, Washington, DC 20511; 703-874-8085.

**SUPPLEMENTARY INFORMATION:** In compliance with the Privacy Act, 5 U.S.C. 552a(e)(4), the ODNI describes in the notice section of this **Federal Register** the following two new systems of records: Counterintelligence Trends Analyses Records (ODNI/NCSC-002) and Insider Threat Program Records (ODNI-22). As permitted by the Privacy Act, 5 U.S.C. 552a(k), pursuant to this rulemaking, the Director of National Intelligence (DNI) is invoking exemption of records in these systems from the requirements of certain provisions of the Privacy Act, as described herein. In addition, the DNI is invoking subsection 552a(k)(2) as a further basis of exemption for records contained in the existing system entitled Information Technology Systems Activity and Access Records (ODNI-19).

#### Regulatory Flexibility Act

This proposed rule affects the manner in which the ODNI collects and maintains information about individuals. The ODNI certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, no regulatory flexibility analysis is required for this rule.

#### Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the ODNI to comply with small entity requests for information and advice about compliance with statutes and regulations within the ODNI's jurisdiction. Any small entity that has a question regarding this document may address it to the information contact listed above. Further information regarding SBREFA is available on the Small Business Administration's Web page at <http://www.sba.gov/advo/law/lib.html>.

#### Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the

ODNI consider the impact of paperwork and other burdens imposed on the public associated with the collection of information. There are no information collection requirements associated with this proposed rule and therefore no analysis of burden is required.

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

This proposed rule is not a “significant regulatory action” within the meaning of Executive Order 12866. This rule will not have an annual effect on the economy of \$100 million or more or otherwise adversely affect the economy or sector of the economy in a material way; will not create inconsistency with or interfere with other agency action; will not materially alter the budgetary impact of entitlements, grants, fees, or loans or the right and obligations of recipients thereof; or raise legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in the Executive Order. Accordingly, further regulatory evaluation is not required.

#### **Unfunded Mandates**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, 109 Stat. 48 (Mar. 22, 1995) requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. This proposed rule imposes no Federal mandate on any State, local, or tribal government or on the private sector. Accordingly, no UMRA analysis of economic and regulatory alternatives is required.

#### **Executive Order 13132, Federalism**

Executive Order 13132 requires the ODNI to examine the implications for the distribution of power and responsibilities among the various levels of government resulting from this proposed rule. The ODNI concludes that the proposed rule does not affect the rights, roles, and responsibilities of the States, involves no preemption of State law, and does not limit State policymaking discretion. This rule has no federalism implications as defined by the Executive Order.

#### **Environmental Impact**

The ODNI has reviewed this action for purposes of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4347 and has determined that this action will not have a significant effect on the human environment.

#### **Energy Impact**

The energy impact of this action has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended, 42 U.S.C. 6362. This rulemaking is not a major regulatory action under the provisions of the EPCA.

#### **List of Subjects in 32 CFR Part 1701**

Records, Privacy Act.

For the reasons stated in the preamble, the ODNI proposes to amend 32 CFR part 1701 as follows:

#### **PART 1701—ADMINISTRATION OF RECORDS UNDER THE PRIVACY ACT OF 1974**

- 1. The authority citation for part 1701 continues to read as follows:

**Authority:** 50 U.S.C. 401–442; 5 U.S.C. 552a.

- 2. Revise § 1701.24 to read as follows:

##### **§ 1701.24 Exemption of Office of the Director of National Intelligence (ODNI) systems of records.**

(a) The ODNI may invoke its authority to exempt the following systems of records from the requirements of subsections (c)(3); (d)(1),(2),(3) and (4); (e)(1) and (e)(4)(G),(H),(I); and (f) of the Privacy Act to the extent that information in the system is subject to exemption pursuant subsections (k)(1), (k)(2), or (k)(5) of the Act as noted in the existing system notice entitled ODNI Information Technology Systems Activity and Access Records (ODNI–19) and in the following new systems notices:

(1) Counterintelligence Trends Analyses Records (ODNI/NCSC–002).

(2) Insider Threat Program Records (ODNI–22).

(b) Exemptions of records in these systems from any or all of the enumerated requirements may be necessary for the following reasons:

(1) From subsection (c)(3) (accounting of disclosures) because an accounting of disclosures from records concerning the record subject would specifically reveal an intelligence or investigative interest on the part of the ODNI or recipient agency and could result in release of properly classified national security or foreign policy information.

(2) From subsections (d)(1), (2), (3) and (4) (record subject’s right to access and amend records) because affording access and amendment rights could alert the record subject to the investigative interest of intelligence or law enforcement agencies or compromise sensitive information

classified in the interest of national security. In the absence of a national security basis for exemption, records in this system may be exempted from access and amendment to the extent necessary to honor promises of confidentiality to persons providing information concerning a candidate for position. Inability to maintain such confidentiality would restrict the free flow of information vital to a determination of a candidate’s qualifications and suitability.

(3) From subsection (e)(1) (maintain only relevant and necessary records) because it is not always possible to establish relevance and necessity before all information is considered and evaluated in relation to an intelligence concern. In the absence of a national security basis for exemption under subsection (k)(1), records in this system may be exempted from the relevance requirement pursuant to subsections (k)(2) and (k)(5) because it is not possible to determine in advance what exact information may assist in non-criminal law enforcement investigations or in determining the continued eligibility of an individual for access to classified information. Seemingly irrelevant details, when combined with other data, can provide a useful composite for investigatory and evaluation purposes.

(4) From subsections (e)(4)(G) and (H) (publication of procedures for notifying subjects of the existence of records about them and how they may access records and contest contents) because the system is exempted from subsection (d) provisions regarding access and amendment, and from the subsection (f) requirement to promulgate agency rules. Nevertheless, the ODNI has published notice concerning notification, access, and contest procedures because it may in certain circumstances determine it appropriate to provide subjects access to all or a portion of the records about them in a system of records.

(5) From subsection (e)(4)(I) (identifying sources of records in the system of records) because identifying sources could result in disclosure of properly classified national defense or foreign policy information, intelligence sources and methods, and investigatory techniques and procedures. Notwithstanding its proposed exemption from this requirement, ODNI identifies record sources in broad categories sufficient to provide general notice of the origins of the information it maintains in its systems of records.

(6) From subsection (f) (agency rules for notifying subjects of the existence of records about them, for accessing and amending records, and for assessing

fees) because the system is exempt from subsection (d) provisions regarding access and amendment of records by record subjects. Nevertheless, the ODNI has published agency rules concerning notification of a subject in response to his request if any system of records named by the subject contains a record pertaining to him and procedures by which the subject may access or amend the records. Notwithstanding exemption, the ODNI may determine it appropriate to satisfy a record subject's access request.

Dated: May 19, 2015.

**Mark W. Ewing,**

*Chief Management Officer.*

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Parts 101 and 105

[Docket No. USCG-2013-1087]

#### Seafarers' Access to Maritime Facilities

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice to reopen public comment period.

**SUMMARY:** The Coast Guard is reopening the public comment period for the notice of proposed rulemaking (NPRM) entitled "Seafarers' Access to Maritime Facilities," which published in the **Federal Register** on December 29, 2014. The NPRM proposed to require each owner or operator of a facility regulated by the Coast Guard to implement a system that provides seafarers and other individuals with access between vessels moored at the facility and the facility gate, in a timely manner and at no cost to the seafarer or other individual. As originally published, the comment period for the NPRM closed on February 27, 2015. Several members of the public have requested additional time to comment on the NPRM, citing various timing constraints. In order to provide interested members of the public an additional opportunity to submit comments on the NPRM, the Coast Guard is reopening the public comment period for 60 days. We are particularly interested in comments on our estimate that there is a 10.3 percent non-compliance rate of facilities with respect to providing seafarers' access. In addition to comments on this topic, we will consider all public comments on the NPRM received during the reopened

comment period. We request that you not re-submit comments already in the docket.

**DATES:** Comments and related material must either be submitted to our online docket via <http://www.regulations.gov> on or before July 1, 2015 or reach the Docket Management Facility by that date.

**ADDRESSES:** You may submit comments identified by docket number USCG-2013-1087 using any one of the following methods:

- (1) Federal eRulemaking Portal: <http://www.regulations.gov>;
- (2) Fax: 202-493-2251;
- (3) Mail: Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001; or
- (4) Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice, call or email LCDR Kevin McDonald, Cargo and Facilities Division (CG-FAC-2), Coast Guard; telephone 202-372-1168; email [Kevin.J.McDonald2@uscg.mil](mailto:Kevin.J.McDonald2@uscg.mil). If you have questions on viewing material in the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

**Submitting comments:** If you submit a comment, please include the docket number for this rulemaking (USCG-2013-1087) and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a

telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and use "USCG-2013-1087" as your search term. Locate the docket for this rulemaking and follow the instructions on that Web site for submitting public comments. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

##### *Viewing comments and documents:*

To view comments, as well as documents mentioned in the NPRM as being available in the docket, go to <http://www.regulations.gov> and use "USCG-2013-1087" as your search term. Locate the docket for this rulemaking and follow the instructions on that Web site for viewing comments and documents in the docket. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

**Privacy Act:** Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act system of records notice regarding our public dockets in the January 17, 2008, issue of the *Federal Register* (73 FR 3316).

##### **Regulatory History and Information**

On December 29, 2014, the Coast Guard published an NPRM entitled "Seafarers' Access to Maritime Facilities" (79 FR 77981). The NPRM proposed to require each owner or operator of a facility regulated by the Coast Guard to implement a system that provides seafarers and other individuals with access between vessels moored at the facility and the facility gate in a timely manner and at no cost to the seafarer or other individual. As originally published, the comment