

to DoD, and the audited projected savings will exceed the costs allowed.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 10

[Docket No. OST-96-1472]

RIN: 2105-AC68

Privacy Act; Implementation

AGENCY: Office of the Secretary, DOT.
ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final regulations [OST-96-1472] which were published on Wednesday, January 28, 1998 (63 FR 4195). The regulations related to implementing the Privacy Act of 1974 to exempt from certain provisions of the Act the Coast Guard's Marine Safety Information System.

DATES: Effective: February 15, 1998.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of General Counsel, C-10, Department of Transportation, Washington, DC 20590, telephone (202) 366-9156, FAX (202) 366-9170.

SUPPLEMENTARY INFORMATION:

Background

The final regulation that is the subject of this correction amends Title 49 of the Code of Federal Regulations to exempt from certain provisions of the Privacy Act of 1974 the Coast Guard's Marine Safety Information System. This rule has no substantive effect on the regulated public.

Need for Correction

As published, the final regulation contains an incorrect effective date, which is later than the February 15, 1998, statutory deadline for implementing the Coast Guard's new Vessel Identification System (VIS), into which the Coast Guard's Marine Safety Information System is being integrated. This correction will change the date to February 15, 1998.

Correction to Publication

Accordingly, the final regulation [OST-96-1472] published on January 28, 1998, which was the subject of FR Doc. 98-1823, is corrected as follows:

Dates Section [Corrected]

1. On page 4195, in the third column, in the Dates section, "February 27,

1998" is corrected to read "February 15, 1998".

Issued in Washington, DC on February 9, 1998.

Nancy E. McFadden,

General Counsel.

[FR Doc. 98-3770 Filed 2-12-98; 8:45 am]

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NATIONAL RAILROAD PASSENGER CORPORATION

49 CFR Part 701

Revision of the Freedom of Information Act Regulations and Implementation of the Electronic Freedom of Information Act Amendments of 1996

AGENCY: National Railroad Passenger Corporation (Amtrak).

ACTION: Final rule.

SUMMARY: This revision to the rules of the National Railroad Passenger Corporation (Amtrak) provides substantive and administrative changes to conform to requirements of the Electronic Freedom of Information Act Amendments of 1996, 5 U.S.C. 552, as amended by Pub. L. 104-231 and reflects recent developments in case law. Amtrak also took this opportunity to streamline its rules and include updated cost figures to be used in calculating and charging fees.

EFFECTIVE DATE: Effective February 13, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Medaris Oliveri; National Railroad Passenger Corporation; Freedom of Information Office; 60 Massachusetts Avenue, N.E.; Washington, D.C. 20002 or by telephone at 202/906-2728.

SUPPLEMENTARY INFORMATION: On November 14, 1997, the National Railroad Passenger Corporation (Amtrak) published a Notice of Proposed Rulemaking with a Request for Comments, 49 CFR 61070. No responses were received by the comment deadline of December 15, 1997. The purpose of the present rule is to establish the effective date for the final rule using the same text as the proposed rule with a minor change to reflect the current title of Amtrak's President and Chief Executive Officer in paragraph (l) of § 701.2 definitions and in paragraph (a)(2) of § 701.10 appeals.

List of Subjects in 49 CFR Part 701

Freedom of Information.

Accordingly 49 CFR part 701 is revised to read as follows:

PART 701—AMTRAK FREEDOM OF INFORMATION ACT PROGRAM

Sec.

- 701.1 General provisions.
- 701.2 Definitions.
- 701.3 Policy.
- 701.4 Amtrak public information.
- 701.5 Requirements for making requests.
- 701.6 Release and processing procedures.
- 701.7 Timing of responses to requests.
- 701.8 Responses to requests.
- 701.9 Business information.
- 701.10 Appeals.
- 701.11 Fees.
- 701.12 Other rights and services.

Authority: 5 U.S.C. 552; 49 U.S.C. 24301(e).

§ 701.1 General provisions.

This part contains the rules that the National Railroad Passenger Corporation ("Amtrak") follows in processing requests for records under the Freedom of Information Act (FOIA), Title 5 of the United States Code, section 552. Information routinely provided to the public (*i.e.*, train timetables, press releases) may be obtained without following Amtrak's FOIA procedures. As a matter of policy, Amtrak may make discretionary disclosures of records or information exempt under the FOIA whenever disclosure would not foreseeably harm an interest protected by an FOIA exemption; however, this policy does not create any right enforceable in court.

§ 701.2 Definitions.

Unless the context requires otherwise in this part, masculine pronouns include the feminine gender and "includes" means "includes but is not limited to."

(a) *Amtrak or Corporation* means the National Railroad Passenger Corporation.

(b) *Appeal* means a request submitted to the President of Amtrak or designee for review of an adverse initial determination.

(c) *Business days* means working days; Saturdays, Sundays, and legal public holidays are excluded in computing response time for processing FOIA requests.

(d) *Disclose or disclosure* means making records available for examination or copying, or furnishing a copy of nonexempt responsive records.

(e) *Electronic data* means records and information (including E-mail) that are created, stored, and retrievable by electronic means.

(f) *Exempt information* means information that is exempt from disclosure under one or more of the nine exemptions to the FOIA.

(g) *Final determination* means a decision by the President of Amtrak or