collecting information on groups and corporate entities.

In an effort to protect individuals and organizations from the possible taint of having their names in intelligence systems (as defined at 28 C.F.R. § 23.3(b)(1)), the Office of Justice Programs has previously interpreted this section to allow information to be placed in a system only if that information independently meets the requirements of the regulation. Information that might be vital to identifying potential criminals, such as favored locations and companions, or names of family members, has been excluded from the systems. This policy has hampered the effectiveness of many criminal intelligence sharing systems.

Given the swiftly changing nature of modern technology and the expansion of the size and complexity of criminal organizations, the Bureau of Justice Assistance (BJA) has determined that it is necessary to clarify this element of 28 CFR Part 23. Many criminal intelligence databases are now employing ''Comment'' or ''Modus Operandi'' fields whose value would be greatly enhanced by the ability to store more detailed and wide-ranging identifying information. This may include names and limited data about people and organizations that are not suspected of any criminal activity or involvement, but merely aid in the identification and investigation of a criminal suspect who independently satisfies the reasonable suspicion standard.

Therefore, BJA issues the following clarification to the rules applying to the use of identifying information. Information that is relevant to the identification of a criminal suspect or to the criminal activity in which the suspect is engaged may be placed in a criminal intelligence database, provided that (1) appropriate disclaimers accompany the information noting that is strictly identifying information, carrying no criminal connotations; (2) identifying information may not be used as an independent basis to meet the requirement of reasonable suspicion of involvement in criminal activity necessary to create a record or file in a criminal intelligence system; and (3) the individual who is the criminal suspect identified by this information otherwise meets all requirements of 28 CFR Part 23. This information may be a searchable field in the intelligence system.

For example: A person reasonably suspected of being a drug dealer is known to conduct his criminal activities at the fictional ''Northwest Market.'' An agency may wish to note this information in a criminal intelligence database, as it may be important to future identification of the suspect. Under the previous interpretation of the regulation, the entry of ''Northwest Market'' would not be permitted, because there was no reasonable suspicion that the ''Northwest Market'' was a criminal organization. Given the current clarification of the regulation, this will be permissible, provided that the information regarding the ''Northwest Market'' was clearly noted to be non-criminal in nature. For example, the data field in which ''Northwest Market'' was entered could be marked ''Non-Criminal Identifying Information,'' or the words ''Northwest Market'' could be followed by a parenthetical comment such as ''This organization has been entered into the system for identification purposes only—it is not suspected of any criminal activity or involvement.'' A criminal intelligence system record or file could not be created for ''Northwest Market'' solely on the basis of information provided, for example, in a comment field on the suspected drug dealer. Independent information would have to be obtained as a basis for the opening of a new criminal intelligence file or record based on reasonable suspicion on ''Northwest Market.'' Further, the fact that other individuals frequent ''Northwest Market'' would not necessarily establish reasonable suspicion for those other individuals, as it relates to criminal intelligence systems.

The Definition of a ''Criminal Intelligence System''

The definition of a ''criminal intelligence system'' is given in 28 CFR 23.3(b)(1) as the ''arrangements, equipment, facilities, and procedures used for the receipt, storage, interagency exchange or dissemination, and analysis of criminal intelligence information * * *.'' Given the fact that cross-database searching techniques are now common-place, and given the fact that multiple databases may be contained on the same computer system, BJA has determined that this definition needs clarification, specifically to differentiate between criminal intelligence systems and non-intelligence systems.

The comments to the 1993 revision of 28 CFR Part 23 noted that ''[t]he term 'intelligence system' is redefined to clarify the fact that historical telephone toll files, analytical information, and work products that are not either retained, stored, or exchanged and criminal history record information or identification (fingerprint) systems are excluded from the definition, and hence are not covered by the regulation * * *.'' 58 FR 48448–48449 (Sept. 16, 1993.) The comments further noted that materials that ''may assist an agency to produce investigative or other information for an intelligence system * * *'' do not necessarily fall under the regulation. *Id*.

The above rationale for the exclusion of non-intelligence information sources from the definition of ''criminal intelligence system,'' suggests now that, given the availability of more modern non-intelligence information sources such as the Internet, newspapers, motor vehicle administration records, and other public record information on-line, such sources shall not be considered part of criminal intelligence systems, and shall not be covered by this regulation, even if criminal intelligence systems access such sources during searches on criminal suspects. Therefore, criminal intelligence systems may conduct searches across the spectrum of non-intelligence systems without those systems being brought under 28 CFR Part 23. There is also no limitation on such non-intelligence information being stored on the same computer system as criminal intelligence information, provided that sufficient precautions are in place to separate the two types of information and to make it clear to operators and users of the information that two different types of information are being accessed. Such precautions should be consistent with the above clarification of the rule governing the use of identifying information. This could be accomplished, for example, through the use of multiple windows, differing colors of data or clear labeling of the nature of information displayed.

Additional guidelines will be issued to provide details of the above clarifications as needed.

Dated: December 22, 1998.

Nancy Gist,

Director, Bureau of Justice Assistance.

[FR Doc. 98–34547 Filed 12–29–98; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 95–054]

RIN 2115–AF17

Regattas and Marine Parades

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; delay of effective date.

SUMMARY: The Coast Guard is delaying the effective date of the interim rule on regatta and marine parades published in the **Federal Register** on June 26, 1996. The interim rule more precisely identifies those marine events that require a permit, those that require only written notice to the Coast Guard, and those that require neither. A change in the effective date from January 1, 1999, to January 2, 2000, is necessary to allow additional time to further assess the potential impact, if any, of the interim rule on the environment.

EFFECTIVE DATE: The interim rule published on June 26, 1996 (61 FR 33027), and delayed by documents published on November 26, 1996 (61 FR 60027), and December 29, 1997 (62 FR 67507), is effective on January 2, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Perry, Project Manager, Office of Boating Safety, Program Management Division, 202–267–0979. You may obtain a copy of the interim rule and subsequent notices by calling the U.S. Coast Guard Infoline at 1–800–368–5647 or read it on the Internet at the Web Site for the Office of Boating Safety at URL address http://www.uscgboating.org.

SUPPLEMENTARY INFORMATION: On June 26, 1996, the Coast Guard published an interim rule and notice of availability of environmental assessment (CGD 95–054) entitled ''Regattas and Marine Parades'' in the **Federal Register** (61 FR 33027). The interim rule revised the Coast Guard's marine event regulations to eliminate unnecessary requirements while continuing to protect the safety of life. The rule more precisely identifies those events that require a permit, those that require only written notice to the Coast Guard, and those that require neither. The environmental assessment and proposed finding of no significant impact that support this rulemaking were made available to the public.

Approximately 85 comments were received in response to the interim rule and notice of availability of the environmental assessment and to the Coast Guard's previous requests for comments. Many of these comments raised concerns regarding the reporting requirements placed on the marine event sponsors and the potential environmental effects associated with changing the current regulations on regatta and marine parade permitting procedures. In addition, several comments received in response to a draft environmental impact statement (EIS) entitled ''U.S. Coast Guard Atlantic Protected Living Marine Resources Initiative'' reiterated concerns raised by the comments on the interim rule. Based on these comments and on the concerns raised during the ongoing consultation with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), the Coast Guard delayed the effective date of the interim rule. Because the Coast Guard has not yet completed its consultation with the FWS and NMFS or the required environmental documentation, the Coast Guard is delaying the effective date to January 2, 2000.

Accordingly, in FR Doc. 96–16319 published in the **Federal Register** on June 26, 1996, at 61 FR 33027, as amended by notices of delay of effective date published on November 26, 1996, at 61 FR 60027 and December 29, 1997, at 62 FR 67570, the effective date for the referenced interim rule is changed from January 1, 1999, to January 2, 2000.

Dated: December 21, 1998.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 98–34442 Filed 12–29–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–98–080]

Drawbridge Operation Regulation; Upper Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Chicago, Milwaukee, St. Paul and Pacific railroad bridge at Mile 1.0, Black River, at La Crosse, Wisconsin. This deviation amends the federal drawbridge operation regulations allowing the bridge owner to close the drawbridge from 12:01 a.m. on January 4, 1999, through 11:59 p.m. on February 4, 1999. This deviation is issued to allow for the removal of mechanical devices for rebuilding to avoid problems during the summer of 1999.

DATES: The deviation is effective from 12:01 a.m. on January 4, 1999, through 11:59 p.m. on February 4, 1999.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, Director, Western Rivers Operations, Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832; telephone: (314) 539–3900, extension 378.

SUPPLEMENTARY INFORMATION: The Chicago, Milwaukee, St. Paul and Pacific railroad bridge has a vertical clearance of 17.0 feet above low water and 4.0 feet above high water in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows. This deviation has been coordinated with the commercial waterway industry, who do not object. The Canadian Pacific Railway has requested a temporary deviation from the normal operation of the bridge to remove the mechanical devices for rebuilding. This work is essential for the continued operation of the drawbridge and to avoid problems in the summer of 1999.

This deviation is for the period of 12:01 a.m. on January 4, 1999, through 11:59 p.m. on February 4, 1999. This temporary deviation allows the draw of the Chicago, Milwaukee, St. Paul and Pacific railroad to remain closed to navigation. The drawbridge operation regulations, when not amended by a deviation, require that the drawbridge open on signal if at least two hours notice is given.

Dated: December 16, 1998.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 98–34632 Filed 12–29–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 155

46 CFR Part 32

[USCG 1998–4443]

RIN 2115–AF65

Emergency Control Measures for Tank Barges

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements measures for maintaining or regaining control of a tank barge that will reduce the likelihood of a tank barge's grounding and spilling its cargo. These measures are necessary because without them a tug that loses its tow lacks ready means for regaining control of it.

DATES: This interim rule is effective March 30, 1999 except for 33 CFR 155.230(b)(1) and 46 CFR 32.15–15(e), which are effective on December 11, 2000. The incorporation by reference of certain publications listed in the rule is