

January 1, 1997. Trousseau is a French name for the grape, while Bastardo is the Portuguese name. ATF was asked to reexamine whether the name Bastardo should be authorized as a synonym for Trousseau, or whether Bastardo should replace Trousseau as the prime grape name at § 4.91.

ATF received no comments on this issue. Accordingly, ATF sees no reason to overturn the decision made in T.D. ATF-370. Trousseau will remain the prime name for this grape.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will extend the phase-out period for the use of the term Johannisberg Riesling and it will permit the use of other grape varietal names. The regulation will not impose any recordkeeping or reporting requirements. Accordingly, a regulatory flexibility analysis is not required because this final rule does not (1) have significant secondary or incidental effects on a substantial number of small entities; or (2) impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on substantial entities.

Executive Order 12866

It has been determined that this regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this final rule is not subject to the analysis required by this Executive Order.

Drafting Information

The principal author of this document is Ms. Teri Byers, Regulations Division, Bureau of Alcohol, Tobacco and Firearms. However, other personnel within ATF and the Treasury Department participated in developing this document.

List of Subjects in 27 CFR Part 4

Advertising, Consumer protection, Customs duties and inspections, Imports, Labeling, Packaging and containers, Wine.

Authority and Issuance

Accordingly, 27 CFR part 4, Labeling and Advertising of Wine, is amended as follows:

PART 4—AMENDED

Paragraph 1. The authority citation for Part 4 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 4.91 is amended by adding the names "Aglanico" and "Traminette," in alphabetical order, to the list of prime grape names, to read as follows:

§ 4.91 List of approval prime names.

* * * * *

Aglanico

* * * * *

Traminette

* * * * *

Par. 3. Section 4.92 is amended by removing the name "Johannisberg Riesling" from paragraph (b) and by adding a new paragraph (c), to read as follows:

§ 4.92 Alternative names permitted for temporary use.

(c) *Wines bottled prior to January 1, 2006.*

Alternative Name	Prime Name
Johannisberg Riesling	Riesling.

Signed: July 22, 1999.

John W. Magaw,
Director.

Approved: August 13, 1999.

John P. Simpson,
Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement).
[FR Doc. 99-23784 Filed 9-10-99; 8:45 am]
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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office

32 CFR Part 2001

[Directive No. 1; Appendix A]

[RIN 3095-AA92]

Classified National Security Information

AGENCY: Information Security Oversight Office (ISOO), National Archives and Records Administration (NARA).

ACTION: Final rule.

SUMMARY: This rule establishes a uniform referral standard that Federal agencies must use for multi-agency declassification issues. The new provision responds to a need for further guidance to Federal agencies in

implementing section 3.7(b) of Executive Order 12958, Classified National Security Information. This rule provides standards and guidelines for identifying equities of other agencies and foreign governments contained in information requiring referral for review before declassification and subsequent public disclosure. It includes guidelines for referring, redacting, and properly marking information that is subject to the automatic declassification provisions of the Executive order.

EFFECTIVE DATE: October 13, 1999.

FOR FURTHER INFORMATION CONTACT:

Steven Garfinkel, Director, ISOO.
Telephone: 202-219-5250.

SUPPLEMENTARY INFORMATION: This rule is issued pursuant to the provisions of Sections 3.4 and 3.7 (b) of Executive Order 12958, published April 20, 1995 (60 Fed. Reg. 19825). Section 3.4 of E.O. 12958 requires that all classified national security information contained in records that (1) are more than 25 years old, and (2) have been determined to have permanent historical value under title 44, United States Code, will be automatically declassified whether or not the records have been reviewed. Subsequently, all classified information in such records will be automatically declassified no longer than 25 years from the date of its original classification, except for information properly exempted in accordance with the Order. Section 3.7(b) requires that, when an agency receives any request for documents in its custody that contain information that was originally classified by another agency, or comes across such documents in the process of automatic declassification or systematic review provisions of this Order, the agency must refer copies of any request and the pertinent documents to the originating agency for processing, and may, after consultation with the originating agency, inform any requester of the referral unless such an association is itself classified under this Order.

This amendment was developed and approved by more than 25 agencies that serve on the External Referral Working Group (ERWG) sponsored and endorsed by the Intelligence Community's Declassification Program Managers' Council. Forty-two agencies responded to ISOO's May 1998 call for comment on the amendment. Eight of them provided written comments or suggestions, all of which were considered and incorporated as appropriate by February 1999. The amendment is being

published as a new subsection to Part 2001, the Executive Order's implementing Directive No. 1, issued by the Director of Office of Management and Budget (OMB) on October 13, 1995, when ISOO was a component of OMB. With the enactment of the Treasury, Postal Service and General Government Appropriations Act for Fiscal Year 1996, ISOO became a component of the National Archives and Records Administration.

This rule is being issued as a final rule without prior notice of proposed rulemaking as allowed by the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A) for rules of agency procedure. This rule is not a significant regulatory action for the purposes of Executive Order 12866. This rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking. As required by the Regulatory Flexibility Act, we certify that this rule will not have a significant impact on small entities because it applies only to Federal agencies.

List of Subjects in 32 CFR Part 2001

Archives and records, Authority delegations (Government agencies), Classified information, Executive orders, Freedom of Information, Information, Intelligence, National defense, National security information, Presidential documents, Reporting and recordkeeping requirements, Security information, Security measures.

For the reasons set forth in the preamble, NARA amends part 2001 of title 32, Code of Federal Regulations, as follows:

PART 2001—CLASSIFIED NATIONAL SECURITY INFORMATION

The authority citation for part 2001 continues to read:

Authority: Section 5.2(a) and (b), and section 5.4 E.O. 12958, 60 FR 19825, April 20, 1995.

2. Add § 2001.55 to subpart E to read:

§ 2001.55 Document referral.

(a) *Purpose.* Under E.O. 12958, agencies reviewing records for declassification must facilitate the review of equities of other agencies contained in their records. Because agencies have a variety of processes for review and referral, common language and standards are needed to ensure clear, concise communication and coordinated action among all agencies involved in the referral process. Common language and standards are needed for declassification, exemption from automatic declassification, and proper marking of information subject to

the automatic declassification provision of the Order. Consistent declassification of information through standardized procedures should result in lower cost and greater process efficiency, review accuracy, and the protection of the equities of all executive branch agencies.

(b) *Applicability.* These standards are binding on all executive branch agencies that create or handle classified information and are applicable to records covered under Section 3.4 of the Order. With respect to records reviewed prior to the issuance of these standards, deviations are acceptable as long as prior practice does not completely obstruct record referral.

(c) *Responsibility.* The senior agency official is responsible for the agency's referral program. The senior agency official shall designate agency personnel to assist in carrying out this responsibility.

(d) *Definitions.* For the purpose of this section:

Declassified or Declassification means the authorized change in the status of information from classified information to unclassified information.

Exempted means a declassification technique that regards information at the full document level. Any exemptible portion of a document may result in exemption (failure) of the entire document. Documents that contain no exemptible information are passed and therefore declassified. Declassified documents may be subject to other FOIA exemptions other than the security classification exemption ((b)(1)), and the requirements placed by legal authorities governing Presidential holdings.

Pass/fail (P/F) means a declassification technique that regards information at the full document level. Any exemptible portion of a document may result in exemption (failure) of the entire document. Documents that contain no exemptible information are passed and therefore declassified. Declassified documents may be subject to other FOIA exemptions other than the security exemption ((b)(1)), and the requirements placed by legal authorities governing Presidential holdings.

Record means the statutory definition as provided under title 44 U.S.C. 3301 and 44 U.S.C. 2111, 2111 note, and 2201.

Redaction means a sanitization technique that involves removal (editing out) of exempted information from a document.

Tab means a narrow paper sleeve placed around a document or group of documents in such a way that it would be readily visible

(e) *Approaches to declassification.* The exchange of information between agencies and the final disposition of documents are affected by differences in the approaches to declassification.

Agencies conducting pass/fail reviews may refer documents to agencies that redact. Actions taken by the sender and the recipient may differ as noted below:

(1) When referral is from a pass/fail agency to a pass/fail agency, both agencies conduct pass/fail reviews and annotate the classification or declassification decisions on the tabs and/or documents in accordance with NARA guidelines. The receiving agency should also notify the referring agency that the review has been completed.

(2) When referral is from a pass/fail agency to a redaction agency, the redaction agency is only required to conduct pass/fail reviews of documents referred by a pass/fail agency. If the redaction agency wishes to redact the document, it must do so on a copy of the referred document, then file the redacted version with the original. The redaction agency should also notify the pass/fail referring agency that the review has been completed.

(3) Referrals from redaction agencies to pass/fail agencies will be in the form of document copies. In the course of review the pass/fail agency may either pass or fail the document or its equities. Failed documents will be reviewed and redacted when practicable.

(4) Referrals between redaction agencies may result in redaction of any exemptible equities.

(f) *Referral decisions.* When agencies review documents only to the point at which exemptible information is identified, they must take one of the following actions to protect any other unidentified equities that may be in the unreviewed portions of the document:

(1) Complete a review of the document to identify other agency equities and notify those agencies; or
(2) Exempt the document and assign a Date/Event for automatic declassification, before which time they must provide timely notification to any equity agencies. Agencies reviewing previously exempted documents may apply a different exemption and new Date/Event for automatic declassification based upon the content of previously unreviewed equities.

(g) *Unmarked or improperly marked documents.* Agencies that find other agency information in unmarked or improperly marked documents that have been maintained and protected as classified information must afford those documents appropriate protection and tab or refer the documents as described in paragraph (h) of this section.

Agencies must provide other pertinent information, if available, regarding additional copies or possible public disclosure.

(h) *Means of Referral.* The reviewing agency must communicate referrals to equity agencies. They may use either of the methods below:

(1) *Full text referral.* Agencies will make referrals on media and in a format mutually agreed to by the referring and receiving agencies. Each referral request will clearly identify the referring agency and may identify the sections or areas of the document containing the receiving agency's equities and the requested action.

(2) *Tab and notify.*

(i) Agencies will use NARA-approved tabs and will clearly indicate on them the agency or agencies having equity in the document(s) held within the tabs. Successive documents with identical equity(ies) may be grouped within a single tab. Documents with differing equities, or non-successive documents, must be tabbed individually. In general, document order may not be changed to facilitate tabbing. In cases where there are so many tabbed documents in a box that tabbing documents individually would seriously overfill the box, the reviewer may group documents under a single tab for each agency equity at the

back of each file folder, or back of the box if there are no file folders.

(ii) Agency notification must include, at a minimum, the following information: the approximate volume of equity, the highest classification of documents, the exact location (to box level) of the documents so marked, and instructions related to access to the boxes containing the documents.

(iii) Agencies will acknowledge receipt of referral notifications. They should notify the agency that placed the tabs that the review is complete. Any additional equities noted in the review must be annotated on the tab and brought to the attention of the agency that tabbed the document so the tabbing agency can notify those newly identified agencies.

(i) [Reserved].

(j) *Reviewed document marking.* Consistency in marking is essential in the referral of significant numbers of documents under the Executive Order. Decisions made during review must be communicated clearly to all subsequent reviewers.

(1) Redactions must never be indicated on original documents, only on copies. Redaction agencies need a means of tracking the results of review (at the document level) by all reviewing agencies and a reason for each redaction.

(2) If only one exemption from declassification applies to all redacted portions of a document, the applicable exemption may be indicated on the front page of the redacted copy. If more than one exemption applies to a document, each redacted portion for which an exemption is asserted must be marked on the redacted copy.

(3) Redacted portions must be marked to indicate the agency and the number of the applicable exemption, for example, DIA25X1.

(4) Agencies reviewing a referred document must indicate on the tab, folder, or box the result of the review (i.e., exemption or declassification). The original document should be marked with the final action only by the agency responsible for the final declassification decision. Options include marking a copy of the document, marking the tab, notification as part of a transmittal, or marking the box or folder according to NARA guidelines. Automated agencies may forgo marking documents, provided the required information is maintained in an agency database and is accessible to other agencies. Exempt documents may be marked.

(i) *Sample Exempted Document Stamp.* Exempt documents may be stamped as shown in the following example:

EXEMPTED PER E.O. 12958	
Exemption Code:	_____
Date/Event	_____
Other Agency Equity:	_____
Reviewed By:	Date: _____

(A) Normally, only one stamp should be placed on the document with any subsequent reviewing agencies adding their information to the stamp on the document, if possible. The stamp should not cover any writing on the document.

(B) Specific fields in the stamp must be completed as follows:

(1) *Exemption Code:* Agency(ies) ID and 25X plus exemption code(s).

(2) *Date/Event:* A specific date or event for declassification.

(3) *Other Agency Equity:* This line is used to track other agency equities and their review. The declassification authority enters "NONE" if no other agency equities are present, the identifiers of agencies with equity, or "TBD" (To be determined) if equities are unknown. Agency identifiers are crossed off as the reviews are completed

and names may be added if additional equities are found.

(4) *Reviewed by:* Optional. If used, enter name or other personal identifier.

(5) *Date:* Enter date the action was taken.

(ii) *Sample Stamp for Document Declassification.* (A) When agencies mark declassified documents, the stamp must, at a minimum, include the information shown in the following example:

DECLASSIFIED
PER E.O. 12958

Agency: _____

By: _____ Date: _____

(B) Specific fields in the stamp must be completed as follows:

(1) *Agency*: Name of the agency.
(2) *By*: Name or personal identifier of the reviewer. (Optional)

(3) *Date*: Date the action was taken.

Dated: September 7, 1999

John W. Carlin,

Archivist of the United States.

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BILLING CODE 7515-01-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-99-156]

Drawbridge Operation Regulations: Gowanus Canal, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Ninth Street Bridge, mile 1.4, across Gowanus Canal in New York City, New York. This deviation allows the bridge owner to require an eight hour advance notice for openings from 4 p.m. to 8 a.m., daily, from September 7, 1999, through November 5, 1999. This action is necessary to facilitate necessary repairs to the operating machinery at the bridge.

DATES: This deviation is effective from September 7, 1999, to November 5, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Ninth Street Bridge, at mile 1.4, across the Gowanus Canal in New York City, New York, has a vertical clearance of 5 feet at mean high water, and 9 feet at mean low water in the closed position. The bridge is required to open on signal at all times. The bridge owner, New York City Department of Transportation

(NYCDOT), requested a deviation from the drawbridge operating regulations to facilitate repairs to the operating machinery at the bridge. This deviation from the operating regulations allows the Ninth Street Bridge to open on signal; except that, from 4 p.m. to 8 a.m., daily, from September 7, 1999, through November 5, 1999, the draw shall open if at least eight hours notice is given by calling the number posted at the bridge.

Thirty days notice to the Coast Guard for approval of this maintenance repair was not given by the bridge owner and was not required because this work involves vital, unscheduled maintenance that must be performed without undue delay. The Coast Guard has approved NYCDOT's request to because the work was determined to be necessary for public safety and the continued operation of the bridge.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: September 2, 1999.

R.M. Larrabee,

*Rear Admiral, U.S. Coast Guard Commander,
First Coast Guard District.*

[FR Doc. 99-23715 Filed 9-10-99; 8:45 am]

BILLING CODE 4910-15-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01-99-159]

Drawbridge Operation Regulations: Mystic River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Amtrak Bridge, mile 2.4, across the

Mystic River in Mystic, Connecticut. This deviation from the regulations allows the bridge owner to require a two hour advance notice for openings, Sunday through Thursday, 9:30 p.m. to 11:30 p.m., and 12:30 a.m. to 5 a.m., September 7, 1999, through September 27, 1999. This action is necessary to facilitate electrical modifications at the bridge.

DATES: This deviation is effective from September 7, 1999, through September 27, 1999.

FOR FURTHER INFORMATION CONTACT: Joe Schmied, Project Officer, First Coast Guard District, at (212) 668-7165.

SUPPLEMENTARY INFORMATION: The Amtrak Bridge, mile 2.4, across the Mystic River in Mystic, Connecticut, has a vertical clearance of 4 feet at mean high water, and 7 feet at mean low water in the closed position. The bridge owner, National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the operating regulations to facilitate electrical modifications at the bridge.

The Coast Guard granted a deviation allowing AMTRAK to deviate from the normal operating regulations to facilitate necessary repairs for 39 days beginning on July 25, 1999, through September 2, 1999. The work did not begin on July 25 as scheduled. Work did not start until August 3, 1999. The bridge owner has requested a second deviation for 21 days to complete the work.

This deviation to the operating regulations allows the bridge owner to require a two hour advance notice for bridge openings for the Amtrak Bridge, mile 2.4, across the Mystic River in Mystic, Connecticut. This deviation will be in effect from Sunday through Thursday, 9:30 p.m. to 11:30 p.m., and 12:30 a.m. to 5 a.m., September 7, 1999, through September 27, 1999. Requests for bridge openings can be made by calling (860) 395-2355 or on marine radio channel 13 VHF/FM. Mariners requiring an emergency opening are advised to call Amtrak's Chief Dispatcher at (617) 345-7569. Vessels that can pass under the bridge without