

division of the NRAB—\$50.00 per arbitrator certification.

(6) Request to add a case to an existing board—\$50.00 per case.

(7) Request for a panel of arbitrators—\$50.00 per request. The fee also applies to a request for a second panel.

(8) Designation of a partisan member for a public law board—\$75.00.

(9) Designation of a neutral member for a public law board—\$75.00.

(10) Appointment of an arbitrator for labor protective matters—\$75.00.

[FR Doc. 04–18133 Filed 8–6–04; 8:45 am]

BILLING CODE 7550–01–P

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### 31 CFR Part 538, 550, and 560

#### Comment Request Regarding the Effectiveness of Licensing Procedures for Exportation of Agricultural Commodities, Medicine, and Medical Devices to Sudan, Libya, and Iran

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Request for comments.

**SUMMARY:** The Office of Foreign Assets Control (“OFAC”) of the U.S. Department of the Treasury is soliciting comments concerning the effectiveness of OFAC’s licensing procedures implementing the Trade Sanctions Reform and Export Enhancement Act of 2000 (the “Act”), for the exportation of agricultural commodities, medicine, and medical devices to Sudan, Libya, and Iran. Pursuant to section 906(c) of the Act, OFAC is required to submit a biennial report to the Congress on the operation of licensing procedures for such exports.

**DATES:** Written comments should be received on or before September 8, 2004 to be assured of consideration.

**ADDRESSES:** Direct all written comments to the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information about these licensing procedures should be directed to the Licensing Division, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, telephone: (202) 622–2480. Additional information about these licensing procedures is also available under the heading “Sanctions Program and Country Summaries” at <http://www.treas.gov/ofac>.

**SUPPLEMENTARY INFORMATION:** The current procedures used by the Office of Foreign Assets Control (“OFAC”) for authorizing the export of agricultural commodities, medicine, and medical devices to Sudan, Libya, and Iran are set forth in 31 CFR 538.523 through 538.526, 31 CFR 550.569 through 550.573, and 31 CFR 560.530 through 560.533. Under the provisions of section 906(c) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX of Pub. L. 106–387, 22 U.S.C. 7201 *et seq.*) (the “Act”), OFAC must submit a report to the Congress on the operation, during the preceding two year period, of the licensing procedures required by section 906 of the Act for the export of agricultural commodities, medicine, and medical devices to Sudan, Libya, and Iran. This report is to include:

(1) The number and types of licenses applied for;

(2) The number and types of licenses approved;

(3) The average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) The extent to which the licensing procedures were effectively implemented; and

(5) A description of comments received from interested parties about the extent to which the licensing procedures were effective, after holding a public 30-day comment period.

This notice serves as public notice soliciting comments from interested parties regarding the effectiveness of OFAC’s licensing procedures for the export of agricultural commodities, medicine, and medical devices to Sudan, Libya, and Iran. Interested parties submitting comments are asked to be as specific as possible. All comments received on or before September 8, 2004 will be considered by OFAC in developing the report to the Congress. In the interest of accuracy and completeness, OFAC requires written comments. Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured. OFAC will not accept comments accompanied by a request that part or all of the comments be treated confidentially because of their business proprietary nature or for any other reason. OFAC will return such comments when submitted by regular mail to the person submitting the comments and will not consider them. All comments made will be a matter of public record. Copies of the public record concerning these regulations may be obtained from OFAC’s Web site (<http://www.treas.gov/>

*ofac*). If that service is unavailable, written requests may be sent to: Office of Foreign Assets Control, U.S. Department of Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220, Attn: Merete Evans.

**Note:** Effective April 29, 2004, General License of April 23, 2004 and 31 CFR Part 550, Libya Sanctions Regulations (“LSR”), authorize U.S. persons to engage in most transactions previously prohibited by the LSR, including the exportation and reexportation of goods, software or technology by U.S. persons to Libya or the Government of Libya. Accordingly, specific licenses issued by OFAC for the export of agricultural commodities, medicine, and medical devices to Libya are no longer required pursuant to the LSR. This authorization does not, however, eliminate the need to comply with other provisions of law, including the Export Administration Regulations, 15 CFR parts 730 through 799, which are administered by the U.S. Department of Commerce.

Approved: July 27, 2004.

**R. Richard Newcomb,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 04–17954 Filed 8–6–04; 8:45 am]

BILLING CODE 4810–25–M

## DEPARTMENT OF DEFENSE

### National Security Agency/Central Security Services

#### 32 CFR Part 322

[NSA Regulation 10–35]

#### Privacy Act; Implementation

**AGENCY:** National Security Agency/Central Security Services.

**ACTION:** Proposed rule.

**SUMMARY:** The National Security Agency/Central Security Services (NSA/CSS) is proposing to add an exemption rule for the system of records GNSA20, entitled ‘NSA Police Operational Files’. The exemptions increase the value of the system of records for law enforcement purposes.

**DATES:** Comments must be received on or before October 8, 2004 to be considered by this agency.

**ADDRESSES:** Send comments to the NSA/CSS Office of Policy, 9800 Savage Road, Suite 6248, Ft. George G. Meade, MD 20755–6248.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anne Hill at (301) 688–6527.

**SUPPLEMENTARY INFORMATION:**

*Executive Order 12866*

It has been determined that this Privacy Act rule for the Department of Defense does not constitute ‘significant

regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

#### *Regulatory Flexibility Act*

It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

#### *Paperwork Reduction Act*

It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

#### *Section 202, Public Law 104-4, "Unfunded Mandates Reform Act"*

It has been determined that this Privacy Act rulemaking for the Department of Defense does not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

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

It has been determined that this Privacy Act rule for the Department of Defense does not have federalism implications. The rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

#### **List of Subjects in 32 CFR Part 322**

Privacy.

1. The authority citation for 32 CFR part 322 continues to read as follows:

**Authority:** Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

2. Amend Section 322.7, by adding a new paragraph (q) as follows:

#### **§ 322.7 Exempt systems of records.**

\* \* \* \* \*

(q) GNSA 20.

(1) *System name:* NSA Police Operational Files.

(2) *Exemption:* (i) Investigatory material compiled for law enforcement purposes, other than material within the scope of 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of the information, the individual will be provided access to the information exempt to the extent that disclosure would reveal the identity of a confidential source. NOTE: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(ii) Records maintained solely for statistical research or program evaluation purposes and which are not used to make decisions on the rights, benefits, or entitlement of an individual except for census records which may be disclosed under 13 U.S.C. 8, may be exempt pursuant to 5 U.S.C. 552a(k)(4).

(iii) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(iv) All portions of this system of records which fall within the scope of 5 U.S.C. 552a(k)(2), (k)(4), and (k)(5) may be exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(3) Authority: 5 U.S.C. 552a(k)(2), (k)(4), and (k)(5).

(4) *Reasons:* (i) From subsection (c)(3) because the release of the disclosure accounting would place the subject of an investigation on notice that they are under investigation and provide them with significant information concerning the nature of the investigation, thus resulting in a serious impediment to law enforcement investigations.

(ii) From subsections (d) and (f) because providing access to records of a civil or administrative investigation and the right to contest the contents of those records and force changes to be made to the information contained therein would seriously interfere with and thwart the orderly and unbiased conduct of the investigation and impede case preparation. Providing access rights normally afforded under the Privacy Act

would provide the subject with valuable information that would allow interference with or compromise of witnesses or render witnesses reluctant to cooperate; lead to suppression, alteration, or destruction of evidence; enable individuals to conceal their wrongdoing or mislead the course of the investigation; and result in the secreting of or other disposition of assets that would make them difficult or impossible to reach in order to satisfy any Government claim growing out of the investigation or proceeding.

(iii) From subsection (e)(1) because it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity will be clear.

(iv) From subsections (e)(4)(G) and (H) because this system of records is compiled for investigative purposes and is exempt from the access provisions of subsections (d) and (f).

(v) From subsection (e)(4)(I) because to the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect privacy and physical safety of witnesses and informants.

Dated: August 3, 2004.

**L.M. Bynum,**

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

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**BILLING CODE 5001-06-M**

## **DEPARTMENT OF VETERANS AFFAIRS**

### **38 CFR Part 17**

**RIN 2900-AL66**

#### **Patients' Rights**

**AGENCY:** Department of Veterans Affairs.  
**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend VA's medical regulations to update the patients' rights regulation by bringing its provisions regarding medication, restraints and seclusion into conformity with current law and practice. The changes are primarily intended to clarify that it is permissible for VA patients to receive medication prescribed by any health care professional legally authorized to prescribe medication, and that it is permissible for any authorized licensed