International Airport, Philadelphia, PA. (Hearing site: Washington, DC.)

[FR Doc. 80-746 Filed 1-9-80; 8:45 am]
BILLING CODE 7035-01-M

[Rule 19; Ex Parte No. 241, 36th Rev. Exemption No. 129]

Exemption Under Provision of Mandatory Car Service Rules

Correction

In FR Doc. 79-38831, appearing on page 75260, in the issue of Wednesday, December 19, 1979, the heading should have read as set forth above.

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 7
Thursday, January 10, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., January 17, 1980.

PLACE: Hearing room one—1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly Report of actions taken pursuant to authority delegated to the Managing Director.
2. Application for independent ocean freight forwarder license: Dynamic International Freight Forwarders, Inc.—Proposed order of investigation.
3. Docket No. 79-58: Dual Rate Contract Systems in the Foreign Commerce of the United States—Discussion of comments.
4. Special Docket No. 678: Application of Yamashita-Shinnihon Line for the Benefit of Nissho-Iwai American Corp.—Review of Initial Decision.
5. Special Docket No. 684: Application of Sea-Land Service, Inc., for the Benefit of Solytex Polymers Corp.—Review of Initial Decision.
6. Docket No. 79-55: Matson Navigation Company Proposed Bunker Surcharge in the Hawaii Trade—Petition of Hearing Counsel for clarification.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-44-80 Filed 1-8-80; 11:55 am]

BILLING CODE 6730-01-M

2

[NM-80-3]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, January 17, 1980.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report.*—Trans World Airlines, Inc., B-727, N840TW, near Saginaw, Michigan, April 4, 1979.
2. *Recommendation* to the Federal Aviation Administration re flightcrew controllability of B-727 with asymmetrical slats.
3. *Marine Accident Report.*—Collision of S/T Texaco Iowa and the M/T Burmah Spar on the Mississippi River, Pilottown, Louisiana, October 3, 1978, and *Recommendations* to U.S. Coast Guard, National Ocean Survey, Associated Branch Pilots, and the Crescent River Port Pilots Association.
4. *Recommendation* to Federal Aviation Administration re pilot-in-command seating for Part 135 operations.
5. *Special Study.*—Railroad Emergency Procedures.
6. Staff review of Joint NTSB-USCG Regulations.
7. *Safety Objective Program* on Grade Cross Safety—Train Delineation.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-472-6022.

January 8, 1980.

[S-47-80 Filed 1-8-80; 3:18 pm]

BILLING CODE 4910-58-M

3

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of January 14, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Monday, January 14, 1980, at 2:30 p.m., immediately followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Monday, January 14, 1980, at 2:30 p.m., will be: Consideration of a release announcing the adoption of a proposed amendment to Securities Exchange Act Rule 15b10-12 to achieve uniformity in the application of the SECO fair practice rules to SECO brokers and dealers.

The subject matter of the closed meeting scheduled for Monday, January 14, 1980, immediately following the 2:30 p.m. open meeting, will be:

Formal orders of investigation.
Litigation matter.
Freedom of Information Act appeal.
Amendment of injunctive action.
Institution of injunctive action.
Regulatory matter regarding financial institution.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272-2462.

January 7, 1980.

[S-46-80 Filed 1-8-80; 12:21 pm]

BILLING CODE 8010-01-M

4

U.S. RAILROAD RETIREMENT BOARD.

TIME AND DATE: 9 a.m., January 17, 1980.

PLACE: Board's meeting room on the eighth floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portion open to the public:

(1) Interview by industrial psychologist.
(2) Federal Women's Program.
(3) Personnel matters—Bureau of Research.

Portion closed to the public:

(4) Appeal from referee's denial of disability annuity application, Leonard Lucious.
(5) Appeal of Patricia F. Saunders under the Railroad Unemployment Insurance Act.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of the Board, COM No. 312–741–4920; FTS No. 387–4920.

[S–45–80 Filed 1–8–80; 11:55 am]
BILLING CODE 7905–01–M

federal register

Thursday
January 10, 1980

Part II

Department of Justice

Privacy Act of 1974; Annual Publication of Systems of Records

DEPARTMENT OF JUSTICE

[AAG/A Order No. 39-79]

Privacy Act System Notices; 1979 Annual Publication

Agency: Department of Justice.

Action: Annual publication of Privacy Act Issuances.

Summary: Federal agencies are required by the Privacy Act of 1974 to give annual notice of records they maintain from which information can be retrieved by name or other personal identifier. Accordingly, the Department of Justice published on September 30, 1977 in FEDERAL REGISTER Volume 42 a notice of all such systems of records maintained by the Department. On September 28, 1978 the Department published in FEDERAL REGISTER Volume 43 the annual update which reflected only those systems which had been added, amended, or revoked during the year, and those which we proposed to amend at that time. Subsequently for the convenience of the public, the Office of the FEDERAL REGISTER issued a publication which combined the 1977 notice and the 1978 update into a single document entitled "Privacy Act Issuances Compilation—1978, Volume III." This document reflected all systems of records issued through September 1978. Now, by way of this notice, the Department is publishing the 1979 annual update which reflects only those systems which have been added, amended or revoked during 1978, and those which we propose to amend or delete at this time.

These publications can be examined free of charge at Regional Depository Libraries at 50 locations around the country, and at the General Services Administration Federal Information Centers at 38 central locations around the country. They can also be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. In addition, upon request the Office of the Federal Register will furnish a photocopy of the full text of a particular records system for a nominal fee.

Published here are:

Part I: a table of contents listing *all* the systems of records published here in full text;

Part II: the full text of systems of records which the Department *amended* during the year, and the full text of *new* systems of records which the Department *established* during the year;

Part III: notice citing those systems of records *merged* or *deleted* during the year and one system of records which was published in error and which the Bureau of Prisons now proposes to delete; and

Part IV: the full text of systems of records which the Department *now proposes to amend.*

DATES: This document fulfills the annual notice requirements of the Privacy Act for 1979.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

Dated: December 26, 1979.

Harry H. Flickinger,
Kevin D. Rooney,
Acting Assistant Attorney General for Administration.

Part I

TABLE OF CONTENTS

Composite listing of all systems of records published here in full text

JUSTICE/AAG-013, Freedom of Information and Privacy Appeals Index.
JUSTICE/CIV-001, The Civil Division Case File System.
JUSTICE/CIV-002, The Civil Division Case File System; Customs Litigation.
JUSTICE/CRT-007, The Files on Employment Civil Rights Matters Referred by the Equal Opportunity Commission System.
JUSTICE/CRS-001, Operational Data Information System.
JUSTICE/CFM-023, Weekly Statistical Report.
JUSTICE/CFM-026, Index of Prisoners Transferred Under Prisoner Transfer Treaties.
JUSTICE/DAG-007, The United States National Central Bureau (USNCB) (Department of Justice) of the International Criminal Police Organization (INTERPOL) Criminal Investigative Records System.
JUSTICE/DEA-008, Investigative Reporting and Filing System.
JUSTICE/DEA-010, Office of Internal Security Records.
JUSTICE/DEA-011, Operations Files.
JUSTICE/DEA-012, Registration Status/Investigation Records.
JUSTICE/DEA-013, Security Files.
JUSTICE/DEA-014, System to Retrieve Information from Drug Evidence (STRIDE/Ballistics).
JUSTICE/DEA-015, Training Files.
JUSTICE/DEA-020, Essential Chemical Reporting System.
JUSTICE/DEA-021, DEA Air Wing Reporting System.
JUSTICE/DEA-INS-111, Automated Intelligence Records System.
JUSTICE/FBI-001, National Crime Information Center (NCIC).
JUSTICE/FBI-002, The FBI Central Records System.
JUSTICE/FBI-009, Indentification Division Records System.
JUSTICE/INS-004, Top Priority Program (TPP).
JUSTICE/INS-005, Integrated Case Control System.
JUSTICE/INS-999, INS Appendix: List of Principal Offices of the Immigration and Naturalization Service.
JUSTICE/JMD-001, Background Investigation Check-off Card.
JUSTICE/JMD-002, Controlled Substances Act Nonpublic Records.
JUSTICE/JMD-003, Department of Justice Payroll System.
JUSTICE/JMD-007, Legal and General Administration Accounting System (LAGA).
JUSTICE/JMD-008, Security Clearance Information System (SCIS).
JUSTICE/JMD-009, Justice Data Management Service Center Utilization Report.
JUSTICE/JMD-010, Document Information System (DIS).
JUSTICE/JMD-011, Justice Data Management Service Center Tape Library System.
JUSTICE/JMD-012, Executive Biography.
JUSTICE/JMD-013, Employee Locator File.
JUSTICE/JMD-015, EEO (Equal Emloyment Opportunity) Volunteer Representative Roster.
JUSTICE/JMD-017, Department of Justice Controlled Parking Records.
JUSTICE/JMD-018, Occupational Health Physical Fitness Files.
JUSTICE/JMD-019, Freedom of Information/Privacy Act Records.
JUSTICE/LDN-006, Citizens' Mail File.
JUSTICE/LEAA-005, The Financial Management System.
JUSTICE/LEAA-008, The Civil Rights Investigative System.
JUSTICE/LEAA-010, The Technical Assistance Resources Files.
JUSTICE/LEAA-012, The Public Safety Officers' Benefits System.
JUSTICE/OLC-003, Office of Legal Counsel Central File.
JUSTICE/OPA-001, Executive Clemency Files.
JUSTICE/PRC-001, Docket, Scheduling and Control.
JUSTICE/PRC-002, Freedom of Information Act Record System.
JUSTICE/PRC-003, Inmate and Supervision Files.
JUSTICE/PRC-004, Labor and Pension Case, Legal File and General Correspondence System.
JUSTICE/PRC-005, Office Operation and Personnel System.
JUSTICE/PRC-006, Statistical, Educational and Development System.
JUSTICE/PRC-007, Workload Record, Decision Result, and Annual Report System.
JUSTICE/BOP-005, Inmate Central Records System.
JUSTICE/BOP-999, Appendix of Field Location for the Bureau of Prisions.

Part II

Systems of records *amended* and published during the year and systems of records *established* and published during the year are listed below. The date published, the FEDERAL REGISTER volume number, and the page number are cited in parentheses. Following the list, the systems are reprinted in full text.

Amended

JUSTICE/CRM-023, Weekly Statistical Report (November 15, 1978, FR Vol. No. 43, page 53067).
JUSTICE/DEA-INS-111, Automated Intelligence Records System (December 11, 1978, FR Vol. No. 43, page 57990).
JUSTICE/FBI-001, National Crime Information Center (NCIC) (May 22, 1979, FR Vol. No. 44, page 29742).
JUSTICE/FBI-002, The FBI Central Records System (October 12, 1979, FR Vol. No. 44, page 58981).
JUSTICE/FBI-009, Identification Division Records System (July 9, 1979, FR Vol. 44, page 40145).

New

JUSTICE/CRM-026, Index of Prisoners Transferred Under Prisoner Transfer Treaties (July 30, 1979, FR Vol. No. 44, page 44629).
JUSTICE/DAG-007, The United States National Central Bureau (USNCB) (Department of Justice) of the International Criminal Police Organization (INTERPOL) Criminal Investigative Records System (October 12, 1979, FR Vol. No. 44, page 58993).
JUSTICE/DEA-015, Training Files (November 16, 1979, FR Vol. No. 44, page 66087).
JUSTICE/DEA-020, Essential Chemical Reporting System (January 22, 1979, FR Vol. No. 44, page 4542).

JUSTICE/DEA-021, DEA Air Wing Reporting System (September 6, 1979, FR Vol. No. 44, page 52052.

JUSTICE/INS-004, Top Priority Program (TPP) (March 8, 1979, FR Vol. No. 44, page 12779).

JUSTICE/INS-005, Integrated Case Control System (December 20, 1979, FR Vol. No. 44, page 75530).

JUSTICE/INS-999, INS Appendix: List of Principal Offices of the Immigration and Naturalization Service (December 20, 1979, FR Vol. No. 44, page 75531).

JUSTICE/LDN-006, Citizens' Mail File (December 7, 1979, FR Vol. No. 44, page 70587).

JUSTICE/OLC-003, Office of Legal Counsel Central File (November 16, 1979, FR Vol. No. 44, page 66088).

JUSTICE/CRM-023

System name: Weekly Statistical Report.

System location: U.S. Department of Justice; Criminal Division; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Past or present attorneys and paralegals of the Criminal Division.

Categories of records in the system: The system consists of weekly statistical reports submitted by each attorney and paralegal of the Criminal Division detailing the time expended on case or matter oriented activities and on noncase and nonmatter oriented activities. The system also includes periodic computer printout summaries.

Authority for maintenance of the system: This system is established and maintained pursuant to 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Statistical compilations arranged by Section and by Division are submitted to the Congress and the Office of Management and Budget in connection with annual appropriations. There are no other uses of the records in this system outside of the Department of Justice.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original Weekly Statistical Reports are retained and the information contained thereon is also stored at the Department's computer center. Summaries are also retained on computer printout paper. Records not at the computer center are stored in file cabinets in the Criminal Division.

Retrievability: The record is retrieved by date, section, unit, and name of attorney or paralegal.

Safeguards: The computer center is maintained by the Office of Management and Finance which has designated security procedures consistent with the sensitivity of the data. Materials related to the system maintained at locations other than the location of the computer center are protected and safeguarded in accordance with applicable Departmental rules.

Retention and disposal: Information as to individuals is destroyed at the computer center annually. Original weekly reports are destroyed approximately every two years. Statistical data and compilations are maintained indefinitely.

System manager(s) and address: Assistant Attorney General; Criminal Division; U.S. Department of Justice; 10th & Constitution Avenues, N.W.; Washington, D.C. 20530.

Notification procedure: Same as above.

Record access procedures: A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the past or present attorney or paralegal employed by the Criminal Division. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Attorneys and paralegals of the Criminal Division.

Systems exempted from certain provisions of the act: None.

JUSTICE/DEA-INS-111

System name: Automated Intelligence Records System (Pathfinder)

System location: U.S. Department of Justice, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537 and El Paso Intelligence Center (EPIC), El Paso, Texas 79902.

Categories of individuals covered by the system: (1) Those individuals who are known, suspected, or alleged to be involved in (a) narcotic trafficking, (b) narcotic-arms trafficking, (c) alien smuggling or transporting, (d) illegally procuring, using, selling, counterfeiting, reproducing, or altering identification documents relating to status under the immigration and nationality laws, (e) terrorist activities (narcotic, arms or alien trafficking/smuggling related), (f) crewman desertions and stowaways, and (g) arranging or contracting a marriage to defraud the immigration laws; (2) In addition to the categories of individuals listed above, those individuals who (a) have had citizenship or alien identification documents put to fraudulent use or have reported them as lost or stolen, (b) arrive in the United States from a foreign territory by private aircraft, and (c) are informants or witnesses (including non-implicated persons) who have pertinent knowledge of some circumstances or aspect of a case or suspect may be the subject of a file within this system; and (3) In the course of criminal investigation and intelligence gathering, DEA and INS may detect violation of non-drug or non-alien related laws. In the interests of effective law enforcement, this information is retained in order to establish patterns of criminal activity and to assist other law enforcement agencies that are charged with enforcing other segments of criminal law. Therefore, under certain limited circumstances, individuals known, suspected, or alleged to be involved in non-narcotic or non-alien criminal activity may be the subject of a file maintained within this system.

Categories of records in the system: In general, this system contains computerized and manual intelligence information gathered from DEA and INS investigative records and reports. Specifically, intelligence information is gathered and collated from the following DEA and INS records and reports: (1) DEA Reports of Investigation (DEA-6), (2) DEA and INS Intelligence Reports, (3) INS Air Detail Office Index (I-92A), (4) INS Anti-Smuggling Indices (G-170), (5) INS Marine Intelligence Index, (6) INS Fraudulent Document Center Index, (7) INS Terrorist Index, and (8) INS Reports of Investigation and Apprehension (I-44, I-213, G-166). In addition, data is obtained from commercially available flight plan information concerning individuals known, suspected or alleged to be involved in criminal smuggling activities using private aircraft.

Authority for maintenance of the system: This system has been established in order for DEA and INS to carry out their law enforcement, regulatory, and intelligence functions mandated by the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236), Reorganization Plan No. 2 of 1973, the Single Convention on Narcotic Drugs, (18 UST 1407), and Sections 103, 265, and 290 and Title III of the Immigration and Nationality Act, as amended, (8 U.S.C. 1103, 1305, 1360, 1401 et seq.). Additional authority is derived from Treaties, Statutes, Executive Orders and Presidential Proclamations which DEA and INS have been charged with administering.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system will be used to produce association and link analysis reports and such special reports as required by intelligence analysts of DEA and INS. The system will also be used to provide 'real-time' responses to queries from Federal, state, and local agencies charged with border law enforcement responsibilities.

Information from this system will be provided to the following categories of users for law enforcement and intelligence purposes provided a legitimate and lawful 'need to know' is demonstrated: (a) Other Federal law enforcement agencies, (b) state and local law enforcement agencies, (c) foreign law enforcement agencies with whom DEA and INS maintain liaison, (d) U.S. intelligence and military intelligence agencies involved in border criminal law enforcement, (e) clerks and judges of courts exercising appropriate jurisdiction over subject matter maintained within this system, and (f) in the event there is an indication of a violation or potential violation

of law whether civil, criminal, regulatory, or administrative in nature, the relevant information may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulations, or order issued pursuant thereto.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual subsets of the Pathfinder Information System are maintained on standard index cards and manual folders. Standard security formats are employed. The automated Pathfinder Information System is stored on digital computers in the Drug Enforcement Administration Office of Intelligence Secured Computer facilities located at DEA Headquarters and El Paso, Texas.

Retrievability: Access to individual records can be accomplished by reference to either the manual indices or the automated information system. Access is achieved by reference to personal identifiers, other data elements or any combination thereof.

Safeguards: The Pathfinder System of Records is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to intelligence information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

Physical security when intelligence files are attended is provided by responsible DEA and INS employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of containers or facilities is made in consideration of the sensitivity or National Security Classification, as appropriate, of the files, and the extent of security guard and/or surveillance afforded by electronic means.

Protection of the automated information system is provided by physical, procedural, and electronic means. The master file resides in the DEA Office of Intelligence Secured Computer System and is physically attended or safe-guarded on a full time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surreptitious access to an unattended terminal is precluded by a complex authentication procedure. The procedure is provided only to authorized DEA and INS employees. Transmission from DEA Headquarters to El Paso, Texas is accomplished via a dedicated secured line.

An automated log of queries is maintained for each terminal. Improper procedure results in no access and under certain conditions completely locks out the terminal pending restoration by the master controller at DEA Headquarters after appropriate verification. Unattended terminals are otherwise located in locked facilities after normal working hours.

The dissemination of intelligence information to an individual outside the Department of Justice is made in accordance with the routine uses as described herein and otherwise in accordance with conditions of disclosure prescribed in the Privacy Act. The need to know is determined in both cases by DEA and INS as a prerequisite to the release of information.

Retention and disposal: Records maintained within this system are retained for fifty-five (55) years.

System manager(s) and address: Assistant Administrator for Intelligence, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537 and Associate Commissioner, Management, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536.

Notification procedure: Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537.

Record access procedures: Same as notification procedure.

Contesting record procedures: Same as notification procedure.

Record source categories: Commercially available flight plan information source; DEA intelligence and investigative records/reports; INS investigative, intelligence and statutory mandated records/reports; records and reports of other Federal, state and local agencies; and reports and records of foreign agencies with whom DEA maintains liaison.

Systems exempted from certain provisions of the act: The Attorney General has proposed exemption of this system from subsections (c) (3) and (4), (d), (e) (1), (2), and (3), (e) (4) (g), (H) and (I), (e) (5) and (8), (f), (g), and (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Regulations have been promulgated in accordance with the requirements of 5 U.S.C 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/FBI-001

System name: National Crime Information Center (NCIC).

System location: Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

Categories of individuals covered by the system: A. Wanted Persons: 1. Individuals for whom Federal warrants are outstanding. 2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdiction originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria. 3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictional boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons: 1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger. 2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary. 3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger. 4. A person who is missing and declared unemanicipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

Categories of records in the system: A. Stolen Vehicle File: 1. Stolen vehicles. 2. Vehicles wanted in conjunction with felonies or serious misdemeanors. 3. Stolen vehicle parts, including certificates of origin or title.

B. Stolen License Plate File: 1. Stolen or missing license plate.

C. Stolen/Missing Gun File: 1. Stolen or missing guns, 2. Recovered gun, ownership of which has not been established.

D. Stolen Article File.

E. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons".

F. Securities File: 1. Serially numbered stolen, embezzled, counterfeited, missing securities. 2. "Securities" for present purposes of this file are currency (e.g. bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g. bonds, debentures, notes) or ownership of property (e.g. common stock, preferred stock), and documents which represent subscription rights, warrants) and which are of those types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Boat File.

H. Computerized Criminal History File: A cooperative Federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons".

Authority for maintenance of the system: The system is established and maintained in accordance with Title 28, United States Code, Section 534 and Title 28—Judicial Administration, Chapter I—Department of Justice (Order No. 601-75) Part 20—Criminal Justice Information Systems.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions in accordance with title 28, U.S. code, section 534. The data is exchanged through NCIC lines to Federal criminal justice agencies, criminal justice agencies in the 50 States, the District of Columbia, Puerto Rico, U.S Possessions and U.S. Territories. Additionally, data contained in the various "want files," i.e., the stolen vehicle file, stolen license plate file, stolen/missing gun file, stolen article file,

wanted person file, sucurities file, and boat file may be accessed by the Royal Canadian Mounted Police. Dissemination of criminal history record information is set forth in Title 28 of the Code of Federal Regulations—Judicial Administration, Chapter I—Department of Justice (Order No. 601-75) Part 20—Criminal Justice Information Systems, Subpart C, Section 20.33.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the NCIC system is stored electronically for use in a computer environment.

Retrievability: On-line access to data in NCIC is achieved by using the following search descriptors. 1. Vehicle file: (a) Vehicle identification number; (b) License plate number; (c) NCIC number (unique number assigned by the NCIC computer to each NCIC record). 2. License Plate file: (a) License plate number; (b) NCIC number. 3. Gun File: (a) Serial number of gun; (b) NCIC number. 4. Article File: (a) Serial number of article; (b) NCIC number. 5. Wanted Person File: (a) Name and one of the following numerical identifiers, date of birth, FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record), Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system), Operator's license number (driver's license number), Miscellaneous identifying number (military number or number assigned by Federal, state, or local authorities to an individual's record), Originating agency case number, (b) Vehicle or license plate known to be in the possession of the wanted person; (c) NCIC number (unique number assigned to each NCIC record). 6. Securities File. (a) Type, serial number, denomination of security; (b) Type of security and name of owner of security; (c) Social Security number of owner of security, (d) NCIC number. 7. Boat File: (a) Registration document number; (b) Hull serial number; (c) NCIC number. 8. Computerized Criminal History File; (a) Name, sex, race, and date of birth; (b) FBI number, (c) State identification number; (d) Social Security number; (e) Miscellaneous number. 9. Missing Person file—Same as "Wanted Person" File.

Safeguards: Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Centers: a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. b. Since personnel at these computer centers can access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel. c. All visitors to these computer centers must be accompanied by staff personnel at all times. d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals. e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data. f. Each state control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications: a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice use, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels. b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

3. Terminal Devices Having Access to NCIC: a. All agencies having terminals on the system must be required to physically place these terminals in secure locations within the authorized agency. b. The agencies having terminals with access to criminals history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees. c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data. d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

Retention and disposal: Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File: a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus 4. b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered. c. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicle engines or transmissions will remain in file for the year of entry plus 4.

2. License Plate File: Unrecovered stolen license plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.

3. Gun File: a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record. b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2.

4. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year.

5. Wanted Person File: Persons not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from file after 48 hours).

6. Securities File: Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2.

7. Boat File: Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.

8. Missing Person File: Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.

9. Computerized Criminal History File: When an individual reaches age of 80.

System manager(s) and address: Director, Federal Bureau of Investigation; J. Edgar Hoover F.B.I. Building, 9th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

Notification procedure: Same as the above.

Record access procedures: It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his Computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable State and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are in file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C., by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or possibly, in the State's central identification agency.

Contesting record procedures: The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

Record source categories: Information contained in the NCIC system is obtained from local, State, Federal and international criminal justice agencies.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e)(8) (f), and (m) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/FBI-002

System name: The FBI Central Records System.

System location: a. Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 10th and Pennsylvania Avenue NW., Washington, D.C. 20535; b. 59 field divisions (see Appendix); c. 12 Legal Attaches (see Appendix).

Categories of individuals covered by the system: a. Individuals who relate in any manner to official FBI investigations including, but not limited to suspects, victims, witnesses, and close relatives and associates that are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto that are considered relevant to an applicant investigation, personnel inquiry, or persons related to personnel matters.

c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto that are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance, and make inquiries concerning record material, including general correspondence, contacts with other agencies, businesses, institutions, clubs, the public and the news media.

e. Individuals, associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

(All manner of information concerning individuals may be acquired in connection with and relating to the varied investigative responsibilities of the FBI which are further described in "Categories of Records in the System." Depending on the nature and scope of the investigation this information may include, among other things, personal habits and conduct, financial information, travel and organizational affiliation of individuals. The information collected is made a matter of record and placed in FBI files.)

Categories of records in the system:

The FBI Central Records System—The FBI utilizes a central records system of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

The FBI has 210 classifications used in its basic filing system. They pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 210 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word "obsolete" following the name of the classification indicates the FBI is no longer initiating investigative cases in these matters, although the material is retained for reference purposes):

1. Training Schools; National Academy Matters; FBI National Academy Applicants. Covers general information concerning the FBI National Academy, including background investigations of individual candidates.

2. Neutrality Matters. Title 18, United States Code, Sections 956 and 958–962; Title 22, United States Code, Sections 1934 and 401.

3. Overthrow or Destruction of the Government, Title 18, United States Code, Section 2385.

4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms. Title 26, United States Code, Sections 5801–5812; Title 18, United States Code, Sections 921–928; Title 18, United States Code, Sections 1201–1203.

5. Income Tax. Covers violations of Federal income tax laws reported to the FBI. Complaints are forwarded to the Commissioner of the Internal Revenue Service.

6. Interstate Transportation of Strikebreakers. Title 18, United States Code, Section 1231.

7. Kidnaping. Title 18, United States Code, Sections 1201 and 1202.

8. Migratory Bird Act. Title 18, United States Code, Section 43; Title 16, United States Code, Sections 703 through 718.

9. Extortion. Title 18, United States Code, Sections 876, 877, 875, and 873.

10. Red Cross Act. Title 18, United States Code, Sections 706 and 917.

11. Tax (Other than Income). This classification covers complaints concerning violations of Internal Revenue laws as they apply to other than alcohol, social security and income and profits taxes, which are forwarded to the Internal Revenue Service.

12. Narcotics. This classification covers complaints received by the FBI concerning alleged violations of Federal drug laws. Complaints are forwarded to the Administrator, Drug Enforcement Administration (DEA), or the nearest district office of DEA.

13. Miscellaneous. Section 125, National Defense Act; Prostitution; Selling Whiskey Within Five Miles Of An Army Camp. 1920 only. Subjects were alleged violators of abuse of U.S. flag, fraudulent enlistment, selling liquor and operating houses of prostitution within restricted bounds of military reservations. Violationis of Section 13 of the Selective Service Act (Conscription Act) were enforced by the Department of Justice as a war emergency measure with the Bureau exercising jurisdiction in the detection and prosecution of cases within the purview of that Section.

14. Sedition. Title 18, United States Code, Sections 2387, 2388, and 2391.

15. Theft from Interstate Shipment. Title 18, United States Code, Section 659; Title 18, United States Code, Section 660; Title 18, United States Code, Section 2117.

16. Violation Federal injunction (obsolete). FBI records do not provide an explanation of the nature of this classification.

17. Veterans Administration Matters. Title 18, United States Code, Sections 287, 289, 290, 371, or 1001; and Title 38, United States Code, Sections 787(a), 787(b), 3405, 3501, and 3502.

18. May Act. Title 18, United States Code, Section 1384.

19. Censorship Matter (obsolete). Pub. L. 354, 77th Congress.

20. Federal Grain Standards Act. 1920 only. Subjects were alleged violators of contracts for sale, shipment of interstate commerce, Section 5, U.S. Grain Standards Act.

21. Food and Drugs. This classification covers complaints received concerning alleged violations of the Food, Drug and Cosmetic Act; Tea Act; Import Milk Act; Caustic Poison Act; and Filled Milk Act. These complaints are referred to the Commissioner of the Food and Drug Administration or the field component of that Agency.

22. National Motor Vehicle Traffic Act. 1922–27. Subjects possible violators of the National Motor Vehicle Theft Act; Automobiles seized by Prohibition Agents.

23. Prohibition. This classification covers complaints received concerning bootlegging activities and other violations of the alcohol tax laws. Such complaints are referred to the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, or field representatives of that Agency.

24. Profiteering. 1920–42. Subjects are possible violators of the Lever Act—Profiteering in food and clothing or accused company was subject of file. Bureau conducted investigations to ascertain profits.

25. Selective Service Act; Selective Training and Service Act. Title 50, United States Code, Section 462; Title 50, United States Code, Section 459.

26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft. Title 18, United States Code, Sections 2311 (in part), 2312, and 2313.

27. Patent Matter. Title 35, United States Code.

28. Copyright Matter. Title 17, United States Code, Sections 104 and 105.

29. Bank Fraud and Embezzlement. Title 18, United States Code, Sections 212, 213, 215, 334, 655–657, 1004–1006, 1008, 1009, 1014, and 1306; Title 12, United States Code, Section 1725(g).

30. Interstate Quarantine Law. 1922–25. Subjects alleged violators of Act of February 15, 1893, as amended, regarding interstate travel of persons afflicted with infectious diseases. Cases also involved unlawful transportation of animals, Act of February 2, 1903. Referrals were made to Public Health Service and the Department of Agriculture.

31. White Slave Traffic Act. Title 18, United States Code, Sections 2421–2424.

32. Identification (Fingerprint Matters). This classification covers general information concerning Identification (fingerprint) matters.

33. Uniform Crime Reporting. This classification covers general information concerning the Uniform Crime Reports, a periodic compilation of statistics of criminal violations throughout the United States.

34. Violation of Lacy Act. 1922–43. Unlawful transportation and shipment of black bass and fur seal skins.

35. Civil Service. This classification covers complaints received by the FBI concerning Civil Service matters which are referred to the United States Civil Service Commission in Washington or regional offices of that Agency.

36. Mail Fraud. Title 18, United States Code, Section 1341.

37. False Claims Against the Government. 1921–22. Subjects submitted claims for allotment, vocational training, compensation as veterans under the Sweet Bill. Letters were generally referred elsewhere (Veterans Bureau). Violators apprended for violation of Article No. 1, War Risk Insurance Act.

38. Application for Pardon to Restore Civil Rights. 1921–35. Subjects allegedly obtained their naturalization papers by fraudulent means. Cases later referred to Immigration and Naturalization Service.

39. Falsely Claiming Citizenship. Title 18, United States Code, Sections 911 and 1015(a)(b).

40. Passport and Visa Matter. Title 18, United States Code, Sections 1541–1546.

41. Explosives (obsolete). Title 50, United States Code, Sections 121 through 144.

42. Deserter; Deserter, Harboring. Title 10, United States Code, Sections 808 and 885.

43. Illegal Wearing of Uniforms; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States; Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" Symbol; Unauthorized Use of Smokey Bear Symbol. Title 18, United States Code, Sections 702, 703, and 704; Title 18, United States Code, Sections 701, 705, 707, and 710; Title 36, United States Code, Section 182; Title 50, Appendix, United States Code, Sections 2284; Title 46, United States Code, Section 249; Title 18, United States Code, Sections 498, 499, 506, 709, 711, 711a, 712, 713, and 714; Title 12, United States Code, Sections 1457 and 1723a; Title 22, United States Code, Section 2518.

44. Civil Rights; Civil Rights, Election Laws, Voting Rights Act, 1965, Title 18, United States Code, Sections 241, 242, and 245; Title 42, United States Code, Section 1973, Title 18, United States Code, Section 243; Title 18, United States Code, Section 244, Civil Rights Act—Federally Protected Activities; Civil Rights Act—Overseas Citizens Voting Rights Act of 1975.

45. Crime on the High Seas (Includes stowaways on boats and aircraft). Title 18, United States Code, Sections 7, 13, 1243, and 2199.

46. Fraud Against the Government; Anti-Kickback Statute; Dependent Assistance Act of 1950; False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act. Title 50, United States Code, Section 1211 et seq.; Title 31, United States Code, Section 231; Title 41, United States Code, Section 119; Title 40, United States Code, Section 489.

47. Impersonation. Title 18, United States Code, Sections 912, 913, 915, and 916.

48. Postal. Violation (Except Mail Fraud). This classification covers inquiries concerning the Postal Service and complaints pertaining to the theft of mail. Such complaints are either forwarded to the Postmaster General or the nearest Postal Inspector.

49. National Bankruptcy Act. Title 18, United States Code, Sections 151–155.

50. Involuntary Servitude and Slavery. U.S. Constitution, 13th Amendment; Title 18, United States Code, Sections 1581–1588, 241, and 242.

51. Jury Panel Investigations. This classification covers jury panel investigations which are requested by the appropriate Assistant Attorney General as authorized by 28 U.S.C. 533 and AG memorandum #781, dated 11/9/72. These investigations can be conducted only upon such a request and consist of an indices and arrest check, and only in limited important trials where defendant could have influence over a juror.

52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property. Title 18, United States Code, Sections 641, 1024, 1660, 2112, and 2114. Interference With Government Communications, Title 18, U.S.C., Section 1632.

53. Excess Profits On Wool. 1918. (obsolete) Subjects possible violator of Government Control of Wool Clip of 1918.

54. Customs Laws and Smuggling. This classification covers complaints received concerning smuggling and other matters involving importation and entry of merchandise into and the exportation of merchandise from the United States. Complaints are referred to the nearest district office of the U.S. Customs Service or the Commissioner of Customs, Washington, D.C.

55. Counterfeiting. This classification covers complaints received concerning alleged violations of counterfeiting of U.S. coins, notes, and other obligations and securities of the Government. These complaints are referred to either the Director, U.S. Secret Service, or the nearest office of that Agency.

56. Election Laws. Title 18, United States Code, Sections 241, 242, 245, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, and 607; Title 42, United States Code, Section 1973; Title 26, United State Code, Sections 9012 and 9042; title 2, United States Code, Sections 431, 432, 433, 434, 435, 436, 437, 439, and 441.

57. War Labor Dispute Act (obsolete). Pub. L. 89—77th Congress.

58. Bribery; Conflict of Interest. Title 18, United States Code, Sections 201–203, 205–211; Pub. L. 89–4 and 89–136.

59. World War Adjusted Compensation Act 1924–44. Bureau of Investigation was charged with the duty of investigating alleged violations of all sections of the World War Adjusted Compensation Act (Pub. L. 472, 69th Congress (H.R. 10277)) with the exception of section 704.

60. Anti-Trust. Title 15, United States Code, Sections 1–7, 12–27, and 13.

61. Treason or Misprison of Treason. Title 18, United States Code, Sections 2381, 2382, 2389, 2390, 756, and 757.

62. Administrative Inquiries. Misconduct Investigations of Officers and Employees of the Department of Justice and Federal Judiciary; Census Matters (Title 13, United States Code, Sections 211–214, 221–224, 304, and 305) Domestic Police Cooperation; Eight-Hour-Day Law (Title 40, United States Code, Sections 321, 322, 325a, 326); Fair Credit Reporting Act (Title 15, United States Code, Sections 1681q and 1681r); Federal Cigarette Labeling and Advertising Act (Title 15, United States Code, Section 1333); Federal Judiciary Investigations; Kickback Racket Act (Title 18, United States Code, Section 874); Lands Division Matter; Other Violations and/or Matters; Civil Suits—Miscellaneous; Soldiers' and Sailors' Civil Relief Act of 1940 (Title 50, Appendix, United States Code, Sections 510–590); Tariff Act of 1930 (Title 19, United States Code, Section 1304); Unreported Interstate Shipment of Cigarettes (Title 15, United States Code, Sections 375 and 376); Fair Labor Standards Act of 1938 (Wage and Hour Law) (Title 29, United States Code, Sections 2010219); conspiracy (Title 18, United States Code, Section 371 (formerly Section 88, title 18, United States Code); effective September 1, 1948).

63. Miscellaneous—Nonsubversive. This classification concerns correspondence from the public which does not relate to matters within FBI jurisdiction.

64. Foreign Miscellaneous. This classification is a control file utilized as a repository for intelligence information of value identified by country. More specific categories are place in classification 108–113.

65. Espionage. Attorney General Guidelines on Foreign Counterintelligence; Internal Security Act of 1950; Executive Order 11905.

66. Administrative Matters. This classification covers such items as supplies, automobiles, salary matters and vouchers.

67. Personnel Matters. This classification concerns background investigations of applicants for employment with the FBI.

68. Alaskan Matters (obsolete). This classification concerns FBI investigations in the Territory of Alaska prior to its becoming a State.

69. Contempt of Court Title 18, United States Code, Sections 401, 402, 3285, 3691, 3692; Title 10, United States Code, Section 847; and Rule 42, Federal Rules of Criminal Procedure.

70. Crime on Government Reservation; Title 18, United States Code, Sections 7 and 13.

71. Bills of Lading Act. Title 49, United States Code, Section 121.

72. Obstruction of Criminal Investigations. Title 18, United States Code, Sections 1503 through 1510.

73. Application for pardon After Completion of Sentence and Application for Executive Clemency. This classification concerns the FBI's background investigation in connection with pardon applications and requests for executive clemency.

74. Perjury. Title 18, United States Code, Sections 1621, 1622, and 1623.

75. Bondsmen and Sureties. Title 18, United States Code, Section 1506.

76. Escaped Federal Prisoner; Escape and Rescue; Probation Violator; Parole violator; Mandatory Release Violator. Title 18, United States Code, Sections 751–757, 1072; Title 18, United States Code, Sections 3651–3656; and Title 18, United States Code, Sections 4202–4207, 5037, and 4161–4166.

77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications). This classification covers the background investigations conducted by the FBI in connection with the aforementioned positions.

78. Illegal Use of Government Transportation Requests. Title 18, United States Code, Sections 287, 495, 508, 641, 1001 and 1002.

79. Missing Persons. This classification covers the FBI's Identification Division's assistance in the locating of missing persons.

80. Laboratory Research Matters. At FBI Headquarters this classification is used for Laboratory research matters. In field office files this classification covers the FBI's public affairs matters and involves contact by the FBI with the general public, Federal and State agencies, the Armed Forces, corporations, the news media and other outside organizations.

81. Gold Hoarding. 1933–45. Gold Hoarding investigations conducted in accordance with an Act of March 9, 1933 and Executive Order issued August 28, 1933. Bureau instructed by Department to conduct no further investigations in 1935 under the Gold Reserve Act of 1934. Thereafter, all correspondence referred to Secret Service.

82. War Risk Insurance (National Life Insurance) (obsolete). This classification covers investigations conducted by the FBI in connection with civil suits filed under this statute.

83. Court of Claims. This classification covers requests for investigation of cases pending in the Court of Claims from the Assistant Attorney General in charge of the Civil Division of the Department of Justice.

84. Reconstruction Finance Corporation Act (obsolete). Title 15, United States Code, Chapter 14.

85. Home Owner Loan Corporation (obsolete). This classification concerned complaints received by the FBI about alleged violations of the Home Owners Loan Act, which were referred to the Home Owners Loan Corporation. Title 12, United States Code, Section 1464.

86. Federal Lending and Insurance Agencies. Title 15, United States Code, Section 645; Title 18, United States Code, Sections 212, 213, 215, 216, 217, 657, 658, 1006, 1011, 1013, 1014, 1907, 1908 and 1909.

87. Interstate Transportation of Stolen Property (Fraud by wire, Radio, or Television). Title 18, United States Code, Sections 2311, 2314, 2315, and 2318.

88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony. Title 18, United States Code, Sections 1073 and 1074.

89. Assaulting or Killing a Federal Officer, Congressional Assassination Statute. Title 18, United States Code, Sections 111, 1114, 2232.

90. Irregularities in Federal Penal Institutions. Title 18, United States Code, Sections 1791 and 1792.

91. Bank Burglary; Bank Larceny; Bank Robbery. Title 18, United States Code, Section 2113.

92. Anti-Racketeering; Title 18, United States Code, Section 3237.

93. Ascertaining Financial Ability. This classification concerns requests by the Department of Justice for the FBI to ascertain a person's ability to pay a claim, fine or judgement obtained against him by the United States Government.

94. Research Matters. This classification concerns all general correspondence of the FBI with private individuals which does not involve any substantive violation of Federal law.

95. Laboratory Cases (Examination of Evidence in Other Than Bureaus Cases). This classification concerns non-FBI cases where a duly constituted State,, county or a municipal law enforcement agency in a criminal matter has requested an examination of evidence by the FBI Laboratory.

96. Alien Applicant (obsolete). Title 10, United States Code, Section 310.

97. Foreign Agents Registration Act. Title 18, United States Code, Section 951; Title 22, United States Code, Sections 611–621; Title 50, United States Code, Sections 851–857.

98. Sabotage. Title 18, United States Code, Sections 2151–2156; Title 50, United States Code, Section 797.

99. Plant Survey (obsolete). This classification covers a program where in the FBI inspected industrial plants for the purpose of making suggestions to the operators of those plants to prevent espionage and sabotage.

100. Domestic Security. This classification covers investigations by the FBI in the domestic security field, e.g., Smith Act violations.

101. Hatch Act (obsolete). Pub. L. 252. 76th Congress.

102. Voorhis Act. Title 18, United States Code, Section 1386.

103. Interstate Transportation of Stolen Cattle. Title 18, United States Code, Sections 2311, 2316 and 2317.

104. Servicemen's Dependents Allowance Act of 1942 (obsolete). Pub. L. 625, 77th Congress, Sections 116–119.

105. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

106. Alien Enemy Control; Escaped Prisoners of War and Interness. 1944–55. Suspects were generally suspected escaped prisoners of war, members of foreign organizations, failed to register under the Alien Registration Act. Cases ordered closed by Attorney General after alien enemies returned to their respective countries upon termination of hostilities.

107. Denaturalization Proceedings (obsolete). This classification covers investigations concerning allegations that an individual fraudulently swore allegiance to the United States or in some other manner illegally obtained citizenship to the U.S., Title 8, United States Code, Section 738.

108. Foreign Travel Control (obsolete). This classification concerns security-type investigations wherein the subject is involved in foreign travel.

109. Foreign Political Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign political matters broken down by country.

110. Foreign Economic Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign economic matters broken down by country.

111. Foreign Social Conditions. This classification is a control file utilized as a repository for intelligence information concerning foreign social conditions broken down by country.

112. Foreign Funds. This classification is a control file utilized as a repository for intelligence information concerning foreign funds broken down by country.

113. Foreign Military and Naval Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign military and naval matters broken down by country.

114. Alien Property Custodian Matter (obsolete). Title 50, United States Code, Sections 1 through 38. This classification covers investigations concerning ownership and control of property subject to claims and litigation under this statute.

115. Bond Default; Bail Jumper. Title 18, United States Code, Sections 3146–3152.

116. Department of Energy Applicant; Department of Energy, Employee. This classification concerns background investigations conducted in connection with employment with the Department of Energy.

117. Department of Energy, Criminal. Title 42, United States Code, Sections 2011–2281; Pub. L. 93–438.

118. Applicant, intelligence Agency (obsolete). This classification covers applicant background investigations conducted of persons under consideration for employment by the Central Intelligence Group.

119. Federal Regulations of Lobbying Act. Title 2, United States Code, Sections 261–270.

120. Federal Tort Claims Act. Title 28, United States Code, Sections 2671 to 2680. Investigations are conducted pursuant to specific request from the Department of Justice in connection with cases in which the Department of Justice represents agencies sued under the Act.

121. Loyalty of Government Employees (obsolete). Executive Order 9835.

122. Labor Management Relations Act, 1947. Title 29, United States Code, Sections 161, 162, 176–178 and 186.

123. Special Inquiry, State Department, Voice of America (U.S. Information Center) (Pub. L. 402, 80th Congress). (obsolete) This classification covers loyalty and security investigations on personnel

employed by or under consideration for employment for Voice of America.

124. European Recovery Program (International Cooperation Administration), formerly Foreign Operations Administration, Economic Cooperation Administration or E.R.P., European Recovery Programs; A.I.D., Agency for International Development (obsolete). This classification covers security and loyalty investigations of personnel employed by or under consideration for employment with the European Recovery Program. Pub. L. 472, 80th Congress.

125. Railway Labor Act; Railway Labor Act—Employer's Liability Act. Title 45, United States Code, Sections 151–163 and 181–188.

126. National Security Resources Board, Special Inquiry (obsolete). This classification covers loyalty investigations on employees and applicants of the National Security Resources Board.

127. Sensitive Positions in the United States Government, Pub. L. 266 (obsolete). Pub. L. 266, 81st Congress.

128. International Development Program (Foreign Operations Administration). (obsolete) This classification covers background investigations conducted on individuals who are to be assigned to duties under the International Development Program.

129. Evacuation Claims (obsolete). Pub. L. 886, 80th Congress.

130. Special Inquiry, Armed Forces Security Act (obsolete). This classification covers applicant-type investigations conducted for the Armed Forces security agencies.

131. Admiralty Matter. Title 46, United States Code, Sections 741 to 752 and 781 to 799.

132. Special Inquiry, Office of Defense Mobilization (obsolete). This classification covers applicant-type investigations of individuals associated with the Office of Defense Mobilization.

133. National Science Foundation Act, Applicant (obsolete). Pub. L. 507, 81st Congress.

134. Foreign Counterintelligence Assets. This classification concerns individuals who provide information to the FBI concerning Foreign Counterintelligence matters.

135. PROSAB (Protection of Strategic Air Command Bases of the U.S. Air Force). (obsolete) This classification covered contacts with individuals with the aim to develop information useful to protect bases of the Strategic Air Command.

136. American Legion Contact (obsolete). This classification covered liaison contacts with American Legion officers.

137. Informants, Other than Foreign Counterintelligence Assets. This classification concerns individuals who furnish information to the FBI concerning criminal violations on a continuing and confidential basis.

138. Loyalty of Employees of the United Nations and Other Public International Organizations. This classification concerns FBI investigations based on referrals from the Civil Service Commission wherein a question or allegation has been received regarding the applicant's loyalty to the U.S. Government as described in Executive Order 10422.

139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications). Title 47, United States Code, Section 605; Title 47, United States Code, Section 501; Title 18, United States Code, Sections 2510–2513.

140. Security of Government Employees; S.G.E., Fraud Against the Government. Executive Order 10450.

141. False Entries in Records of Interstate Carriers. Title 47, United States Code, Section 220; Title 49, United States Code, Section 20.

142. Illegal Use of Railroad Pass. Title 49, United States Code, Section 1.

143. Interstate Transportation of Gambling Devices. Title 15, United States Code, Sections 1171 through 1180.

144. Interstate Transportation of Lottery Tickets. Title 18, United States Code, Section 1301.

145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language. Title 18, United States Code, Sections 1462, 1464 and 1465.

146. Interstate Transportation of Prison-Made Goods. Title 18, United States Code, Sections 1761 and 1762.

147. Department of Housing and Urban Development. Matters. Title 18, United States Code, Sections 1010, 709, 657, and 1006; Title 12, United States Code, Sections 1715 and 1709.

148. Interstate Transportation of Fireworks. Title 18, United States Code, Section 836.

149. Destruction of Aircraft or Motor Vehicles. Title 18, United States Code, Sections 31 through 35.

150. Harboring of Federal Fugitives, Statistics.

151. (Referral cases received from CSC under Pub. L. 298). Agency for International Development; Department of Energy (Civil Service Commission); National Aeronautics and Space Administration; National Science Foundation; Peace Corps.; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; U.S. Information Agency. This classification covers referrals from the Civil Service Commission where an allegation has been received regarding an applicant's loyalty to the U.S. Government. These referrals refer to applicants from Peace Corps., Department of Energy, National Aeronautics and Space Administration, Nuclear Regulatory Commission, United States Arms Control and Disarmament Agency and the United States Information Agency.

152. Switchblade Knife Act. Title 15, United States Code, Sections 1241 through 1244.

153. Automobile Information Disclosure Act. Title 15, United States Code, Sections 1231, 1232 and 1233.

154. Interstate Transportation of Unsafe Refrigerators. Title 15, United States Code, Sections 1211 through 1214.

155. National Aeronautics and Space Act of 1958. Title 18, United States Code, Section 799.

156. Employee Retirement Income Security Act. Title 29, United States Code, Sections 1021–1029, 1111, 1131, and 1141; Title 18, United States Code, Sections 644, 1027, and 1954.

157. Civil Unrest. This classification concerns FBI responsibility for reporting information on civil disturbances or demonstrations. The FBI's investigative responsibility is based on the Attorney General's Guidelines for Reporting on Civil Disorders and Demonstrations Involving a Federal Interest which became effective April 5, 1976.

158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete). Pub. L. 86–257, Section 504.

159. Labor-Management reporting and Disclosure Act of 1959 (Investigative Matter). Title 29, United States Code, Sections 501, 503, 504, 522, and 530.

160. Federal Train Wreck Statute. Title 18, United States Code, Section 1992.

161. Special Inquiries for White House, Congressional Committee and Other Government Agencies. This classification covers investigations requested by the White House, Congressional committees or other Government agencies.

162. Interstate Gambling Activities. This classification covers information acquired concerning the nature and scope of illegal gambling activities in each field office.

163. Foreign Police Cooperation. This classification covers requests by foreign police for the FBI to render investigative assistance to such agencies.

164. Crime Aboard Aircraft. Title 49, United States Code, Sections 1472 and 1473.

165. Interstate Transmission of Wagering Information. Title 18, United States Code, Section 1084.

166. Interstate Transportation in Aid of Racketeering. Title 18, United States Code, Section 1952.

167. Destruction of Interstate Property. Title 15, United States Code, Sections 1281 and 1282.

168. Interstate Transportation of Wagering Paraphernalia. Title 18, United States Code, Section 1953.

169. Hydraulic Brake Fluid Act (obsolete); 76 Stat. 437, Pub. L. 87–637.

170. Extremist Informants (obsolete). This classification concerns individuals who provided information on a continuing basis on various extremist elements.

171. Motor Vehicle Seat Belt Act (obsolete). Pub. L. 88–201, 80th Congress.

172. Sports Bribery. Title.

173. Public Accommodations, Civil Rights Act of 1964 Public Facilities, Civil Rights Act of 1964 Public Education, Civil Rights Act of 1964 Employment, Civil Rights Act of 1964. Title 42, United States Code, Section 2000; Title 18, United States Code, Section 245.

174. Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats). Title 18, United States Code, Section 844.

175. Assaulting the President (or Vice President) of the United States. Title 18, United States Code, Section 1751.

176. Anti-riot Laws. Title 18, United States Code, Section 245.

177. Discrimination in Housing. Title 42, United States Code, Sections 3601–3619 and 3631.

178. Interstate Obscene or Harassing Telephone Calls. Title 47, United States Code, Section 223.

179. Extortionate Credit Transactions. Title 18, United States Code, Sections 891–896.

180. Desecration of the Flag. Title 18, United States Code, Section 700.

181. Consumer Credit Protection Act. Title 15, United States Code, Section 1611.

182. Illegal Gambling Business; Illegal Gambling Business, Obstruction; Illegal Gambling Business, Forfeiture. Title 18, United

States Code, Section 1955; Title 18, United States Code, Section 1511.

183. Racketeer, Influence and Corrupt Organizations. Title 18, United States Code, Sections 1961-1968.

184. Police Killings. This classification concerns investigations conducted by the FBI upon written request from local Chief of Police or duly constituted head of the local agency to actively participate in the investigation of the killing of a police officer. These investigations are based on a Presidential Directive dated June 3, 1971.

185. Protection of Foreign Officials and Officials Guests of the United States. Title 18, United States Code, Sections 112, 970, 1116, 1117 and 1201.

186. Real Estate Settlement Procedures Act of 1974. Title 12, United States Code, Section 2602; Title 12, United States Code, Section 2606; and Title 12, United States Code, Section 2607.

187. Privacy Act of 1974, Criminal. Title 5, United States Code, Section 552a.

188. Crime Resistance. This classification covers FBI efforts to develop new or improved approaches, techniques, systems, equipment and devices to improve and strengthen law enforcement as mandated by the Omnibus Crime Control and Safe Streets Act of 1968.

189. Equal Credit Opportunity Act. Title 15, United States Code, Section 1691.

190. Freedom of Information/Privacy Acts. This classification covers the creation of a correspondence file to preserve and maintain accurate records concerning the handling of requests for records submitted pursuant to the Freedom of Information—Privacy Acts.

191. False Identify Matters. This classification covers the FBI's study and examination of criminal elements efforts to create false identities.

192. Hobbs Act—Financial Institutions. Title 18, United States Code, Section 1951.

193. Hobbs Act—Commerical Institutions. Title 18, United States Code, Section 1951; and Title 47, United States Code, Section 506.

194. Hobbs Act—Corruption of Public Officials. Title 18, United States Code, Section 1951.

195. Hobbs Act—Labor Related. Title 18, United States Code, Section 1951.

196. Fraud by Wire. Title 18, United States Code, Section 1343.

197. Civil Actions or Claims Against the Government. This classification covers all civil suits involving FBI matters and most administrative claims filed under the Federal Tort Claims Act arising from FBI activities.

198. Crime on Indian Reservations. Title 18, United States Code, Sections 1151, 1152, and 1153.

199. Foreign Counterintelligence—Terrorism. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

200. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

201. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

202. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

203. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

204. Federal Revenue Sharing. This classification covers FBI investigations conducted where the Attorney General has been authorized to bring civil action whenever he has reason to believe that a pattern or practice of discrimination in disbursement of funds under the Federal Revenue Sharing statute exists.

205. Foreign Concept Practices Act of 1977. Title 15, United States Code, Section 78.

206. Fraud Against the Government—Department of Defense. (See classification 46 (supra) for statutory authority for this and the four following classifications).

207. Fraud Against the Government—Environmental Protection Agency.

208. Fraud Against the Government—General Services Administration.

209. Fraud Against the Government—Department of Health, Education and Welfare.

210. Fraud Against the Government—Department of Labor.

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Administrative Index (ADEX)	Consists of cars with descriptive data on individuals who were subject to investigation in a national emergency because they believed to constitute a potential or active threat to the internal security of the United States. When ADEX was started in 1971, it was made up of people who were formerly on the Security Index, Reserve Index, and Agitator Index. The index is maintained in two separate locations in FBI Headquarters. ADEX was discontinued in January 1976. The computer section of the FBI has in storage on computer tape all the individuals who were on ADEX when it was discontinued.	Inactive	Yes	Yes (29)
Anonymous Letter File	*Consists of photographs of anonymous communications and extortionate credit transactions; kidnapping, extortion and threatening letters.*	*Active*	*Yes*	*No*
Associates of DEA Class I Narcotics Violators Listing.	Consists of a computer listing of individuals whom DEA has identified as associates of Class I Narcotics Violators.	Active	Yes	Yes (59)
Background Investigation Index—Department of Justice.	Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with Department of Justice, such as U.S. Attorney, Federal judge, or a high level Departmental position.	Active	Yes	No
Background Investigation Index—White House, Other Executive Agencies, and Congress.	Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with the White House, Executive agencies (other than the Department of Justice) and the Congress.	Active	Yes	No
Bank Fraud and Embezzlement Index	Consists of individuals who have been the subject of "Bank Fraud and Embezzlement" investigation. This file is used as an investigative aid.	Active	No	Yes (1)
Bank Robbery Album	Consists of photos of bank robbers, burglarers, and larency subjects. In some field offices it will also contain pictures obtained from local police departments of known armed robbers and thus potential bank robbers. This index is used to develop investigative leads in bank robbery cases and may also be used to show to witnesses of bank robberies. It is usually filed by race, height, and age. This index is also maintained in one resident agency (a suboffice of a field office).	Active	No	Yes (47)
Bank Robbery Nickname Index	Consists of nicknames used by known bank robbers. The index card on each would contain the real name and method of operation and are filed in alphabetical order.	Active	No	Yes (1)
Bank Robbery Note File	Consists of photographs of notes used in bank robberies in which the suspect has been identified. This index is used to help solve robberies in which the suspect has not been identified but a note was left. The note is compared with the index to try to match the sentence structure and handwriting for the purpose of identifying possible suspects.	Active	Yes	No
Bank Robbery Suspect Index	Consists of a control file or index cards with photos, if available, or bank robbers of burglars. In some field offices these people may be part of the bank robbery album. This index is generally maintained and used in the same manner as the bank robbery album.	Active	No	Yes (33)
Car Ring Case Photo Album	Consists of photos of subject and suspects involved in a large car theft ring investigation. It is used as an investigative aid.	Active	No	Yes (3)
Car Ring Case Photo Album and Index	Consists of photos of subjects and suspects involved in a large car theft ring investigation. The card index maintained in addition to the photo album contains the names and addresses appearing on fraudulent title histories for stolen vehicles. Most of these names appearing on these titles are fictitious. Both the photo album and card indexes are used as an investigative aid.	Active	No	Yes (1)
Car Ring Case Toll Call Index	Consists of cards with information on persons who subscribe to telephone numbers to which toll calls have been placed by the major subjects of a large car theft ring investigation. It is maintained numerically by telephone number. It is used to facilitate the development of probable cause for a court-approved wiretap.	Active	No	Yes (2)

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Car Ring Theft Working Index	Contains cards on individuals involved in car ring theft cases on which the FBI laboratory is doing examination work.	Active	Yes	No
Cartage Album	Consists of photos with descriptive data of individuals who have been convicted of theft from interstate shipment or interstate transportation of stolen property where there is a reason to believe they may repeat the offense. It is used in investigating the above violations.	Active	No	Yes (3)
Channelizing Index	Consists of cards with the names and case file numbers of people who are frequently mentioned in informant reports. The index is used to facilitate the distributing or channeling of informant reports to appropriate files.	Active	No	Yes (9)
Check Circular File	Consists of fliers filed numerically in a control file on fugitives who are notorious fraudulent check passers and who are engaged in a continuing operation of passing checks. The fliers which include the subject's name, photo, a summary of the subject's method of operation and other identifying data is used to alert other FBI field offices and business establishments which may be the victims of bad checks.	Active	Yes	Yes (43)
Classified Alphabetical Retrieval and Reference Index.	Contains cards on foreign nationals. U.S. citizens and hostile intelligence service targets identified by highly sensitive sources. It is used only for reference and retrieval purposes.	Active	Yes	No

Records Maintained in FBI Field Divisions—FBI field divisions maintain for limited periods of time investigative, administrative and correspondence records, including files, index cards and related material, some of which are duplicated copies of reports and similar documents forwarded to FBI Headquarters. Most investigative activities conducted by FBI field divisions are reported to FBI Headquarters at one or more stages of the investigation. There are, however, investigative activities wherein no reporting was made to FBI Headquarters, e.g., pending cases not as yet reported and cases which were closed in the field division for any of a number of reasons without reporting to FBI Headquarters.

Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Divisions to have immediate access to pertinent information duplicative of data found in the Central Records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative of information contained in the Central Records System. These duplicative records fall into the following categories:

(1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives);

(2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of individuals who are unknown but suspected of involvement in a particular criminal activity, for example, bank surveillance photographs;

(3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime;

(4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants;

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilities access to documents prepared in connection with major cases.

In recent years, as the emphasis on the investigation of white collar crime, organized crime, and hostile foreign intelligence operations has increased, the FBI has been confronted with increasingly complicated cases, which require more intricate information processing capabilities. Since these complicated investigations frequently involve massive volumes of evidence and other investigative information, the FBI uses its computers, when necessary, to collate, analyze, and retrieve investigative information in the most accurate and expeditious manner possible. It should be noted that all investigative information, which is placed in computerized form, is actually extracted from the main files and that the duplicative computerized information is only maintained as necessary to support the FBI's investigative activities. Information from these internal computerized subsystems of the "Central Records System" is not accessed by any other agency. All disclosures of computerized information are made in printed form in accordance with the routine uses which are set forth below.

Records also are maintained on a temporary basis relevant to the FBI's domestic police cooperation program, where assistance in obtaining information is provided to state and local police agencies.

Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

(The following chart idenifies various listings or indexes maintained by the FBI which have been or are being used by various divisions of the FBI in their day-to-day operations. The chart identifies the list by name, description, and use, and where maintained, i.e., FBI Headquarters and/or Field Office. The number in parenthesis in the field office column indicates, the number of field offices which maintain these. The chart indicates, under "status of index," those indexes which are in current use (designated by the word "active") and those which are no longer being used, although maintained (designated by the word "inactive"). There are 24 separate indices which are classified in accordance with existing regulations and are not included in this chart. The following indices are no longer being used by the FBI and are being maintained at FBIHQ pending receipt of authority to destory: Black Panther Party Photo Index; Black United Front Index; Security Index; and Wounded Knee Album.

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Computerized Telephone Number File (CTNF) Intelligence.	Consists of a computer listing of telephone numbers (and subscriber's names and addresses) *utilized by subjects and/or certain individuals which come to the FBI's attention during major investigations of organized crime and gambling matters and the intelligence activities of hostile foreign powers. During subsequent investigations, telephone numbers, obtained through subpoenas, are matched with the telephone numbers on file to determine connections or associations with known foreign agents or organized crime or gambling figures. The subscriber's names and addresses of the telephone numbers in the file are retrievable by name.*	Active	Yes	No

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Con Man Index	*Consists of index cards with names of individuals, along with company affiliation, who travel nationally and internationally while participating in large-dollar-value financial swindles.*	*Active*	*Yes*	*No*
Confidence Game (Flim Flam) Album	Consists of photos with descriptive information on individuals who have been arrested for confidence games and related activities. It is used as an investigative aid.	Active	No	Yes (4)
Copyright Matters Index	Consists of cards of individuals who are film collectors and film titles. It is used as a reference in the investigation of copyright matters.	Active	No	Yes (1)
Criminal Intelligence Index	Consists of cards with name and file number of individuals who have become the subject of an antiracketeering investigation. The index is used as a quick way to ascertain file numbers and the correct spelling of names. This index is also maintained in one resident agency.	Active	No	Yes (2)
Criminal Informant Index	Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area.	Active	Yes	No
DEA Class I Narcotics Violators Listing	Consists of a computer listing of narcotic violators—persons known to manufacture, supply, or distribute large quantities of illicit drugs—with background data. It is used by the FBI in their role of assisting DEA in disseminating intelligence data concerning illicit drug trafficking. This index is also maintained in two resident agencies.	Active	Yes	Yes (59)
Deserter Index	Contains cards with the names of individuals who are known military deserters. It is used as an investigative aid.	Active	No	Yes (4)
Evidence Control Index	Consists of cards maintained by the FBI laboratory containing the names of suspects victims, etc., in matters which are currently under examination or have undergone examination within the last 3 years. The index is used to facilitate the efficient management of evidence examinations.	Active	Yes	No
Extremist Informant Index	Consists of cards with identity and background data on all inactive extremist informants. It was used as a reference to aid in the supervision of the informant program. This index was discontinued in November 1976.	Inactive	Yes	No
Extremist Photo Album	Consists of photos mounted on pages containing descriptions of known extremist fugitives and informants. All persons in the Key Extremist program were included in this album. Used for ready reference and fugitive identification. This photo album was discontinued in January 1977.	Inactive	Yes	Yes (20)
False Identities Index	Contains cards with the names of deceased individuals whose birth certificates have been obtained by other persons for possible false identification uses and in connection with which the FBI laboratory has been requested to perform examinations.	*Inactive*	Yes	No
False Identities Program List	Consists of a listing of names of deceased individuals whose birth certificates have been obtained after the person's death, and thus whose names are possibly being used for false identification purposes. The listing is maintained as part of the FBI's program to find persons using false identities for illegal purposes.	*Inactive*	No	Yes (31)
False Identity Photo Album	Consists of names and photos of people who have been positively identified as using a false identification. This is used as an investigative aid in the FBI's investigation of false identities.	*Inactive*	No	Yes (2)
FBI Wanted Persons Index	Consists of cards on persons being sought on the basis of Federal warrants covering violations which fall under the jurisdiction of the FBI. It is used as a ready reference to identify those fugitives.	Active	Yes	No
Foreign Counterintelligence (FCI) Asset Index	Consists of cards with identity background data on all active and inactive operational and informational assets in the foreign counterintelligence field. It is used as a reference aid of the FCI Asset program.	Active	Yes	No
Fraud Against the Government Index	Consists of individuals who have been the subject of a "fraud against the Government" investigation. It is used as an investigative aid.	Active	No	Yes (1)
Fugitive Bank Robbers File	Consists of fliers on bank robbery fugitives filed sequentially in a control file. FBI Headquarters distributes to the field offices filers on bank robbers in a fugitive status for 15 or more days to facilitate their location.	Active	Yes	Yes (43)
Gambling Case Listing	Consists of a listing of persons under investigation for gambling on which the FBI laboratory has provided assistance since 1969.	Active	Yes	No
General Security Index	Contains cards on all persons that have been the subject of a security classification investigation by the FBI field office. These cards are used for general reference purposes.	Active	No	Yes (1)
Hoodlum License Plate Index	Consists of cards with the license plates numbers and descriptive data on known hoodlums and cars observed in the vicinity of hoodlum homes. It is used for quick identification of such persons in the course of investigation. The one index which is not fully retrievable is maintained by a resident agency.	Active	No	Yes (3)
Identification Order Fugitive Flyer File	Consists of fliers filed numerically in a control file. When immediate leads have been exhausted in fugitive investigations and a crime of considerable public interest has been committed, the fliers are given wide circulation among law enforcement agencies throughout the United States and are posted in post offices. The fliers contain the fugitive's photograph, fingerprints, and description.	Active	Yes	Yes (49)
Informant Index	Consists of cards with the name, symbol numbers, and brief background information on the following categories of active and inactive informants, top echelon criminal informants, security informants, criminal informants, operational and informational assets, extremist informants (discontinued), plant informant—informants on and about certain military bases (discontinued), and potential criminal informants.	Active	No	Yes (59)
Informants in Other Field Offices, Index of	Consists of cards with names and/or symbol numbers of informants in other FBI field offices that are in a position to furnish information that may be of value to other field offices. Basic background information would also be included on the index card.	Active	No	Yes (15)
Interstate Transportation of Stolen Aircraft Photo Album.	Consists of photos and descriptive data on individuals who are suspects known to have been involved in interstate transportation of stolen aircraft. It is used as an investigative aid.	Active	No	Yes (1)
IRS Wanted List	Consists of one-page fliers from IRS on individuals with background information who are wanted by IRS for tax purposes. It is used in the identification of persons wanted by IRS.	Active	No	Yes (11)
Key Activist Program Photo Album	Consists of photos mounted on pages containing descriptive data on selected individuals advocating civil disobedience and other unlawful and disruptive acts. It was used to intensify the investigative effort on those persons. This index was discontinued in February 1975.	Inactive	Yes	Yes (47)
Key Extremist Program Listing	Contains a listing of selected individuals who were under investigation for extremist activities and on whom investigation was to be intensified. Individuals included those who traveled extensively and called for civil disobedience and unlawful or disruptive acts. It was used to intensify the investigative effort on those persons. This index was discontinued in February 1975.	Inactive	Yes	No
Kidnapping Book	Consists of data, filed chronologically, on kidnappings that have occurred since the early fifties. The victims' names and the suspects, if known, would be listed with a brief description of the circumstances surrounding the kidnapping. The file is used as a reference aid in matching up prior methods of operation in unsolved kidnapping cases.	Active	Yes	No
Known Check Passers Album	Consists of photos with descriptive data of persons known to pass stolen, forged, or counterfeit checks. It is used as an investigative aid.	Active	No	Yes (4)

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Known Gambler Index	Consists of cards with names, descriptive data, and sometimes photos of individuals who are known bookmakers and gamblers. The index is used in organized crime and gambling investigations. Subsequent to GAO's review, and at the recommendation of the inspection team at one of the two field offices where the index was not fully retrievable, the index was destroyed and thus is not included in the total.	Active	No	Yes (5)
La Cosa Nostra (LCN) Membership Index	Contains cards on individuals having been identified as members of the LCN index. The cards contain personal data and pictures. The index is used solely by FBI agents for assistance in investigating organized crime matters.	Active	Yes	Yes (55)
Leased Line Letter Request Index	Contains cards on individuals and organizations who are or have been the subject of a national security electronic surveillance where a leased line letter was necessary. It is used as an administrative and statistical aid.	Active	Yes	No
Mail Cover Index	Consists of cards containing a record of all mail covers conducted on individuals and groups since about January 1973. It was used for reference in preparing mail cover requests. This index was discontinued in 1975.	Inactive	Yes	No
Military Deserter Index	Consists of cards containing the names of all military deserters where the various military branches have requested FBI assistance in locating. It is used as an administrative aid.	Active	Yes	No
National Bank Robbery Album	Consists of fliers on bank robbery suspects filed sequentially in a control file. When an identifiable bank camera photograph is available and the case has been under investigation for 30 days without identifying the subject, FBIHQ sends a flier to the field offices to help identify the subject.	Active	Yes	Yes (42)
National Fraudulent Check File	Contains photographs of the signatures on stolen and counterfeit checks. It is filed alphabetically but there is no way of knowing if the names are real or fictitious. The index is used to help solve stolen check cases by matching checks obtained in such cases against the index to identify a possible suspect.	Active	Yes	No
National Security Electronic Surveillance Card File (Institutions).	Contains cards on individuals and organizations on whom a National Security Electronic Surveillance has been instituted. It is used as an administrative and statistical aid.	Active	Yes	No
National Security Electronic Surveillance Card File (Requests).	Contains cards on individuals and organizations on whom a National Security Electronic Surveillance has been requested. It is used as an administrative and statistical aid.	Active	Yes	No
Night Depository Trap Index	Contains cards with the names of persons who have been involved in the theft of deposits made in bank night depository boxes. Since these thefts have involved various methods, the FBI uses the index to solve such cases by matching up similar methods to identify possible suspects.	Active	Yes	No
Organized Crime Photo Album	Consists of photos and background information on individuals involved in organized crime activities. The index is used as a ready reference in identifying organized crime figures within the field offices' jurisdiction.	Active	No	Yes (13)
Photospread Identification Elimination File	Consists of photos of individuals who have been subjects and suspects in FBI investigations. It also includes photos received from other law enforcement agencies. These pictures can be used to show witnesses of certain crimes.	Active	No	Yes (14)
Prostitute Photo Album	Consists of photos with background data on prostitutes who have prior local or Federal arrests for prostitution. It is used to identify prostitutes in connection with investigations under the White Slave Traffic Act.	Active	No	Yes (4)
Real Estate Listings Computer Printout	Consists of a computer printout maintained by name of (a particular city's) real estate listings in Multiple Listing Service for 1974–1975. It was used in connection with an investigation.	Inactive	No	Yes, Springfield, Ill.
Royal Canadian Mounted Police (RCMP) Wanted Circular File.	Consists of a control file of individuals with background information of persons wanted by the RCMP. It is used to notify the RCMP if an individual is located.	Active	No	Yes (17)
Security Informant Index	Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area.	Active	Yes	No
Security Subjects Control Index	Consists of cards containing the names and case file numbers of individuals who have been subject to security investigations check. It is used as a reference source.	Active	No	Yes (1)
Security Telephone Number Index	Contains cards with telephone subscriber information subpenaed from the telephone company in any security investigation. It is maintained numberically by the last three digits in the telephone number. It is used for general reference purposes in security investigations.	Active	No	Yes (1)
Selective Service Violators Index	Contains cards on individuals being sought on the basis of Federal warrants for violation of the Selective Service Act.	Active	Yes	No
Skyjack Fugitive Album	Contains photographs with descriptive data of fugitives wanted for skyjacking. It is used as a reference aid in cases where the fugitive may reenter the United States.	Active	Yes	Yes (5)
Sources of Information Index	Consists of cards on individuals and organizations such as banks, motels, local governments that are willing to furnish information to the FBI with sufficient frequency to justify listing for the benefit of all agents. It is maintained to facilitate the use of such sources.	Active	No	Yes (10)
Special Services Index	Contains cards of prominent individuals who are in a position to furnish assistance in connection with FBI investigative responsibilities.	Active	No	Yes (28)
Stolen Checks and Fraud by Wire Index	Consists of cards on individuals involved in check and fraud by wire violations. It is used as an investigative aid.	Active	No	Yes (1)
Stop Notices Index	Consists of cards on names of subjects or property where the field office has placed a stop at another law enforcement agency or private business such as pawn shops in the event information comes to the attention of that agency concerning the subject or property. This is filed numerically by investigative classification. It is used to insure that the agency where the stop is placed is notified when the subject is apprehended or the property is located or recovered.	Active	No	Yes (43)
Surveillance Locator Index	Consists of cards with basic data on individuals and businesses which have come under physical surveillance in the city in which the field office is located. It is used for general reference purposes in antiracketeering investigations.	Inactive	Yes	Yes (2)
Symbionese Liberation Army (SLA) Index	Contains cards with mixed subject entries such as individuals, weapons, vehicles, etc., thought to have a connection with the SLA. It was used to tabulate and retrieve data relating to SLA activities.	Inactive	Yes	Yes (2)
Telephone Number Index—Gamblers	Contains information on persons identified usually as a result of a subpena for the names of subscribers to particular telephone numbers or toll records for a particular phone number of area gamblers and bookmakers. The index cards are filed by the last three digits of the telephone number. The index is used in gambling investigations.	Active	No	Yes (2)
Telephone Subscriber and Toll Record Check Index.	Contains cards with information on person identified as the result of a formal request or subpena to the phone company for the identity of subscribers to particular telephone numbers. The index cards are filed by telephone number and would also include identity of the subscriber, billing parties identity, subscribers address, date of request from the telephone company, and file number.	Active	No	Yes (1)
Thieves, Couriers, and Fences Photo Index	Consists of photos and background information on individuals who are or are suspected of being thieves, couriers, or fences based on their past activity in the area of interstate transportation of stolen property. It is used as an investigative aid.	Active	No	Yes (4)
Toll Record Request Index	Contains cards on individuals and organizations on whom toll records have been obtained in national security related cases and with respect to which FBIHQ had to prepare a request letter. It is used primarily to facilitate the handling of repeat requests on individuals listed.	Active	Yes	No

Title of index	Description and use	Status of index	Maintained at—	
			Headquarters	Field office
Top Burglar Album	Consists of photos and background data of known and suspect top burglars involved in the area of interstate transportation of stolen property. It is used as an investigative aid.	Active	No	Yes (4)
Top Echelon Criminal Informant Program (TECIP) Index.	Consists of cards containing identity and brief background information on individuals who are either furnishing high level information in the organized crime area or are under development to furnish such information. The index is used primarily to evaluate, corroborate, and coordinate informant information and to develop prosecutive data against racket figures under Federal, State, and local statutes.	Active	Yes	No
Top Ten Program File	Consists of fliers, filed numerically in a control file, on fugitives considered by the FBI to be 1 of the 10 most wanted. Including a fugitive on the top 10 usually assures a greater national news coverage as well as nationwide circularization of the flier.	Active	Yes	Yes (44)
Top Thief Program Index	Consists of cards of individuals who are professional burglars, robbers, or fences dealing in items likely to be passed in interstate commerce or who travel interstate to commit the crime. Usually photographs and background information would also be obtained on the index card. The index is used as an investigative aid.	Active	No	Yes (27)
Truck Hijack Photo Album	Contains photos and descriptive data of individuals who are suspected truck hijackers. It is used as an investigative aid and for displaying photos to witnesses and/or victims to identify unknown subjects in hijacking cases.	Active	No	Yes (4)
Truck Thief Suspect Photo Album	Consists of photos and background data on individuals previously arrested or are currently suspects regarding vehicle theft. the index is used as an investigative aid.	Active	No	Yes (1)
Traveling Criminal Photo Album	Consists of photos with identifying data of individuals convicted of various criminal offenses and may be suspects in other offenses. It is used as an investigative aid.	Active	No	Yes (1)
Veterans Administration (VA)/Federal Housing Administrative Matters (FHA) Index.	Consists of cards of individuals who have been subject of an investigation relative to VA and FHA matters. It is used as an investigative aid.	Active	No	Yes (1)
Wanted Fliers File	Consists of fliers, filed numerically in a control file, on badly wanted fugitives whose apprehension may be facilitated by a flier. The flier contains the names, photograph, aliases, previous convictions, and a caution notice.	Active	Yes	Yes (46)
Wheeldex	Contains the nicknames and case file numbers of organized crime members. It is used in organized crime investigations.	Active	No	Yes (1)
White-Collar Crime Index—SBA Loans	Consists of a computer printout of individuals who received an SBA loan in one county because of a flood in 1973. This was used to help determine which loan to investigate for possible fraud.	Inactive	No	Yes, Springfield, Ill.
White House Special Index	Contains cards on all potential White House appointees, staff members, guests, and visitors that have been referred to the FBI by the White House security office for a records check to identify any adverse or derogatory information. This index is used to expedite such checks in view of the tight time frame usually required.	Active	Yes	No
Witness Protection Program Index	Contains cards on individuals who have been furnished a new identity by the U.S. Justice Department because of their testimony in organized crime trials. It is used primarily to notify the U.S. Marshal's Service when information related to the safety of a protected witness comes to the FBI's attention.	Active	Yes	No

Authority for maintenance of the system: Federal Records Act of 1950, Title 44, United States Code, Chapter 31, Section 3101; and Title 41, Code of Federal Regulations Subpart 101-11.202, requires Federal agencies to insure that adequate and proper records are made and preserved to document the organization, functions, policies, decisions, procedures and transactions and to protect the legal and financial rights of the Federal Government. Title 28, United States Code, Section 534, delegates authority to the Attorney General to acquire, collect, classify, and preserve identification, criminal identification, crime and other records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records, both investigative and administrative, are maintained in this system in order to permit the FBI to function efficiently as an authorized, responsive component of the Department of Justice. Therefore, information in this system is disclosed to officials and employees of the Department of Justice, and/or all components thereof, who have need of the information in the performance of their official duties.

Personal information from this system may be disclosed as a routine use to any Federal agency where the purpose in making the disclosure is compatible with the law enforcement purpose for which it was collected, e.g., to assist the recipient agency in conducting a lawful criminal or intelligence investigation, to assist the recipient agency in making a determination concerning an individual's suitability for employment and/or trustworthiness for access clearance purposes, or to assist the recipient agency in the performance of any authorized function where access to records in this system is declared by the recipient agency to be relevant to that function.

In addition, personal information may be disclosed from this system to members of the Judicial Branch of the Federal Government in response to a specific request, or at the initiation of the FBI, where disclosure appears relevant to the authorized function of the recipient judicial office or court system. An example would be where an individual is being considered for employment by a Federal judge.

Information on this system may be disclosed as a routine use to any state or local government agency directly engaged in the criminal justice process, e.g., police, prosecution, penal, probation and parole, and the judiciary, where access is directly related to a law enforcement function of the recipient agency, e.g., in connection with a lawful criminal or intelligence investigation, or making a determination concerning an individual's suitability for employment as a state or local law enforcement officer. Disclosure to a state or local government agency, (a) not directly engaged in the criminal justice process or, (b) for a licensing or regulatory function, is considered on an individual basis only under exceptional circumstances, as determined by the FBI.

Information in this system may be disclosed as a routine use to an organization or individual in both the public or private sector pursuant to an appropriate legal proceeding, or if deemed necessary to elicit information or cooperation from the recipient for use by the FBI in the performance of an authorized activity. An example would be where the activities of an individual are disclosed to a member of the public in order to elicit his/her assistance in our apprehension or detection efforts.

Information in this system may be disclosed as a routine use to an organization or individual in the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy, to the extent the information is relevant to the protection of life or property.

Information in this system may be disclosed to legitimate agency of a foreign government where the FBI determines that the information is relevant to that agency's responsibilities, and dissemination serves the best interests of the U.S. Government, and where the purpose in making the disclosure is compatible with the purpose for which the information was collected.

Relevant information may be disclosed from this system to the news media and general public where there exists a legitimate public interest, e.g., to assist in the location of Federal fugitives, to provide notification of arrests, and where necessary for protection from imminent threat of life or property.

A record relating to an actual or potential civil or criminal violation of the copyright statute, Title 17, United States Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such title.

The FBI has received inquiries from private citizens and Congressional offices on behalf of constituents seeking assistance in locating individuals such as missing children and heirs to estates. Where the need is acute, and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the requester. Information will be provided only in those instances where there are reasonable grounds to conclude from available information the individual being sought would want the information to be furnished, e.g., an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority.

Release of information to Members of Congress. Information contained in this system, the release of which is required by the Freedom

of Information-Privacy Acts, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information in behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The active main files are maintained in hard copy form and some inactive records are maintained on microfilm. Investigative information which is maintained in computerized form may be stored in memory, on disk storage, on computer tape, or on a computer printed listing.

Retrievability: The FBI General Index must be searched to determine what information, if any, the FBI may have in its files. The index cards are on all manner of subject matters, but primarily a name index of individuals. It should be noted the FBI does not index all individuals that furnish information or names developed in an investigation. Only that information that is considered pertinent and relevant and essential for future retrieval, is indexed. In certain major cases most persons contacted are indexed in order to facilitate the proper administrative handling of a large volume of material. The FBI is in the process of automating the General Index and, therefore, the retrieval of certain information from the main files will be accomplished through the use of peripheral computer equipment, that is, Cathode Ray Tubes (CRTs) and printers. Automation will not change the "Central Records System"; it will only facilitate more economic and expeditious access to the main files. The automated General Index will not cause the "Central Records System" to be interfaced with any other system of records, nor will it allow any outside agency to access FBI information. Since the General Index of all of the field offices will not be automated for quite some time, certain complicated investigative matters are presently supported with special computerized indices which allow retrieval of information from the main files. These special indices are either maintained on printed listings or on disk storage and then accessed through the use of CRTs.

Safeguards: Records are maintained in a restricted area and are accessed only by FBI employees. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a ten thousand-dollar fine or 10 years' imprisonment or both. Employees that resign or retire are also cautioned about divulging information acquired in the job. Registered mail is used to transmit routine hard copy records between field offices. Highly classified records are hand carried by Special Agents or personnel of the Armed Forces Courier Service. Highly classified or sensitive privacy information, which is electronically transmitted between field offices, is transmitted in encrypted form to prevent interception and interpretation. Information transmitted in teletype form is placed in the main files of both the receiving and transmitting field offices. Field offices involved in certain complicated investigative matters may be provided with on-line access to the duplicative computerized information which is maintained for them on disk storage in the FBI Computer Center in Washington, D.C., and this computerized data is also transmitted in encrypted form.

Retention and disposal: The Bureau, by its investigative mandate, collects and maintains information from a wide variety of sources. The records support the Bureau's investigative and administrative needs and its obligation to act as a clearinghouse under Executive Order 10450 regarding the security of Government employees. An active destruction program includes microfilming of certain files over 10 years old and researching files, to determine whether they contain sufficient historical, research, investigative, or intelligence value to warrant their retention. The Code of Federal Regulations, Title 41, and Title 44 of the U.S. Code set forth Records Management procedures to be followed by government agencies in relation to their records. All agencies are required to retain any material made or received during the course of public business which has been preserved or is appropriate for preservation. Accordingly, disposition of records material must be in accordance with established regulations. Subsequent destruction is accomplished through authority granted by National Archives and Records Service, GSA, utilizing either the General Records Schedules or a specific request for record destruction which is approved by the Archivist. Records are also destroyed or returned to source as a result of Court Order. Subsequent to January 27, 1975, a Congressional moratorium on all destruction, and a later decision rendered on further retention of security and intelligence material, has substantially reduced the tangible effects of the destruction program. Hard copy computer printed listings of investigative information which have been placed in the main files are retained in accordance with the established regulations for all information in the "Central Records System." Computerized information, restricted to internal FBI use to support its need to collate, analyze, and retrieve investigative information from the main files, is disposed of when it is no longer required.

System manager(s) and address: Director; Federal Bureau of Investigation; Washington, D.C. 20535.

Notification procedure: Same as above.

Record access procedures: A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request". Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject mater of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests can be addressed to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, or individually to one or more of the FBI field divisions or Legal Attaches listed in the appendix to this system notice.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: The FBI, by the very nature and requirment to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3)(d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), (f), (g), of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k), Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and are being published in the proposed rules section of today's Federal Register.

Appendix of Field Divisions for the Federal Bureau of Investigation Field Office

502 U.S. Post Office and Court House, Albany, N.Y. 12207.
4303 Federal Office Building, Albuquerque, N. Mex. 87101.
Room 500, 300 North Lee Street, Alexandria, Va. 22314.
Room 238, Federal Building, Anchorage, Alaska 99510.
275 Peachtree Street, N.E., Atlanta, Ga. 30303.
7142 Ambassador Road, Baltimore, Md. 21207.
Room 1400–2121 Building, Birmingham, Ala. 35203.
John F. Kennedy Federal Office Building, Boston, Mass. 02203.
Room 1400–111 West Huron Street, Buffalo, N.Y. 14202.
115 U.S. Court House and Federal Building, Butte, Mont. 59701.
1120 Jefferson Standard Life Building, Charlotte, N.C. 28202.
Room 905, Everett McKinley Dirksen Building, Chicago, Ill. 60604.
400 U.S. Post Office and Court House Building, Cincinnati, Ohio 45202.
3005 Federal Office Building, Cleveland, Ohio 44199.
1529 Hampton Street, Columbia, S.C. 29201.
Room 200, 1810 Commerce Street, Dallas, Tex. 75201.
Room 18218, Federal Office Building, Denver, Colo. 80202.
Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, Mich. 48226.
202 U.S. Court House Building, El Paso, Tex. 79901.
Kalanianaole Federal Building, Room 4307, 300 Ala. Moana Boulevard, Honolulu, Hawaii 96850.
6015 Federal Building and U.S. Court House, Houston, Tex. 77002.
575 North Pennsylvania Street, Indianapolis, Ind. 46202.
800 Unifirst Federal Savings & Loan Building, Jackson, Miss. 39205.
Oaks V, Fourth Floor, 7820 Arlington Expressway, Jacksonville, Fla. 32211
Room 300–U.S. Courthouse, Kansas City, Mo. 64106.
Room 800, 1111 Northshore Drive, Knoxville, Tenn. 37919.
Room 2–011, Federal Office Building, Las Vegas, Nev. 89101.

215 U.S. Post Office Building, Little Rock, Ark. 72201.
11000 Wilshire Boulevard, Los Angeles, Calif. 90024.
Room 502, Federal Building, Louisville, Ky. 40202.
841 Clifford Davis Federal Building, Memphis, Tenn. 38103.
3801 Biscayne Boulevard, Miami, Fla. 33137.
Room 700, Federal Building and U.S. Court House, Milwaukee, Wis. 53202.
392 Federal Building, Minneapolis, Minn. 55401.
520 Federal Building, Mobile, Ala. 36602.
Gateway I, Market Street, Newark, N.J. 07101.
Federal Building, 170 Orange Street, New Haven, Conn. 06510.
701 Loyola Avenue, New Orleans, La. 70113.
26 Federal Plaza, New York, N.Y. 10007.
Room 300, 870 Military Highway, Norfolk Va. 23502.
50 Penn Place, N.W., 50th at Pennsylvania, Oklahoma City, Okla. 73118.
Room 7401, Federal Building, 215 North 17th Street, Omaha, Nebr. 68102.
8th Floor, Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106.
2721 North Central Avenue, Phoenix, Ariz. 85004.
1300 Federal Office Building, Pittsburgh, Pa. 15222.
Crown Plaza Building, Portland, Oreg. 97201.
200 West Grace Street, Richmond, Va. 23220.
Federal Building, 2800 Cottage Way, Sacramento, Calif. 95825.
2704 Federal Building, St. Louis, Mo. 63103.
3203 Federal Building, Salt Lake City, Utah 84138.
433 Federal Building, Box 1630, San Antonio, Tex. 78296.
Federal Office Building, Room 6S31, 880 Front Street, San Diego, Calif. 92188.
450 Golden Gate Avenue, San Francisco, Calif. 94102.
U.S. Courthouse and Federal Building, Room 526, Hato Rey, P.R. 00918.
5401 Paulson Street, Savannah, Ga. 31405.
915 Second Avenue, Seattle Washington 98174.
535 West Jefferson Street, Springfield, Ill. 62702.
Room 610, Federal Office Building, Tampa, Fla. 33602.
Washington Field Office, Washington, D.C. 20535.
Federal Bureau of Investigation Academy, Quantico, Va. 22135.
Legal Attache (AH c/o the American Embassy for the Cities Indicated):
Bern, Switzerland.
Bonn, Germany (Box 310, APO, New York 09080).
Buenos Aires, Argentina.
Caracas, Venezuela (APO, New York 09893).
Hong Kong, B.C.C. (FPO, San Francisco 96659).
London, England (Box 40, FPO, New York 09510).
Manila, Phillippines (APO, San Francisco 96528).
Mexico City, Mexico.
Ottawa, Canada.
Paris, France (APO, New York 09777).
Rome, Italy (APO, New York 09794).
Tokyo, Japan (APO, San Francisco 96503).

JUSTICE/FBI-009

System name: Identification Division Records System.

System location: Federal Bureau of Investigation: J. Edgar Hoover Bldg.; 10th and Pennsylvania Avenue, N.W.; Washington, D.C. 20535.

Categories of individuals covered by the system: A. Individuals fingerprinted as a result of arrest or incarceration by Federal, State or local law enforcement agencies.

B. Persons fingerprinted as a result of Federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

Categories of records in the system: A. Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as 'rap sheets' which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained in the system.

D. An alphabetical name index pertaining to each individual whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files and each file has an alphabetical name index related to the data contained therein.

Authority for maintenance of the system: The system is established, maintained and used under authority granted by 28 U.S.C. 534 and P.L. 92-544 (86 Stat. 1115). The authority is also codified in 28 C.F.R. 0.85 (b), and (j).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The FBI operates the Identification Division Records System to perform identification and criminal history record information functions for federal, state, local, and foreign criminal justice agencies, and for noncriminal justice agencies, and other entities where authorized by Federal statute, state statute pursuant to Public Law 92-544 (86 Stat. 1115), Presidential executive order, or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters, missing person cases, and for other humaintarian pruposes. With regard to missing persons, the FBI Identification Division receives inquiries from private citizens, insurance companies, law enforcement agencies and members of Congress on behalf of constituents, seeking assistance in locating missing children, relatives and heirs of estates. Where the need is acute and where it appears the FBI Identification Division files may be the only source or means of locating the missing person, consideration is given to furnishing information, limited to identity and whereabouts, to the inquiring invividual/agency. Information is provided only in those instances where there is a reasonable belief, based on the information at hand, that the missing individual would want the information to be furnished. Dissemination is also conducted in accordance with Public Law 94-29, known as the Securities Acts Amendments of 1975.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (MARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored manually in file cabinets either in its natural state or on microfilm. In addition, some of the information is stored electronically in converting the manual system to an automated system.

Retrievability: (1) All information in the system is retrievable by technical fingerprint classification index and positive identification is effected only by comparison of the unique characteristics obtained from fingerprint impressions submitted for search against the fingerprint cards maintained within the system.

(2) An auxiliary means of retrieval is through the alphabetical same indexes which contain names of the individuals, their birth date, other physical descriptors and the individuals' technical fingerprint classifications and FBI numbers, if such have been assigned.

(3) The name of an individual and his FBI number may assist in retrieval of information about that individual from within the system. Since July, 1971, all individuals whose fingerprints have been placed in the criminal file have been assigned unique FBI numbers. Prior to July, 1971, all individuals who had two or more fingerprint cards in the criminal file were assigned FBI numbers.

Safeguards: Information in the system is unclassified. Disclosure of information from within the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

Retention and disposal: (1) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 80 years of age and the destruction of records maintained in the civil file when the records indicate individuals have reached 75 years of age.

(2) Fingerprint cards and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained within the system.

(3) Fingerprint cards submitted by state and local criminal justice agencies are returned upon requests of the submitting agencies. The return of a fingerprint card under this procedure results in the deletion from the system of all arrest information related to that fingerprint card.

(4) Fingerprint cards and related arrest data are removed from the Identification Division Records System upon receipt of Federal court orders for expunctions when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the Federal Government, the Identification Division Records System, as a matter of comity, returns fingerprint cards and related arrest data to local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying informations.

System manager(s) and address: Director, Federal Bureau of Investigation, 10th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

Notification procedure: Address inquiries to the System Manager. The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act.

Record access procedures: The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act. However, pursuant to 28 C.F.R. 16.30-34, and Rules and Regulations promulgated by the Department of Justice on May 20, 1975 at 40 Fed. Reg. 22114 (Section 20.34) for Criminal Justice Information Systems, an individual its permitted access to his identification record maintained in the Identification Divison Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

Contesting record procedures: Same as the above.

Record source categories: See Categories of Individuals.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (c)(1), (2) and (3), (c)(4)(G), (H), (e)(5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/CRM—026

System name: Index of Prisoners Transferred Under Prisoner Transfer Treaties.

System location: U.S. Department of Justice; Criminal Division; 10th and Constitution Ave., N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Prisoners transferred to or from prisons in the United States under prisoner transfer treaties with other countries.

Categories of records in the system: The system consists of alphabetical indicies bearing individual names of prisoners involved in transfers and the tape recordings and occasional verbatim transcripts of consent verification hearings held pursuant to 18 U.S.C. 4107 and 4108, as well as copies of consent verification forms.

Authority for maintenance of the system: ths system is maintained to implement the provisions of 18 U.S.C. 4107(e) and 4108(e). The records maintained in the system are used in conjunction with litigation relating to transfer of prisoners under prisoner transfer treaties.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is used by personnel of the Office of International Affairs of the Criminal Division to confirm the status of verification consent proceedings and to provide a readily retrievable record in the event of litigation on the issue of consent to the transfer. In addition, a record may be disseminated to the court, to court personnel, and to parties and their counsel in any litigation brought on the issue of proper consent to a prisoner transfer; to a state, local or foreign government, at its request, when the record relates to one of its past or present prisoners who have been the subject of a consent verification hearing; and, to any foreign government that is a party to an applicable treaty in a scheduled report that is required by the treaty.

Release of information to the news media and the public: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarrented invasion of personal privacy.

Release of information to Members of Congress: Information contained in the system not otherwise required to be relaesed pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record of the system of records may be disclosed to the National Archives and Records Service (NARS) for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Verification consent forms and tape recordings are stored in file drawer safes.

Retrievability: A record is retrieved from indes cards by the name of the individual and from the file jackets by location and date of the verification consent hearings which appear on the index cards.

Safeguards: The records are stored in file drawer safes. Access to them is limited to personnel of the Office of International Affairs, Criminal Division, United States Department of Justice. The office in which the records are contained is securely locked at night and on weekends.

Retention and disposal: Currently it is planned to maintain records for 10 years in file safes referred to above and then transfer them to the Federal Records Center for retention.

System manager(s) and address: Assistant Attorney General, Criminal Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure: Inquiry concerning this system should be in writing and made to the system manager listed above.

Record access procedures: A request for access to a record contained in this system shall be made in writing to the system manager, with the envelope and letter clearly marked 'Privacy Act Request'. the request shall include the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known. The requester shall also provide a return address for transmitting the information.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager lsited above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Court records and prisoner statements.

Systems exempted from certain provisions of the act: None.

JUSTICE/DAG–007

System name: The United States National Central Bureau (USNCB) (Department of Justice) of the International Criminal Police Organization (INTERPOL) Criminal Investigative Records System.

System location: Department of Justice, Room 6649, 9th and Pennsylvania Avenue, NW., Washington, D.C. 20530.

Categories of individuals covered by the system: Individuals who have been convicted or are subjects of a criminal investigation with international aspects; specific missing persons; specific deceased persons in connection with death notices; individuals who may be associated with certain weapons, motor vehicles, artifacts, etc., stolen and/or involved in a crime; victims of criminal violations in the United States or abroad; and USNCB personnel involved in litigation.

Categories of records in the system: Information concerning fugitives, wanted persons, lookouts (temporary and permanent), specific missing persons, deceased persons in connection with death notices. Information about individuals includes name, alias, date of birth, address, physical description, various identification numbers, reason for the record or lookout, and details and circumstances surrounding the actual or suspected violation.

Authority for maintenance of the system: 22 U.S.C. 263a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used by the following categories of users to conduct or to assist in the conduct of criminal investigations by law enforcement agencies in the United States and abroad. Local, State, and Federal agents and employees of the United States National Central Bureau of INTERPOL who have a need for the records in the performance of their duties; law enforcement agencies and criminal justice agencies in the United States and abroad; INTERPOL General Secretariat and INTERPOL National Central Bureaus in member countries; employees and officials of financial and commercial business firms and private individuals where such release is considered reasonably necessary to obtain in-

formation to further investigative efforts or to apprehend criminal offenders; and translators of foreign languages as necessary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored in file folders and on magnetic disks at the United States National Central Bureau and is accessed only by USNCB-INTERPOL personnel except that certain limited data, i.e., that which concerns fugitives and wanted persons, is stored in the Treasury Enforcement Communications System (TECS), TREASURY/OS 00.102, which is accessed by all law enforcement agencies.

Retrievability: Information is retrieved primarily by name, file number, system identification number, personal identification number, and by weapon or motor vehicle number.

Retention and disposal: Upon inactivity for five years the case file is destroyed except for judicial case files involving personnel in the USNCB. These files are retained for 20 years from the date of the judicial action. Files on deceased persons are destroyed within one year of the person's death. Certain records, such as death notifications and missing person records, are normally destroyed within the year after the matter is received and/or resolved. Records not of continuing interest may be destroyed at any time. Disposal of records is by shredding or burning.

System manager(s) and address: Chief, United States National Central Bureau, INTERPOL, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

Notification procedure: Inquiries regarding whether the system contains a record pertaining to an individual may be addressed to the Chief, United States National Central Bureau, INTERPOL, Department of Justice, Room 6649, 9th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. To enable INTERPOL to identify whether the system contains a record relating to an individual, the requester must submit a written request identifying the record system, identifying the category and type of records sought, and providing the individual's full name and at least two items of secondary information (date of birth, social security number, employee identification number, or similar identifying information).

Systems exempted from certain provisions of the act: The Attorney General has proposed exemption of this system from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and are being published in the Proposed Rules Section of today's Federal Register.

JUSTICE/DEA-015

System name: Training Files

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addreses.

Categories of individuals covered by the system: Individuals who have attended training programs sponsored by the Drug Enforcement Administration National Training Institute.

Categories of records in the system: (A) Student names; (B) Dates and locations of schools; (C) Class average and individual student grades; (D) Locations of student's employers; (E) Number of years experience in general law enforcement and drug law enforcement; (F) Classification of student's employers by State, local, county, or Federal; (G) Type of school attended; (H) Class rosters; (I) Biographic data; (J) Evaluation reports; (K) Application and attendance records.

Authority for maintenance of the system: This system is maintained to provide educational and training programs on drug abuse and controlled substances law enforcement pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system is maintained to assist in performing the administrative functions of the National Training Institute and is used to prepare Class Directories, Class Rosters, Program Evaluation Reports and Statistical Reports. In addition, information from this system is provided to federal, state and local law enforcement and regulatory agencies employing former students and to students in the programs.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The manual records in this system are maintained on index cards and in file folders and the automated portion is maintained on magnetic tape.

Retrievability: Data may be retrieved by the student's last name, school location code, or by begining course dates.

Safeguards: This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, the records are maintained in locked file cabinets and access is limited to National Training Institute Personnel on a need-to-know basis.

Retention and disposal: Records in this system are currently maintained indefinitely.

System manager(s) and address: Director; Office of Training; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

Notification procedure: Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 Eye Street, N.W., Washington, D.C. 20537. Inquiries should contain: Name; Date and Place of Birth; Dates of attendance at the National Training Institute.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: A) Students; B) Instructors.

Systems exempted from certain provisions of the act: None

JUSTICE/DEA-020

System name: Essential Chemical Reporting System

System location: Drug Enforcement Administration (DEA), 1405 I Street, N.W., Washington, DC 20537. Also, DEA Field Offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system: A. Individuals who submit reports concerning the sale, loss, or theft of piperidine or other chemical essential to the manufacture of controlled substances.

B. Individuals who are reported as the purchaser, importer, or individual suffering the loss or theft of piperidine or other chemical essential to the manufacture of controlled substances.

C. Individuals who are reported as the person placing an order for piperidine or other chemical essential to the manufacture of controlled substances.

D. Individuals who are reported as being involved in or having knowledge of the details relative to the loss or theft of piperidine or other chemical essential to the manufacture of controlled substances.

Categories of records in the system: The system contains: (1) Piperidine reports submitted to DEA pursuant to Pub. L. No. 95-633. (2) Information extracted from piperidine reports and maintained on magnetic tape. (3) Reports submitted voluntarily to DEA concerning chemicals essential to the manufacture of controlled substances.

Authority for maintenance of the system: This system of records is maintained pursuant to the reporting requirements contained in Pub. L. 95-633.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system is provided to the following categories of users for the purposes stated:

(A) Other Federal law enforcement and regulatory agencies for law enforcement or regulatory purposes.

(B) State and local law enforcement and regulatory agencies for law enforcement and regulatory purposes.

(C) Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(D) Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of or at the request of the individual who is the subject of the record.

(E) Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in management inspections under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Essential chemical report documents will be maintained in manual file folders. Information extracted will be maintained on magnetic tape.

Retrievability: The information maintained on magnetic tape will be retrievable by the name of any individual mentioned in the report.

Safeguards: The proposed system of records will be maintained in DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Manual files will be maintained in the DEA central files and access to these documents will be restricted to DEA employees on a need-to-know basis. Access to information maintained on magnetic tape will require a specific computer program to extract information. Access to information through ADP terminals will require a user identification code which will be issued to authorized DEA employees on a strict need-to-know basis.

Retention and disposal: Until DEA gains experience to establish the useful life of the records in this system, the records will be maintained indefinitely.

System manager(s) and address: Assistant Administrator for Enforcement, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

Notification procedure: Inquiries should be addressed to Freedom of Information Division, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals required to submit piperidine reports pursuant to Pub. L. 95-633, and individuals who voluntarily submit reports concerning the sale, distribution or importation of chemicals essential to the manufacture of controlled substances.

Systems exempted from certain provisions of the act: None.

JUSTICE/DEA-021

System name: DEA Air Wing Reporting System.

System location: Drug Enforcement Administration (DEA) Aviation Division, DEA/Justice, P.O. Box 534, Addison, Texas 75001.

Categories of individuals covered by the system: DEA pilots.

Categories of records in the system: The system contains: (1) Records relating to the operation and maintenance of DEA aircraft. (2) Records relating to pilot qualifications (CSC Form 671).

This system is maintained to monitor the utilization and maintenance of DEA aircraft and the qualifications of DEA pilots in furtherance of DEA enforcement operations conducted pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Federal Aviation Administration for purposes of aircraft documentation and pilot certification.

(2) Department of Defense for communication purposes.

(3) United States Coast Guard for communication purposes.

(4) Communications relay services under contract with DEA for communications purposes.

(5) Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(6) Release of information to Members of Congress. Information contained in the systems of records maintained by the Department of Justice, not otherwise requested to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

(7) Release of Information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The automated portions of the records is maintained on an ADP disk storage device. Documentary records are maintained in manual file folders.

Retrievability: Information relating to individuals in the system is retrieved by pilot name or identifying number assigned by DEA.

Safeguards: Access to the system is restricted to DEA personnel on a need-to-know basis. The records are maintained in a secure room at the Addison Aviation Facility in accordance with DEA security procedures and are protected by an electronic alarm system.

Retention and disposal: The automated records are maintained for five years and then purged from the data base. Manual records are maintained indefinitely.

System manager(s) and address: Chief, Aviation Division, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

Notification procedure: Inquiries should be addressed to the Freedom of Information Divisdion, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information pertaining to individuals in the system is obtained from reports submitted by DEA pilots.

Systems exempted from certain provisions of the act: None.

JUSTICE/INS-004

System name: Top Priority Program (TPP).

System location: Central Office, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C.

Categories of individuals covered by the system: Individuals, groups of individuals, or organizations that are expected to generate continuing public interest over a period of time and whose activities lie within the jurisdiction of the Immigration and Nationality Act, including but not limited to those involved in schemes to defraud the government, natorious crime figures, and perpetrators of horrendous or unusual crimes.

Categories of records in the system: 1. Index records of individuals covered by the system, including name of person, group, or organization, and status, reference, and locator information on the related INS case file, if any, in field offices.

2. Temporary file folders established at headquarters containing personal information about the individuals, such as the date and place of birth, immigration status in the United States, marital status, and names of family members and associates; and progress reports on the priority cases.

Authority for maintenance of the system: Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information regarding status and progress of top priority cases is disseminated to INS managers, the Attorney General, officials of other Federal law enforcement agencies, Members of Congress, and to the President. No personal information is diseminated outside the Department of Justice.

Release of information to the news media and the public: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of or at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine

use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained as paper documents in manually operated index machines and file drawers.

Retrievability: Records are retrieved by the name of the individual, group of individuals, or organization.

Safeguards: The data is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. INS offices are located in buildings under security guard, and access to premises is by official identification. Access to records is restricted to INS employees. All records are stored in locked containers outside normal office hours.

Retention and disposal: Records are deleted from the system one year after the individual or orgainzation ceases to be active in the Top Priority Program. Records are destroyed by shredding or burning.

System manager(s) and address: Assistant Commissioner, Investigations, Immigration and Naturalization Service, 425 I Street, N.W, Washington, D.C. 20536.

Notification procedure: Inquiries should be addressed to the Assistant Commissioner, Investigations, Immigration and Naturalization Service, 425 I Street, N.W, Washington, D.C. 20536. To enable INS ro identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, and place of birth; name of organization, if any; description of subject matter; and, if known, the related file number.

Record access procedures: A person desiring to access or contest a record shall submit his request in writing to the agency official designated under "Notification Procedure" above. If a request to access or contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request." If a requester wishes access to a record, he must identify the record by furnishing the information listed under "Notification Procedure" above. If the requester wishes to contest a record, he must also clearly state which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). In addition, he must provide a return address for transmitting any information.

Contesting record procedures: A person desiring to access or contest a record shall submit his request in writing to the agency official designated under "Notification Procedure" above. If a request to access or contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request." If a requester wishes access to a record, he must identify the record by furnishing the information listed under "Notification Procedure" above. If the requester wishes to contest a record, he must also clearly state which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). In addition, he must provide a return address for transmitting any information.

Record source categories: Data is obtained from official records of the Immigration and Naturalization Service. These records include information obtained from other Government agencies.

Systems exempted from certain provisions of the act: None.

Justice/INS–005

System name: Integrated Case Control System (ICCS).

System location: District offices and suboffices of the Immigration and Naturalization Service (INS) in the United States, as detailed in JUSTICE/INS–999.

Categories of individuals covered by the system: Individuals who are covered by various provisions of the immigration and nationality laws of the United States, including current and former applicants or petitioners for benefits; petitioners for naturalization or citizenship; individuals under detention, supervised department, or deportation processes; individuals who are under investigation; students; and others whose case files have been assigned to the INS Office having jurisdiction over the individual's place of residence.

Categories of records in the system: The system contains automated index and summary records to aid in the management of files and administrative control of the processing of various kinds of active cases within each office where a part of this system is located:

A. "A-file" tracking: index records of individuals covered by the system, including name of person, identification or file number, location of file within the office, immigration status, case status (if any), processing checklist;

B. Application and petition control: name and address of applicant or petitioner and/or beneficiary and authorized representative (if any), date and country of birth, file number, form number of application of petition, date filed or received, control number, status, case assignment, scheduling data;

C. Automated file summary: name, file number, abstracts of documents on file in permanent manual file;

D. Closed file docket: name, file number, Federal Records Center accession number and location, date closed;

E. Deportation and detention docket control: name, file number, charge, amount of bond, hearing date, case assignment, scheduling data;

F. Investigations control: name, file number, reason for investigation, case assignment, scheduling data;

G. Naturalization and citizenship docket control: name, file number, petition number, date of receipt of petition, date and place of filing, number of court where petition was filed, code of authorized representative (if any), scheduling data;

H. Student registration control: name, file number, date of admission, length of approved stay, school attended.

Authority for maintenance of the system: Section 103 of the Immigration and Nationality Act, as amended (8 U.S.C. 1103).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information regarding the status and progress of cases is disseminated to the individuals of their authorized representatives, concerned employees of INS and other components of the Department of Justice, officials of other Federal law enforcement agencies, Members of Congress, and to the President. No personal information from this system of records is disseminated outside the Department of Justice.

Release of information to the news media and the public: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic disks, tapes, and other computer-readable media.

Retrievability: Records are retrieved by the name or file number of the individual, control number of the case, date of filing or last action, pending status, case assignment, or scheduling data.

Safeguards: The data is safeguarded and protected in accordance with Department of Justice and INS rules and procedures. INS offices are located in buildings under security guard, and access to premises is by official indentification. Access to terminals is restricted to INS employees, and access to records is further protected by the use of passwords and controlled data base search arguments.

Retention and disposal: Case control records (those identified under "Categories of records in the system" as "B," "C," "E," "F," "G," and "H") are deleted from the automated data base ninety (90) days after final action. File index records (those identified under "Categories of records in the systems" as "A" and "D") are deleted six months after disposal of the manual files.

System manager(s) and address: Associate Commissioner, Operations Support, Central Office; District Director or Officer in Charge in each office where a part of this system is located.

Notification procedure: Inquiries should be addressed to the District Director or Officer in Charge of the INS office where the file is located. If the file location is not known, inquiries may be addressed to the Associate Commissioner, Operations Support, 425 I Street NW, Washington, DC 20536. To enable INS to identify whether the system contains a record relating to an individual, the requester must provide the individual's full name, date of birth, and place of birth; description of subject matter; and, if known, the related file number.

Record access procedure: A person desiring access to a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by

furnishing the information listed under that procedure. If a request to access a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request", and a return address must be provided for transmitting any record to him.

Contesting record procedures: A person desiring to contest a record shall submit his request in writing to the agency official designated under "Notification procedure" above. He must also identify the record by furnishing the information listed under that caption and clearly stating which record(s) is being contested, the reason(s) for contesting, and the proposed amendment(s) to the record(s). If a request to access or contest a record is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request", and a return address must be provided for transmitting any information to him.

Record source categories: Data is obtained from official INS records pertaining to the individuals, together with reference and locator data from the centralized Master Index of INS case files.

Systems exempted from certain provisions of the act: None.

Justice/INS-999

System name: INS Appendix: List of principal offices of the Immigration and Naturalization Service.

Central Office: Immigration and Naturalization Service; 425 "I" Street NW, Washington, DC 20536.

Regional Offices: Easter Regional Office, Federal Building, Burlington, VT 05401.

Northern Regional Office, Fort Snelling, Twin Cities, St. Paul, MN 55111.

Southern Regional Office, First International Building, 1201 Elm Street, Room 2300, Dallas, TX 75270.

Wester Regional Office, Terminal Island, San Pedro, CA 90731.

District Offices in the United States: Anchorage District Office, Federal Building, U.S. Courthouse, Room D—229, 701 "C" Street, Anchorage, AK 99513.

Atlanta District Office, Richard B. Russell Federal Building, Room 1408, 75 Spring Street SW, Atlanta, GA 20303.

Baltimore District Office, E. A. Garmatz Federal Building, 100 South Hanover Street, Baltimore, MD 21201.

Boston District Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

Buffalo District Office, 68 Court Street, Buffalo, NY 14202.

Chicago District Office, Dirkson Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604.

Cleveland District Office, Anthony J. Celebrezze Federal Building, Room 1917, 1240 East Ninth Street, Cleveland, OH 44199.

Dallas District Office, Federal Building, Room 6A21, 1100 Commerce Street, Dallas, TX 75242.

Denver District Office, Federal Building, Room 17027, Denver, CO 80202.

Detroit District Office, Federal Building, 333 Mt. Elliott Street, Detroit, MI 48207.

El Paso District Office, U.S. Courthouse, room 343, El Paso, TX 79984.

Harlingen District Office, 719 Grimes Avenue, Harlingen, TX 78550.

Hartford District Office, 900 Asylum Avenue, Hartford, CT 06105.

Helena District Office, Federal Building, Room 512, 301 South Park Helena, Mt 59601.

Honolulu District Office, 595 Ala Moana Boulevard, Honolulu, HI 96809.

Houston District Office, Federal Avenue, Houston, TX 77208.

Kansas City District Office, 324 East Eleventh Street, Suite 1100, Kansas City, Mo 64106.

Los Angeles District Office, 300 North Los Angeles Street, Los Angeles, CA 90012.

Miami District Office, Federal Building, Room 1324, 51 SW First Avenue Miami, FL 33130.

Newark District Office, Federal Building, 970 Broad Street, Newark, NJ 07102.

New Orleans District Office, Postal Services Building, 701 Loyola Avenue, New Orleans, LA 70113.

New York District Office, 26 Federal Plaza, New York, NY 10007.

Omaha District Office, 106 South 15th Street, Omaha, NE 68102.

Philadelphia District Office, U.S. Courthouse, Room 1321, 601 Market Street, Philadelphia, PA 19106.

Phoenix District Office, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

Portland, Maine, District Office, 76 Pearl Street, Portland, ME 04112.

Portland, Oregon, District Office, Federal Office Building, 511 NW Broadway, Portland, OR 97209.

St. Albans District Office, Federal Building, St. Albans, VT 05478.

St. Paul District Office, New Post Office Building, Room 932 180 East Kellogg Boulevard, St. Paul, MN 44101.

San Antonio District Office, U.S. Federal Building, Suite A301, 727 Eastr Durango, San Antonio,m TX 78206.

San Diego District Office, 880 Front Street, San Diego, CA 92188.

San Francisco District Office, 630 Sansome Street, San Francisco, CA 94111.

San Juan District Office, GPO Box 5068, San Juan, PR 00936.

Seattle District Office, 815 Airport Way, South Seattle, WA 98134.

Washington, DC, District Office, 1025 Vermont Avenue NW, Washington, DC 20538.

District Offices in Foreign Countries:

Hong Kong District Office, U.S. Immigration and Naturalization Service, c/o American Consulate General, Box 30, FPO San Francisco, CA 96659.

Mexico District Office, U.S. Immigration and Naturalization Service, c/o American Embassy Aparato Postal 88 BIS, Mexico City 5, D.F., Mexico.

Rome District Office, Immigration and Naturalization Service, c/o American Embassy, APO New York, NY 09794.

Suboffices (Files Control Offices) in the United States:

Agana Office, 801 Pacific News Building, 238 O'Hare Street, Agana, GU 96910.

Albany Office, U.S. Postoffice and Courthouse, Room 220 Albany, NY 12207.

Charlotte Office, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, NC 28231.

Cincinnati Office, U.S. Post Office and Courthouse, 5th and Walnut Streets, Cincinnati, OH 45201.

Hammond Office, Federal Building, Room 104, 507 State Street, Hammond, IN 46320.

Las Vegas Office, Federal Building, U.S. Courthouse, 300 Las Vegas Boulevard, South Las Vegas, NV 89101.

Memphis Office, Federal Building, Room 814, 167 North Main Street, Memphis, TN 38103.

Milwaukee Office, 186 Federal Building, Room 186, 517 East Wisconsin Avenue, Milwaukee, WI 53202.

Norfolk Office, Norfolk Federal Building, Room 439, 200 Granby Mall, Norfolk, VA 23510.

Pittsburgh Office, Federal Building, Room 2130, 1000 Liberty Avenue, Pittsburgh, PA 15222.

Providence Office, Federal Building, U.S. Post Office, Exchange Terrace, Providence, RI 02903.

Reno Office, 350 South Center Street, Suite 150, Reno, NV 89502.

St. Louis Office, U.S. Courthouse and Customhouse, Room 423, 1114 Market Street, St. Louis, Mo 63101.

Salt Lake City Office, New Federal Building, Room 4103, 125 South State Street, Salt Lake City, UT 84138.

Spokane Office, U.S. Courthouse Building, Room 691, Spokane, WA 99201.

Border Patrol Sector Headquarters:

Blaine Sector Headquarters, 1590 H Street, Blaine, WA 98230.

Buffalo Sector Headquarters, 231 Grant Island Boulevard, Tonawanda, NY 14150.

Chula Vista Sector Headquarters, 3752 Beyer Boulevard, San Ysidro, CA 92073.

Del Rio Sector Headquarters, San Antonio Highway, Eagle Pass, TX 78852.

Detroit Sector Headquarters, P.O. Box 32639, Detroit, MI 48232.

El Centro Sector Headquarters, 1111 North Imperial Avenue, El Centro, CA 92243.

El Paso Sector Headquarters, 8901 Montana Avenue, El Paso, TX 79986.

Grand Forks Sector Headquarters, 2320 South Washington Street, Grand Forks, ND 58201.

Havre Sector Headquarters, Beaver Creek Road, Havre, MT 59501.

Houlton Sector Headquarters, Route 1, Houlton, ME 04730.

Laredo Sector Headquarters, Del Mar Boulevard, East of I.H. 35, Laredo, TX 78041.

Livermore Sector Headquarters, Building 312, Camp Parks, Pleasanton, CA 94566.

Marfa Sector Headquarters, Madrid Street, Marfa, TX 79843.

McAllen Sector Headquarters, 2301 South Main Street, McAllen, TX 78501.

Miami Sector Headquarters, 161 NE 183rd Street, Miami, FL 33169.

New Orleans Sector Headquarters, 3819 Patterson Drive, New Orleans, LA 70174.

Ogdensburg Sector Headquarters, 127 North Water Street, Odgensburg, NY 13669.

Spokane Sector Headquarters, 10710 North State Highway No. 6, Spokane, WA 99208.

Swanton Sector Headquarters, Grand Avenue, Swanton, VT 05488.

Tucson Sector Headquarters, 1970 West Ajo Way, Tucson, AZ 85726.

Yuma Sector Headquarters, 350 First Street, Yuma, AZ 85364.

Border Partol Academy: Officer Development and Training Facility, c/o Federal Law Enforcement Training Center (FLETC), Glynco, GA 31520.

Charlotte Amalie, St. Thomas, Virgin Islands, New Federal Building, Room 117, Charlotte Amalie, St. Thomas, VI 00801.

Suboffices (Files Control Offices) in Foreign Countries:

Athens Office, U.S. Immigration and Naturalization Service, c/o American Embassy, APO New York 09253.

Manila Office, U.S. Immigration and Naturalization Service, c/o American Embassy, APO San Francisco, CA 96528.

Naples Office, U.S. Immigration and Naturalization Service, c/o American Consulate General, Box 18, FPO New York 09521.

Palermo Office, U.S. Immigration and Naturalization Service, c/o American Embassy (P), APO New York 09794.

Seoul, Korea, Office, U.S. Immigration and Naturalization Service, c/o American Embassy, APO San Francisco, CA 96301.

Vienna Office, U.S. Immigration and Naturalization Service, c/o American Embassy, 1010 Vienna, Austria.

El Paso Intelligence Center (EPIC), 2211 East Missouri Street, El Paso, TX 79903.

JUSTICE/LDN-006

System name: Citizens' Mail File.

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: All private persons whose correspondence is directly or indirectly routed to the Land and Natural Resoures Division for action or response.

Categories of records in the system: Alphabetized file, by last name of correspondent, containing his/her correspondence and any reply thereto; annual docket which identifies all mail received and disposition thereof.

Authority for maintenance of the system: This file is maintained pursuant to requirements for maintenance of records by Federal agencies (see 44 U.S.C. 3101 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This file is routinely consulted by personnel of the Land and Natural Resources Division to determine past action on specific matters and to expedite action on additional correspondence received from the individual file subject.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use of the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored in file folders in form received, or in photostatic copies if additional referral for response has become necessary.

Retrievability: Information is retrieved by alphabetized name of the subject.

Safeguards: Information contained in the system is unclassified. It is safeguarded in accordance with Departmental rules and procedures governing Justice records.

Retention and disposal: Records are retained in the alphabetical file for a year. At the end of that time, they are transferred to the File Unit, Land and Natural Resources Division, where they are segregated and refiled according to Department of Justice file number and date. Records are subject to destruction 15 years after the pertinent subject has ceased to be in an active status.

System manager(s) and address: Division Control Officer; Land and Natural Resources Division; U.S. Department of Justice; P.O. Box 7415; Washington, D.C. 20044.

Notification procedure: Address inquiries to the Assistant Attorney General; Land and Natural Resources Division; U.S. Department of Justice; P.O. Box 7415; Washington, D.C. 20044.

Record access procedures: A request for access to a record from this system shall be made in writing to the system manager with the envelope and the letter clearly marked "Privacy Access Request." The request shall identify the system and sufficiently describe the record sought.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system are the individual subjects with whom correspondence is conducted, and in appropriate cases, those agencies furnishing information to assist in responding to the subjects.

Systems exempted from certain provisions of the act: None.

JUSTICE/OLC-003

System name: Office of Legal Counsel Central File.

System location: U.S. Department of Justice; Office of Legal Counsel; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: The system will permit retrieval of information concerning persons mentioned in the legal opinions, memoranda, correspondence, testimony and other writings of the Office of Legal Counsel. These will include:

(A) Addresses, authors and employees of the Office of Legal Counsel whose name appears in memoranda, opinions, correspondence, testimony and other writings of the Office;

(B) Individuals who are the subject of opinions, particularly on such subjects as conflict of interest, employee standards of conduct, and immigration;

(C) Attendees at meetings described in a memorandum included in the file;

(D) Litigants and judges identified in connection with reported court decisions and pending cases described in memoranda; and

(E) Other individuals identified in connection with questions presented to the Office of Legal Counsel for resolution or comment.

Categories of records in the system: The system consists of memoranda, correspondence, testimony and other writings of the Office of Legal Counsel from 1945 to the present.

Authority for maintenance of the system: The system is maintained pursuant to the responsibilities of the Office of Legal Counsel set forth in 28 CFR 0.25.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contined in this system is provided to the following categories of users for the purposes stated:

(A) Access to the computerized files of the Office of Legal Counsel will be confoned to employees of the Office of Legal Counsel and other employees of the Department of Justice with specific permission, but the records will be available initially to the contractor preparing the records for computerization;

(B) With the approval of the addressees, selected recent opinions of the Office of Legal Counsel will be published for general use, but normally personal information about individuals will be deleted;

(C) Unpublished opinions of the Office of Legal Counsel are ordinarily made available upon request only with the approval of the addresse of the opinion.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The indices are maintained on 5 x 7 cards in a master subject-matter index on all Office of Legal Counsel memoranda, opinions, correspondence, testimony and other writings. In addition, to facilitate Freedom of Information Act/Privacy Act searches, an alphabetical assortment of cards has been established within the immigration and conflict of interest opinion indicies which contain the names of individuals who are the subjects of these opinions. These are, in effect, cross-indices to a small portion of the Office of Legal Counsel's overall opinions that are otherwise indexed and retrieved according to subject matter. These indices are maintained to assist in the retrieval of opinions and memoranda from chronological files. However, because the system is undergoing gradual conversion to a

computerized system to facilitate legal research, some opinions are also now stored on magnetic disks. Even though the software design creates the capability for name retrieval, the purpose of the design is to facilitate retrieval by legal subject matter and the Office of Legal Counsel will continue to utilize the system in this manner.

Retrievability: the alphabetical card index on conflict of interest and immigration opinions will be retrieved by name. In addition, while that information which has been entered into the computer to date may be retrieved by name, all information, except that on conflict of interest and immigration opinions, will ordinarily continue to be retrieved by legal subject matter since the Office seldom has need to focus on a name in legal research.

Safeguards: Index cards and chronological files are kept in locked offices when unattended. Access is restricted to those personnel with a need to know.

The compilation of Office of Legal Counsel opinions available on magnetic tape is subject to three access limitations designed to insure that only authorized attorneys of the office of Legal Counsel have access. First, the opinions in the computer system can be retrieved only by those persons having a specified identification number, and numbers are assigned only to attorneys of the office of Legal Counsel. Second, there is an access code word in addition to the identification number required for access to the opinions, and the code word is made known only to the Office of Legal Counsel attorneys. Third, with the limited exception noted below, the opinions can be retrieved only on the terminal located in the Office of the Legal Counsel, and the terminal is in a locked room to which only Office of Legal Counsel personnel (and building maintenance personnel) have keys.

During the period in which the opinions are being computerized an exception to these access restrictions has been made so that the contracting assistant in the Justice Management Division who is overseeing the computerization also has access to the opinions. Once computerization is complete, the access will cease.

Retention and disposal: The records will be maintained indefinitely.

System manager(s) and address: Administrative Officer, Office of Legal Counsel; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Inquiries should be addressed to the Assistant Attorney General, Office of Legal Counsel, at the address above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: General legal research sources and individuals and agencies requesting opinions from the Office of Legal Counsel.

Systems exempted from certain provisions of the act: None.

Part III

Systems of records which the Department either merged with another record system or deleted during 1978 are listed below. The date deleted or merged, the FEDERAL REGISTER Volume number, and the page are cited in parentheses.

JUSTICE/CRM-009, Narcotic and Dangerous Drug Witness Security Program File (September 18, 1979, FR Vol. No. 44, page 54131, merged with JUSTICE/CRM-002, Criminal Division Witness Security File which was last published on September 30, 1977, FR Vol. No. 42, page 53333)

JUSTICE/CRM-010, Organized Crime and Racketeering Information System (September 18, 1979, FR Vol. No. 44, page 54131 deleted)

JUSTICE/CRM-011, Organized Crime and Racketeering Section File Checkout System (September 18, 1979, FR Vol. No. 44, page 54131 deleted)

JUSTICE/CRM-013, Organized Crime Information Management System (September 18, 1979, FR Vol. No. 44, page 54131 deleted)

JUSTICE/CRM-015, Organized Crime and Racketeering Section Intelligence and Special Services Unit Visitor Pass System (September 18, 1979, FR Vol. No. 44, page 54131 deleted)

JUSTICE/CRM-020, Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions in Narcotic and Dangerous Drug Cases (September 18, 1979, FR Vol. No. 44, page 54131, merged with JUSTICE/CRM-019, Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions which was last published on September 30, 1977, FR Vol. No. 42, page 53346)

JUSTICE/FBI-013, Investigative Support Information System (ISIS) (October 12, 1979, FR Vol. No. 44, page 58980 deleted)

JUSTICE/OMF-004, Employee Clearance Record (December 7, 1978, FR Vol. No. 43, page 57357 deleted)

JUSTICE/OMF-005, Employee Time Distribution Record (December 7, 1978, FR Vol. No. 43, page 57357 deleted)

JUSTICE/OMF-006, Interim Performance Appraisal Record (December 7, 1979, FR Vol. No. 43, page 57357 deleted)

JUSTICE/OMF-016, Inter-Divisional Information System (IDIS) (April 19, 1979, FR Vol. No. 44, page 23386 deleted)

In addition, it is hereby noticed that the Bureau of Prisons proposes to delete the Inmate Safety and Accident Compensation Record System (JUSTICE/BOP-005) which was published in error in the last annual publication on September 28, 1978, Vol. No. 43, page 44736)

Part IV

Systems of records which the Department now proposes to amend are listed below. Following the list, the systems are reprinted in full text. Except where noted otherwise, these systems were last published in volume 43 of the the FEDERAL REGISTER on September 28, 1978. Changes have been italicized for the convenience of the reader.

Interested persons are invited to comment on any change to the routine use of information in the record systems to the Administrative Counsel, Justice Management Division, Room 1214, Department of Justice, Washington, D.C. 20530. All comments must be received by February 11, 1980. If no comments are received on or before February 11, 1980, the amendments will be adopted as set forth. No oral hearings are contemplated.

JUSTICE/AAG-013, Freedom of Information and Privacy Appeals Index.

JUSTICE/CIV-001, The Civil Division Case File System (September 30, 1977, FR Vol. 42)

JUSTICE/CIV-002, The Civil Division Case File System; Customs Litigation

JUSTICE/CRT-007, The Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission System.

JUSTICE/CRS-001, Operational data Information System

JUSTICE/DEA-008, Investigative Reporting and Filing system (December 1, 1978, FR Vol. No. 43)

JUSTICE/DEA-010, Office of Internal Security Records

JUSTICE/DEA-011, Operations Files

JUSTICE/DEA-012, Registration Status/Investigation Records

JUSTICE/DEA-013, Security Files

JUSTICE/DEA-014, System to Retrieve Information from Drug Evidence (STRIDE/Ballistics)

JUSTICE/JMD-001, Background Investigation Check-off Card

JUSTICE/JMD-002, Controlled Substances Act Nonpublic Records

JUSTICE/JMD-003, Department of Justice Payroll System

JUSTICE/JMD-007, Legal and General Administration Accounting System (LAGA)

JUSTICE/JMD-008, Security Clearance Information System (SCIS)

JUSTICE/JMD-009, Justice Data Management Service Center Utilization Report

JUSTICE/JMD-010, Document Information System (DIS)

JUSTICE/JMD-011, Justice Data Management Service Center Tape Library System

JUSTICE/JMD-012, Executive Biography

JUSTICE/JMD-013, Employee Locator File

JUSTICE/JMD-015, EEO (Equal Employment Opportunity) Volunteer Representative Roster

JUSTICE/JMD-017, Department of Justice Controlled Parking Records

JUSTICE/JMD-018, Occupational Health Physical Fitness Files

JUSTICE/JMD-019, Freedom of Information/Privacy Act Records

JUSTICE/LEAA-005, The Financial Management System

JUSTICE/LEAA-008, The Civil Rights Investigative System

JUSTICE/LEAA-010, The Technical Assistance Resources Files

JUSTICE/LEAA-012, The Public Safety Officers' Benefits System

JUSTICE/OPA-001, Executive Clemency Files

JUSTICE/PRC-001, Docket, Scheduling and Control

JUSTICE/PRC-002, Freedom of Information Act Record System

JUSTICE/PRC-003, Inmate and Supervision Files

JUSTICE/PRC-004, Labor and Pension Case, Legal File and General Correspondence System

JUSTICE/PRC-005, Office Operation and Personnel System

JUSTICE/PRC-006, Statistical, Educational and Developmental System

JUSTICE/PRC-007, Workload Record, Decision Result, and Annual Report System

JUSTICE/BOP-005, Inmate Central Records System

JUSTICE/BOP-999, Appendix of Field Locations for the Bureau of Prisons

Associate Attorney General (AAG)

As a result of a reorganization made effective on October 1, 1978, the Office of Privacy and Information Appeals was transferred from the Office of the Deputy Attorney General to the Office of the Associate Attorney General. Accordingly, JUSTICE/DAG-002 is now redesignated JUSTICE/AAG-013. The fact that the Office of Privacy and Information Appeals is now a part of the Office of the Associate Attorney General is reflected in the system reprinted below.

JUSTICE/*AAG-013*

System name: Freedom of Information and Privacy Appeals Index.

System location: Office of the *Associate* Attorney General; United States Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: The system encompasses all individuals who submit administrative appeals under the Freedom of Information or Privacy Acts and initial requests for access to records located in the Office of the Attorney General, Deputy Attorney General or Associate Attorney General.

Categories of records in the system: The system contains copies of administrative requests, appeals and other related correspondence filed under the Freedom of Information and Privacy Acts and copies are filed sequentially by date of receipt based on a numerical identifier assigned to each appeal. Also included are index cards which list the name of the appellant and the numerical identifier assigned.

Authority for maintenance of the system: The system was established and is maintained to enable the Office of the *Associate* Attorney General to comply with the reporting requirements set forth in 5 U.S.C. 552 and 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for the purpose of processing administrative requests and appeals under the Freedom of Information and Privacy Acts and to comply with the reporting requirements of those Acts.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in file folders in cabinets.

Retrievability: These folders are filed by the number assigned to each.

Safeguards: These records are stored in cabinets in a lockable room.

Retention and disposal: These folders are kept indefinitely.

System manager(s) and address: Director, Office of Privacy and Information Appeals, Office of the *Associate* Attorney General: United States Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: Same as the System Manager.

Contesting record procedures: Same as the System Manager.

Record source categories: Those individuals who submit certain requests and all appeals under the Freedom of Information and Privacy Acts.

Systems exempted from certain provisions of the act: None.

Civil Division (CIV)

The Civil Division Case File System (JUSTICE/CIV-001) was last published in Volume 42 of the FEDERAL REGISTER on September 30, 1977. The system is reprinted below to reflect a change in organizational title which resulted from a recent reorganization. In addition, a minor change to the method of storage is shown. The Civil Division Case File System; Customs Litigation (JUSTICE/CIV-002) is reprinted below to show a change in organizational title which also was effected by the reorganization.

JUSTICE/CIV-001

System name: Civil Division Case File System.

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Any and all parties involved in the cases handled by the Civil Division will have identifying data contained in this system.

Categories of records in the system:

1) The main record of the system is the case file which is retained on each case under the jurisdiction of the Civil Division except for those cases for which files are maintained in the Civil Division Case File System: *Field Office, Customs Litigation, Commercial Litigation Branch* and the Office of Alien Property File System, and constitutes the official record of the Department of Justice. All record material relating to a case is retained in the file. Each case is assigned a number comprised of the category designation for the subject matter, the code number for the judicial district where the action originated, and the number of cases of that category which have arisen in that district.

2) Alphabetical and numerical indices are utilized as a means of access to the proper file by the cross-referencing of the names of all parties to a suit with the file number. Forms CV-54 and carbon-interleaf index cards are used in these indices.

3) A Docket Card Index is maintained on each case in order to follow the progress of all Division cases and to obtain statistical data for monthly and fiscal reports. However, all information contained on the cards has been taken from the record material contained in the official file.

Authority for maintenance of the system: General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101. The particular system was established in accordance with 28 C.F.R. 0.77(f) and was delegated to the Civil Division pursuant to the memorandum from the Deputy Attorney General, dated July 17, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the F.B.I. and the United States Attorneys' Offices, for use in connection with the consideration of that case or matter or any other case or matter under consideration by the Civil Division or any other component of the Department of Justice. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in

custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradiction proceedings, may be disseminated to a federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions of 28 C.F.R. 17.60.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: 1) The case files utilize standard file jackets and are retained in electronic, rotary power files; *or in standard file cabinets* 2) The alphabetical and numerical index cards, as well as the docket cards, are retained in standard file cabinets.

Retrievability: The files and docket cards must be retrieved by file number. The file number can be ascertained from the alphabetical index if the name of any party to the suit is known.

Safeguards: Information contained in the system is unclassified. However, only attorneys who have their names recorded in the File Unit can be issued a case file. Minimal information about a case is provided from the various indices to telephone callers, since there is a problem with identifying the identity of a caller. If a party desires detailed information, he is referred directly to the attorney of record.

Retention and disposal: When a case file is closed by the *responsible attorney,* it is sent to the Federal Records Center for retention in accordance with the authorized Record Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period has passed, the file is destroyed. However, the index and docket cards are not purged.

System manager(s) and address: Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530,

Notification procedure: Address inquiries to: Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Record access procedures: A request for information concerning the cases of the Civil Division should be submitted in writing, with the envelope and letter clearly marked 'Privacy Access Request'. The request should include the file number and/or the names of any litigants known to the requestor. The requestor should also provide a return address for transmitting the information. Such access requests should be submitted to the System Manager listed above. Requests may also be made by telephone. In such cases the caller will be referred to the attorney of record. The attorney, in turn, may require an official written request.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above. The request should clearly state, what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put onto docket and index cards.

Systems exempted from certain provisions of the act: None.

JUSTICE/CIV-002

System name: Civil Division Case File System: *Customs Litigation*

System location: 26 Federal Plaza, New York, New York 10007, and U.S. Department of Justice Data Services Center, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Any and all parties and counsel involved in the cases handled by the *Field Office, Customs Litigation, Commercial Litigation Branch* of the Civil Division will have identifying data contained in this system.

Categories of records in the system: 1. The main record of the system is the case file which is retained on each case under the jurisdiction of the *Field Office, Customs Litigation, Commercial Litigation Branch* of the Civil Division and constitutes the official record of the Department of Justice thereon. All record material relating to a case is retained in the file. Each file is assigned the Customs Court number given to the summons filed in that court or, in cases filed prior to October 1, 1970, to reappraisement appeals or to protests filed with the Customs Court.

The number assigned to the file will change to the number assigned by the Court of Customs and Patent Appeals, if that case becomes the subject of an appeal before that court. In addition, the Custom Section retains a log of communications received and communications sent. The correspondence is identified thereon by court (case) number, identification of the kind of communication, and the person receiving it.

2. The case file and communication logs are physically retained at the offices of the *Field Office, Customs Litigation, Commercial Litigation Branch* 26 Federal Plaza, New York, New York 10007. From these records, the *Field Office, Customs Litigation, Commercial Litigation Branch* inputs certain information for conversion into a data processing system which is maintained at the Department of Justice Data Services Center, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. Included in the information contained in the data processing system is the identity of the parties and their counsel, as well as the merchandise involved, the port of entry and the competing statutory provisions.

3. Alphabetical and numerical indices are maintained as a means of access to the proper file number by the cross-referencing of the names of non-government parties to suits with the appropriate file (court) numbers. These indices are made of index cards and maintained in the Chief Clerk's office in the *Field Office, Customs Litigation, Commercial Litigation Branch.*

Authority for maintenance of the system: The *Field Office, Customs Litigation, Commercial Litigation Branch* case files are maintained under the authority of 28 U.S.C. 2601(b) and 2632(e) and established in accordance with 28 C.F.R. 0.45(c) which gives the Civil Division responsibility for 'all litigation incident to the reappraisement and classification of imported goods, including the defense of all suits in the Court of Customs and Patent Appeals', and with 28 C.F.R. 0.48 which designates the *Attorney-in-Charge, Field Office, Customs Litigation* 'to accept service of notices of appeals to the Court of Customs and Patent Appeals and all pleadings and other papers filed in the Customs Court, when the United States is an adverse Party in any customs litigation'.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Any record pertaining to any case or matter in the Civil Division may be disseminated to any other component of the Department of Justice, including the Federal Bureau of Investigation and the United States Attorney offices, for use in connection with the consideration of that case or matter or

any other case or matter under consideration by the Civil Division or any other component of the Department of Justice.

Certain information contained in the record may also be disseminated to the U.S. Customs Service, the Department of the Treasury, the International Trade Commission, the Department of State, or any other agency of the Government whose decision is being challenged in a case assigned to the *Field Office, Customs Litigation, Commercial Litigation Branch* for disposition. A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) in any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter may be disseminated in an appropriate Federal, state, local or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating-to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion of such matters as settlement of the case or matter, plea bargaining, or formal or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement; or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter, (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, provided that the record does not contain any information identifiable to a specific individual other than is necessary to identify the matter or where the information has previously been filed in a judicial or administrative office, including the clerk of the court; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions 28 CFR 17.60; (14) copies of the summons (protest and reappraisement appeals, where appropriate) and the communication logs are made available to employees of the private contractor who services the data processing system in New York for the purpose of enabling such employees to extract all pertinent information from said documents so that such information may be encoded and converted to punch card form.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: (1) The case files utilize standard file jackets or envelopes and are maintained in standard file cabinets; (2) The alphabetical index cards are maintained in standard file cabinets; (3) The communication logs are maintained in looseleaf binders and, when not being currently referred to, are also maintained in standard file cabinets; (4) The information in the data processing system is maintained on tapes stored in the Data Services Center.

Retrievability: (1) The case files must be retrieved by number. The file number may be ascertained from the alphabetical index when the name of any non-government litigant is known. (2) The information contained in the data processing system may be retrieved through the retrieval tool activated by an attorney making a request for a report to the computer technician who codes the request on a form in the format of the retrieval language. The action words of the retrieval reports are: List-lists the case numbers of the cases which satisfy certain criteria such as plaintiff's name, counsel's name, court, number, merchandise, competing statutory provisions, Government counsel. Write—output and the full history for any case specified by case number. Write*—a limited case history for any case specified by case number. Count-tallying the number of cases in the data base contained in the request.

Safeguards: (1) Information contained in the system is unclassified. However, only attorneys in the *Civil Division* who have responsibility for the case may properly obtain a case file. Correspondence and telephone calls about particular cases are referred to the attorney having responsibility for the case. In the attorney's absence, another attorney covering for the absent attorney or the *Attorney-in-Charge, Field Office, Customs Litigation* may respond to the telephone call or correspondence. The index files and the communication logs are utilized only by the personnel of the *Field Office, Customs Litigation, Commercial Litigation Branch* in locating or verifying information contained in the system. (2) Information from the data processing system may be obtained only by attorneys on the basis of requests made in writing on a proper form supplied by the *Field Office, Customs Litigation, Commercial Litigation Branch.* The request is made of the computer technician. Normally these requests are mailed to the technician in charge at the Data Services Center, but occasionally the request may be related telephonically by the computer technician.

Retention and disposal: (1) Closed case files are sent to the Federal Records Center for retention in accordance with the authorized Records Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives. After the designated period is passed, the file is destroyed. The communication logs are sent to the Federal Records Center for retention in accordance with the authorized records disposal schedule after five years. After the designated period those records are also destroyed. The index cards, however, are not purged. (2) Periodically, the inactive cases will be purged from the main tape in the data processing system and transferred to the historical tape where the information will be retained indefinitely. There is a provision in the data processing system to delete and remove an entire case history from the main or historical tape. This may be done on request from the *Attorney-in-Charge, Field Office, Customs Litigation* and such removed cases will not be saved or written on any other tape.

System manager(s) and address: Assistant Attorney General, Civil Division, U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure: Address inquiries to Assistant Attorney General; Civil Division, U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Record access procedures: A request for information concerning the cases of the *Field Office, Customs Litigation, Commercial Litigation Branch* of the Civil Division should be submitted in writing, with the envelope and letter clearly marked "Privacy Access Request". The request should include the file number and/or the names of any non-government litigant known to the requestor. The requestor should also provide a return address for transmitting the information. Such access request should be submitted to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the Assistant Attorney General, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530. The request should clearly state what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: All litigants involved in the cases of this Division are sources of information. Such information is either contained in the record material in the case files or has been extracted from that record material and put on communication logs and/or index cards.

Systems exempted from certain provisions of the act: None.

Civil Rights Division (CRT)

The Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission System (JUSTICE/CRT-007) is reprinted below. Amendments include the correction of two typographical errors, the addition of 42 U.S.C. 2000e-5(b) to the statutory authorities cited under "Contesting record procedures," and changes which reflect a recent reorganization of the Civil Rights Division.

JUSTICE/CRT-007

System name: Files on Employment Civil Rights Matters Referred by the Equal Employment Opportunity Commission.

System location: U.S. Department of Justice; Civil Rights Division, 10th and Constitution Avenue NW.; Washington, D.C. 20530.

Categories of individuals covered by the system: Persons seeking employment or employed by a state or a political subdivision of a state who have filed charges alleging discrimination in employment with the Equal Employment Opportunity Commission (hereinafter EEOC) which have resulted in a determination by EEOC that there is probable cause to believe that such discrimination has occurred, and attempts by EEOC at conciliation have failed.

Categories of records in the system: The system may contain copies of charges filed with EEOC; copies of EEOC's "determination" letters, letters of transmittal from and to *EEOC*, analyses or evaluations summarizing the charge and other materials in the EEOC file, internal memoranda, attorney notes, and copies of 'right to sue' letters issued by the Civil Rights Division.

Authority for maintenance of the system: The system is maintained pursuant to 44 U.S.C. 3101 and in order to accomplish the Civil Rights Division's responsibility under 28 CFR 0.50 to enforce Federal Statutes affecting civil rights including 42 U.S.C. 2000e-5(f) and 2000e-6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by employees and officials of the Department to make decisions regarding prosecution of alleged instances of employment discrimination, to issue 'right to sue' letters on behalf of individuals; to make policy and planning determinations; to prepare annual budget requests and justifications; to prepare statistical reports on the work product of the *Federal Enforcement and General Litigation* Sections and to carry out other authorized internal functions of the Department. If the Department has determined to initiate an investigation or litigate a matter referred by EEOC, the records pertaining to that matter are not contained in this system. Such records and their routine uses are described under the notice for the system named: Central Civil Rights Division Index File and Associated Records.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored manually on index cards and file jackets which are maintained by the *Federal Enforcement* Section, Civil Rights Division. If the charge relates to a public educational agency or institution and was filed before September 1977, such information may be maintained by the *General Litigation* Section, Civil Rights Division.

Retrievability: Information is retrieved primarily by using the appropriate Department of Justice file number, or the name of the charging party, or the state in which the alleged discrimination occurred.

Safeguards: Information in the system is unclassified. It is safeguarded and protected in accordance with departmental rules and procedures.

Retention and disposal: There are no provisions for the disposal of the records in the system although such procedures are under active consideration.

System manager(s) and address: Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530.

Notification procedure: Same as the above

Record access procedures: A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request.' The request should indicate the state where the alleged employment discrimination took place and the employer to which the charge was related. The requester will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. Disclosure of part of the materials in this system may be prohibited by *42 U.S.C. 2000e-5(b),* 42 U.S.C. 2000e-8(e) and 44 U.S.C. 3508. Part of this system is exempted from access and contest under 5 U.S.C. 552(k)(2).

Record source categories: Sources of information in this system are charging parties, information compiled and maintained by EEOC, and employees and officials of the Department of Justice responsible for the disposition of the referral request.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

Community Relations Service (CRS)

In order to more accurately describe the system, the Management Information System (JUSTICE/CRS-001) has been renamed the "Operational Data Information System." In addition, the tape storage system, which is duplicative of the disk storage system, has been discontinued. The amended system is reprinted below.

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Justice, Community Relations Service (CRS), is republishing the following system of records which was most recently published on September 28, 1978, in the *Federal Register's* annual Privacy Act issuances:

Management Information System (JUSTICE/CRS-001)

In order to more accurately describe the system, the name has been changed to the Operational Data Information System. In addition, the tape storage system, being duplicative of the disk storage system, has been discontinued. Consequently, the name and storage system for the above mentioned record system have been revised and reprinted below to more accurately describe the system. The changes in the existing name and storage system have been italicized for the convenience of the public.

Since the revision of the system's name and storage of the records constitute minor modifications rather than an alternative or expansion

of the scope of this record system, no report to the Office of Management and Budget or the Congress is required.

JUSTICE/CRS-001

System name: *Operational Data* Information System.

System location: Community Relations Service, U.S. Department of Justice, 550 11th Street NW., Washington, D.C. 20530.

Categories of individuals covered by the system: Conciliators and Mediators of the Community Relations Service of the U.S. Department of Justice.

Categories of records in the system: The file contains the names of CRS employees, their case assignments, and the time allocated to each assignment. In addition, information reflecting the current status and handling of the case is included within the system.

Authority for maintenance of the system: The file is established to effect the purposes of 42 U.S.C. 2000g-1, 2000g-3 (1970).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is used by CRS personnel as a basis for preparing daily, weekly, and monthly activity reports for internal management. It is also used by the Administrative Office to prepare time efficiency analyses on CRS personnel. In addition, the file will be consulted in order to prepare budget requests and reports to the Associate Attorney General, the Attorney General, and to Congress.

Release of Information to the News Media and the Public: Information from the system of records may be made available to the news media and the public, unless such release would violate 42 U.S.C. 2000g-2, or would constitute an unwarranted invasion of personal privacy.

Release of Information to Members of Congress: Information contained in the system, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record unless such release would violate 42 U.S.C. 2000g-2.

Release of Information to the National Archives and Records Service: A record from the system of records may be disclosed to the National Archives and Records Service (NARS) for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906, unless such disclosure would violate 42 U.S.C. 2000g-2.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Automated records are maintained on magnetic disk at the Department of Justice Data Management Service.

Retrievability: Information is retrieved by a variety of key words including, but not limited to, the name of the employee, geographic location, and subject matter of the record.

Safeguards: Information maintained in the system is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Only individuals specifically authorized by the Director of CRS will have access to the computer through a single terminal located in an office occupied during the day and locked at night. Access to the information in the system will be limited to those CRS employees whose official duties require such information.

Retention and disposal: Records classified by the subject's name are retained until 60 days after the record subject leaves the employment of the Community Relations Service and are then deleted from the system.

System manager(s) and address: Deputy Director, Community Relations Service, U.S. Department of Justice, Todd Building, 550 11th Street NW., Washington, D.C. 20530.

Notification procedure: Address inquiries to Office of Chief Counsel, Community Relations Service, U.S. Department of Justice, 550 11th Street NW., Washington, D.C. 20530.

Record access procedures: In all cases, requests for access to a record shall be in writing, by mail or in person. If request for access is made by mail, the envelope and letter shall be clearly marked "Privacy Act Request." The requester shall include a description of the record requested and, if known, the case file number(s). To identify a record relating to an individual, the requester must provide the individual's full name, date and place of birth, employee identification number, and date of employment and duty assignment station(s) while employed by the Community Relations Service.

Contesting record procedures: Any individual desiring to contest or amend information maintained in the system should direct his or her request to the Deputy Director, Community Relations Service, U.S. Department of Justice, Todd Building, 550 11th Street NW., Washington, D.C. 20530. The request should state clearly what information is being contested, the reason for contesting, and the proposed amendment to the information.

Record source categories: The records are prepared by the conciliator/mediator or, in exceptional cases, by his or her supervisor.

Systems exempted from certain provisions of the act: None.

Drug Enforcement Administration (DEA)

Certain categories of information, namely, the "Notification procedure," the "Record access procedure" and the "Contesting record procedure" were inadvertently omitted from recent publications of some DEA systems of records. Systems identified as DEA-010 through DEA-014 were most recently published, in Volume 43 of the FEDERAL REGISTER on September 28, 1978; DEA-008 was most recently published in Volume 43 of the FEDERAL REGISTER on December 1, 1978. The systems have been reprinted below to correct these omissions.

JUSTICE/DEA-008

System name: Investigative Reporting and Filing System.

System location: Drug Enforcement Administration; 1405 I Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system:

A. Drug offenders
B. Alleged drug offenders
C. Persons suspected of drug offenses
D. Confidential informants
E. Defendants
F. Witnesses
G. Non-implicated persons with pertinent knowledge of some circumstance or aspect of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need for recall will exist. In the regulatory portion of the system, records are maintained on the following categories of individuals: (a) Individuals registered with DEA under the Comprehensive Drug Abuse Prevention and Control Act of 1970; (b) Responsible officials of business firms registered with DEA; (c) Employees of DEA registrants who handle controlled substances or occupy positions of trust related to the handling of controlled substances; (d) Applicants for DEA registration and their responsible employees.

Categories of records in the system: The investigative Reporting and Filing System includes, among other things, a system of records as defined in the Privacy Act of 1974. Individual records, i.e., items of information on an individual, may be decentralized in separate investigative file folders. Such records, as well as certain other records on persons and subjects not covered by the Act, are made retrievable and are retrieved by reference to the following subsystems.

A. The Narcotics and Dangerous Drugs Information System (NADDIS) consists of two centralized automated indices and machine records on subjects cited in and extracted from investigative reports. The two indices represent a name index and a number index which are used to access one or more specific records for examination. The system serves as both an index to the more voluminous written reports upon which it is based and as an autonomous means for developing investigative leads and aids in selecting source materials for studies of a strategic nature. The system is accessible by telecommunications by appropriately equipped DEA headquarters and field offices. Records which comprise the system are also accessed by special computer runs. These runs are typically generated from selection criteria which cannot be utilized (input) via the telecommunications equipment. Bulk products generated via off-line runs may be formatted on computer tape, in printout or on microfiche depending on the needs of the user.

Direct references to the discrete file folders in which the source reports are filed are provided within each record. Therefore, the NADDIS records point to the more comprehensive manual reports maintained centrally at Headquarters. Records are retrievable by name and by certain identifying numbers in the on-line mode and by virtually any record data element in the off-line mode.

B. The Confidential Source Subsystem within the Investigative Reporting and Filing System consists of demographic and administrative data concerning: (a) persos who under the specific direction of a DEA agent, with or without the expectation of payment or other valuable consideration, furnish information regarding drug trafficking, or perform other lawful services; and (b) persons who furnish information to DEA on an occasional basis.

The information contained in this subsystem is extracted directly from investigative files and confidential informant files contained in the system.

This subsystem contains no names. The subsystem consists of alphanumeric identifiers coupled with demographic and administrative data concerning the confidential source. The subsystem serves primarily as an administrative tool to enable DEA management to perform periodic reviews of confidential sources required by DEA guidelnes and regulations, to enable DEA to maintain more effective management controls over the expenditure of funds to confidential sources and to enable DEA to more systematically assess the performance of particular confidential sources. In addition, the system will generate statistical reports which will assist DEA management in evaluating the overall effectiveness of the utilization of confidential sources of information.

The system is accessed by designated ADP terminals on the strictest need to know basis.

C. Manual name indices covering regional and district investigative activities are maintained by DEA field offices. A residual card index is retained by DEA headquarters that predates the automated central index. The items of information on the manual index records are extracted only from investigative reports and point to the more comprehensive information in pertinent investigative file folders. The records in the field office indices are subsets of the central automated and manual indices. Records are retrievable by name only by this manual technique. Four basic categories of files are maintained within the Investigative Reporting and Filing System, DEA does not maintain a dossier type file in the traditional sense on an individual. Instead, the files are compiled on separate investigations, topics and on a functional basis for oversight and investigative support. (a) Criminal Investigative Case Files; (b) General Investigative Files, Criminal and Regulatory; (c) Regulatory Audit and Investigative Files; (d) Confidential Informant Files.

The basic document contained in these files is a multipurpose report of investigation (DEA–6) in which investigative activities and findings are rigorously documented. The reports pertain to the full range of DEA criminal drug enforcement and regulatory investigative functions that emanate from the Comprehensive Drug Prevention and Control Act of 1970. Within the categories of files listed above, the general file category includes preliminary investigations of a criminal nature, certain topical or functional aggregations and reports of preregistrant inspections/investigations. The case files cover targeted conspiracies, trafficking situations and formal regulatory audits and investigations. Frequently the criminal drug cases are the logical extension of one or more preliminary investigations. The distinction between the case file and general file categories, therefore, is based on internal administrative policy and should not be construed as a differentiation of investigation techniques or practices. These files, except for Confidential Informant Files, contain also adopted reports received from other agencies to include items that comprise, when indexed, individual records within the meaning of the Act. The central files maintained at DEA Headquarters include, in general, copies of investigative reports and most of the supporting documents that are generated or adopted by DEA Headquarters and field offices.

Authority for maintenance of the system: This system is established and maintained to enable DEA to carry out its assigned law enforcement and regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513), Reorganization Plan No. 2 of 1973, and to fulfill United States obligations under the Single Convention on Narcotic Drugs.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system may be used as a data source or reference facility for numerous summary, management and statistical reports produced by the Drug Enforcement Administration. Only on rare occasions do such reports contain identifiable individual records. Information contained in this system is provided to the following categories of users as a matter of routine use for law enforcement and regulatory purposes: (a) Other federal law enforcement and regulatory agencies; (b) State and local law enforcement and regulatory agencies; (c) Foreign law enforcement agencies with whom DEA maintains liaison; (d) The Department of Defense and Military Departments; (e) The Department of State; (f) U.S. intelligence agencies concerned with drug enforcement; (g) The United Nations; (h) Interpol; (i) To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: (a) To federal agencies for national security clearance purposes and to federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; (b) To the Office of Management and Budget upon request in order to justify the allocation of resources; (c) To State and local prosecutors for assistance in preparing cases concerning criminal and regulatory matters; (d) To the news media for public information purposes; and (e) to respondents and their attorneys for purposes of discovery, formal and informal in the course of an adjudicatory, rulemaking, or other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspection conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Administration regulations include detailed instructions for the preparation, adoption, handling, dissemination, indexing of individual records, storage, safeguarding of investigative reports and the accounting of disclosure of individual records.

Storage: 1. The Headquarters central files and the field office subsets of the Investigative Reporting and Filing System are maintained in standard file folders. Standard formats are employed. Manual indices are maintained using standard index record formats.

2. The Narcotics and Dangerous Drugs information subset is stored electronically on the Department of Justice computer center separate from DEA Headquarters.

Retrievability: Access to individual records is gained by reference to either the automated or manual indices. Retrievability is a function of the presence of items in the index and the matching of names in the index with search argument names or identifying numbers in the case of the automated system. Files identified from field office indices are held by the field office and Headquarters. Files identified from the automated index may not be held by the interested office, but the originators of such files are identified. In addition a number of telecommunication terminals have been added to the existing network.

Safeguards: The Investigative Reporting and Filing system is protected by both physical security methods and dissemination and access controls. Fundamental in all cases is that access to investigative information is limited to those persons or agencies with a demonstrated and lawful need to know for the information in order to perform assigned functions.

1. Physical security when investigative files are attended is provided by responsible DEA employees. Physical security when files are unattended is provided by the secure locking of material in approved containers or facilities. The selection of containers or facilities is made in consideration of the sensitivity or National Security Classification, as appropriate, of the files and the extent of security guard and/or surveillance afforded by electronic means.

2. Protection of the automated index is provided by physical, procedural and electronic means. The Master file resides on the Department of Justice computer center and is physically attended or guarded on a full-time basis. Access or observation to active telecommunications terminals is limited to those with a demonstrated need to know for retrieval information. Surreptitious access to an unattended terminal is precluded by a complex sign-on procedure. The procedure is provided only to authorized DEA employees. For certain terminals, access is further restricted by cryptological equipment.

3. An automated log of queries is maintained for each terminal. Improper procedure results in no access. Terminals are signed-off after use. The terminals are otherwise located in locked facilities after normal working hours.

4. The dissemination of investigative information on an individual outside the Department of Justice is made in accordance with the routine uses as described herein or otherwise in accordance with the conditions of disclosure prescribed by the Act. The need to know of the recipient is determined in both cases by DEA as a prerequisite of the release.

Retention and disposal: Records contained within this system except for those in general files are retained for fifty-five (55) years.

Records in general files are retained for twenty (20) years. System manager(s) and address:

Assistant Administrator for Enforcement; Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

Notification procedure: *Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.*

Record access procedures: *Same as above.*

Contesting record procedures: *Same as above.*

Record source categories: (a) DEA personnel; (b) Cooperating individuals; (c) Suspects and defendants; (d) Federal, State and local law enforcement and regulatory agencies; (e) Other federal agencies; (f) Foreign law enforcement agencies; (g) Business records by subpoena; (h) Drug and chemical companies; (i) Concerned citizens.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2), and (3), (3)(4)(G) and (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/DEA-010

System name: Office of Internal Security Records.

System location: Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system: A) DEA employees, past and present; B) Applicants for employment with DEA; C) Drug offenders, alleged drug offenders, and persons suspected of drug offenses; D) Offenders, alleged offenders, and persons suspected of committing Federal and state crimes broadly characteristized as corruption or integrity offenses; E) Confidential informants; F) Witnesses; G) Non-implicated persons with pertinent knowledge of circumstances or aspects with pertinent knowledge of circumstances or aspects of a case or suspect. These are pertinent references of fact developed by personal interview or third party interview and are recorded as a matter for which a probable need will exist.

Categories of records in the system: A) Investigative reports with supporting memoranda and work papers relating to investigations of individuals and situations. B) General files which include, among other things, supporting memoranda and work papers and miscellaneous memoranda relating to investigations of and the purported existence of situations and allegations about individuals. C) Audit and inspection reports of inspections of DEA offices, personnel, and situations. D) Zero files containing general correspondence and memoranda relating to the subject matter of the categories of individuals covered by the system.

Authority for maintenance of the system: Reorganization Plan No. 1 of 1968 and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system is provided to the following categories of users as a matter of routine uses for law enforcement and regulatory purposes: A. Other Federal law enforcement and regulatory agencies; B. State and local law enforcement and regulatory agencies; C. Foreign law, enforcement agencies with whom DEA maintains liaison; D. The Department of State; E. The Department of Defense and Military Departments; F. U.S. Intelligence agencies concerned with drug enforcement; G. The United Nations; H. Interpol; I. To individuals and organizations in the course of investigations to elicit information.

In addition, disclosures are routinely made to the following categories for the purposes stated: A. To Federal agencies for national security clearance purposes and to Federal and state regulatory agencies responsible for the licensing or certification of individuals in the fields of pharmacy and medicine; B. To the Office of Management and Budget upon request in order to justify the allocation of resources; C. To state and local prosecutors for assistance in preparing cases concerning criminal and regulatory matters; D. To the news media for public information purposes; E. To Federal, State and local governmental agencies who are conducting suitability for employment investigations on current or prospective employees.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in standard investigation folders.

Retrievability: These records are retrieved by use of a card index maintained alphabetically by employee name.

Safeguards: These records are maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to employees of the Office of Internal Security and upper level management officials. The records are stored in safe-type combination lock file cabinets.

Retention and disposal: These records are maintained for 55 years.

System manager(s) and address: Chief Inspector, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.

Notification procedure: *Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.*

Record access procedure: *Same as above.*

Contesting record procedure: *Same as above.*

Record source categories: A) DEA Investigations; B) Federal, State and local law enforcement agencies; C) Cooperating individuals.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a(j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA-011

System name: Operations Files

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system: A) Cooperating Individuals; B) Confidential Informants.

Categories of records in the system: A) Biographic and background information; B) Official Contact Reports; C) Intelligence Reports (DEA-6).

Authority for maintenance of the system: This system of records is maintained to assist in intelligence operations pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513) and Reorganization Plan No. 2 of 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system is used to keep a history of intelligence operations against narcotics traffickers and their support networks. Information contained in this system is provided to the following categories of users for law enforcement purposes on a routine basis: A) Other Federal law enforcement agencies; B) State and local law enforcement agencies; C) Foreign law enforcement agencies with whom DEA maintains liaison; D) United States Intelligence and Military Intelligence agencies involved in drug enforcement; E) The United States Department of State.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to

the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in standard case files

Retrievability: These files are retrieved manually by subject matter category and coded identification number.

Safeguards: This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, all files are stored in GSA approved security containers approved for Secret material and treated as if they carried a Secret classification whether classified or not. Access to the files is restricted to authorized DEA employees with Top Secret clearances on a limited need-to-know basis.

Retention and disposal: These records are retained indefinitely.

System manager(s) and address: Assistant Administrator for Intelligence; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D. C. 20537.

Notification procedure: *Inquiries should be addressed to Freedom of Information Unit, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. 20537.*

Record access procedure: *Same as above.*

Contesting record procedure: *Same as above.*

Record source categories: A) DEA Reports; B) Reports of federal, state and local agencies; C) Reports of foreign agencies with whom DEA maintains liaison.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA-012

System name: Registration Status/Investigation Records

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system: Individuals who have a Controlled Substances Act registration number under their personal name who have had some action taken against their license or registration.

Categories of records in the system: A) DEA reports of investigation; B) Information received from state regulatory agencies.

Authority for maintenance of the system: This system of records is maintained to enable the Drug Enforcement Administration to perform its regulatory functions under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this system of records is provided for law enforcement and regulatory purposes to the following categories of users on a routine basis: A) Other federal law enforcement and regulatory agencies; B) State and local law enforcement and regulatory agencies; C) To respondents and their attorneys for purposes of discovery, formal and informal, in the course of an adjudicatory, rule-making, or other hearing held pursuant to the Controlled Substances Act of 1970.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in standard case file folders.

Retrievability: This system is indexed by name of registrant.

Safeguards: This system of records is maintained in DEA Headquarters which is protected by 24-hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized employees of the Compliance Investigations Division on a need-to-know basis.

Retention and disposal: These records are retained as long as there is a need for the file. These are working files and may be destroyed when no longer required or merged into the Investigative Case File and Reporting System.

System manager(s) and address: Director, Office of Compliance and Regulatory Affairs; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

Notification procedure: *Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537*

Record access procedures: *Same as above.*

Contesting record procedures: *Same as above.*

Record source categories: A) DEA Investigators; B) State and local regulatory agencies.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G) and (H), (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA-013

System name: Security Files

System location: Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537. Also, field offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system: A) DEA personnel; B) Cooperating individuals and informants; C) Drug traffickers and suspected drug traffickers; D) Individuals who might discover DEA investigations or undercover operations by chance.

Categories of records in the system: This system of records contains reports concerning the categories of individuals stated above.

Authority for maintenance of the system: This system of records is maintained to identify and correct security problems in the area of intelligence operations and installations pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91-513) and Reorganization Plan No. 2 of 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This system is utilized to generate reports on security problems in the area of intelligence operations and installations. In addition, information is provided to the following categories of users for law enforcement purposes on a routine basis: A) Other federal law enforcement agencies; B) State and local law enforcement agencies; C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information on the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in standard case folders.

Retrievability: The information in this system is retrieved by subject matter category or by coded identification number.

Safeguards: This system of records is maintained at DEA Headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. In addition, these records are stored in GSA approved security containers authorized for Secret material. Access to the system is restricted to authorized DEA personnel who have Top Secret Clearances on a limited need-to-know basis.

Retention and disposal: Records in this system are retained as long as the individual remains active and then destroyed or retired to the Federal Records Center.

System manager(s) and address: Assistant Administrator for Intelligence; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

Notification procedure: *Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537*

Record access procedures: *Same as above.*

Contesting record procedures: *Same as above.*

Record source categories: A) DEA Reports; B) Reports of federal, state and local agencies.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/DEA–014

System name: System to Retrieve Information from Drug Evidence (STRIDE/Ballistics).

System location: Drug Enforcement Administration; 1405 Eye Street, N. W.; Washington, D. C. 20537. Also, field offices. See Appendix 1 for list of addresses.

Categories of individuals covered by the system: Defendants and suspected violators

Categories of records in the system: Ballistics report.

Authority for maintenance of the system: This system is maintained to provide drug intelligence for law enforcement purposes pursuant to the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Reorganization Plan No. 2 of 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from this system is provided to the following categories of users for law enforcement purposes on a routine basis: A) Other federal law enforcement agencies; B) State and local law enforcement agencies; C) Foreign law enforcement agencies with whom DEA maintains liaison.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The information is stored on magnetic tape.

Retrievability: The system is indexed by case number and subject name. The information can be retrieved by name or DEA case number. In addition, a number of telecommunication terminals have been added to the existing network.

Safeguards: This system of records is maintained at DEA headquarters which is protected by twenty-four hour guard service and electronic surveillance. Access to the building is restricted to DEA employees and those persons transacting business within the building who are escorted by DEA employees. Access to the system is restricted to authorized DEA employees with appropriate clearance on a need-to-know Basis. Information that is retrievable by terminals requires user identification numbers which are issued to authorized employees of the Department of Justice.

Retention and disposal: The information contained in this system is retained indefinitely.

System manager(s) and address: Chief, Forensic Sciences Division; Drug Enforcement Administration; 1405 Eye Street, N.W.; Washington, D.C. 20537.

Notification procedure: *Inquiries should be addressed to: Freedom of Information Unit, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537*

Record access procedures: *Same as above.*

Contesting record procedures: *Same as above.*

Record source categories: DEA Reports; Scientific Analysis.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g), (h) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and been published in the Federal Register.

Justice Management Division (JMD)

Justice Management Division systems of records were published on September 28, 1978, as Office of Management and Finance (OMF) systems of records. However, as a result of a recent reorganization the name of the Office of Management and Finance was changed to "Justice Management Division." In addition, other suborganizational titles were also changed. The Justice Management Division systems of records reprinted below reflect these changes along with other minor changes and clarifications. Systems of records identified as JMD–001 through 003, JMD–007 through JMD–013, JMD–015, and JMD–017 through JMD–019 are reprinted below. (Systems of records identified prior to the reorganization as OMF–004 through OMF–006 were rescinded by notice in volume 43 of the FEDERAL REGISTER on December 7, 1978; system OMF–014 by notice in volume 43 of the FEDERAL REGISTER on September 28, 1978; system OMF–016 by notice in volume 44 of the FEDERAL REGISTER on April 19, 1979.)

JUSTICE/JMD–001

System name: Background Investigation Check-off Card.

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Catgegories of individuals covered by the system: All employees of the Offices, Boards, and Divisions except attorneys and employees in the Offices of the Attorney General and Deputy Attorney General.

Categories of records in the system: The system contains an index card for each employee of the Offices, Boards, and Divisions, except those excluded in Categories of Individuals above, on whom a name and fingerprint or background investigation has been initiated.

Authority for maintenance of the system: The system is established and maintained in order to fulfill the requirements of Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The index cards are used to annotate and monitor the progress of the name and fingerprint checks and the full field character investigations of the employes. The completed cards are used to develop a variety of workload and timeframe data concerning the initiation and completion of these investigations to enlsure that the requirements of Executive Order 10450 and Department of Justice Order 17321 are being effectively and efficienty met.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 502 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is subject to the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is manually stored in the boxes.

Retrievability: Information is retrieved manually by reference to the name of the employee on whom the investigation is being conducted.

Safeguards: Information contained in the system is unclassified. It is safeguarded and protected in accordance with Personnel Section policies and procedures.

Retention and disposal: The index cards are retained by the Personnel Section Teams for a period of one year after completion of the background investigation. The cards are then forwarded to the Personnel Programs Unit where they are retained for one additional year and are then destroyed.

System manager(s) and address: *Director, Personnel and Training Staff Justice Management Division,* U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: Same as the System Manager.

Contesting record procedures: Same as the System Manager.

Record source categories: The sources of information contained in this system are those Personnel Section employees authorized to annotate these cards. Information reported is extracted from personnel documents initiating the various investigations and the resulting reports of completion.

Systems exempted from certain provisions of the act: None.

JUSTICE/OMF–002

System name: Controlled Substances Act Nonpublic Records.

System location: U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Categories of individuals covered by the system: Persons who have been convicted for the first time of violating Section 404(a) of the Controlled Substances Act (Public Law 91-513), i.e. persons who have knowingly or intentionally possessed a controlled substance except as authorized by the act.

Categories of records in the system: Arrest records of law enforcement agencies, which include personal data, photographs, fingerprints, copies of court orders, DOJ-330 Request for Non-Public Records and/or DOJ-329 Certificate of Expungement.

Authority for maintenance of the system: This system is established and maintained in accordance with the Controlled Substances Act, Public Law 91-513 Sec. 404, 21 U.S.C. 844.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are retained by the Department of Justice and are available only to a Federal court upon a Federal court order issued to the Attorney General demanding such records for use by said court in determining whether or not a person qualified under Public Law 91-513 Sec. 404(b), 21 U.S.C. 844(b).

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is detrmined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in locked file cabinets.

Retrievability: These records are indexed by the name of the offender.

Safeguards: Access to these records is restricted to the Chief, Records Maintenance and Disposition Section and the assistant to the Chief.

Retention and disposal: Although these records will ultimately be destroyed by shredding, the establishment of a disposal schedule is still pending.

System manager(s) and address: *Director, Records and Publications Staff, Office of Personnel and Administration, Justice Management Division,* U.S. Department of Justice, 10th & Constitution Avenue NW., Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: Same as the System Manager.

Contesting record procedures: Same as the System Manager.

Record source categories: Law enforcement agencies and courts.

Systems exempted from certain provisions of the act: The Attorney General has exempted the system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/JMD–003

System name: Department of Justice Payroll System.

System location: Categories of records within the Payroll System of Records are kept at the following locations: (1) Justice Employee Data Service; 425 I Street, N.W.; Washington, D.C. 20530; (2) Justice Data Management Service; 425 I Street, N.W.; Washington, D.C. 20530; (3) at various time and attendance recording and processing stations around the world; (4) at computerized record off-site backup facilities; and (5) at various Federal Records Centers.

Categories of individuals covered by the system: (1) Current DOJ employees with the exception of those employed within the FBI and; (2) Many past DOJ employees with the exception of those that served within the FBI.

Categories of records in the system: A. Payroll Master Employee Records: These are machine-readable records containing information on current pay and leave status for individuals serviced by the automated payroll accounting system.

B. Bond, Allotment and Check Mailing Records: These are machine-readable records containing information on Savings Bond deductions, savings account allotments, and net check mailing requested by the employee.

C. History of Earning Records: These are machine-readable records containing information on earnings, leave and other pay related activities during a two-year period.

D. Automated Retirement Records: These are machine-readable records containing information relevant to the Civil Service Retirement System. These records will be used to automatically generate Individual Retirement Records (SF-2806) upon an employee's separation.

E. Revised Social Security Numbers Records: These are machine-readable records containing the new and old social security number for employees whose current social security number is different from that previously entered into the automated system.

F. Employee Pay Records: These are manila folders containing all source documents, correspondence and other papers in support of an active employee's pay, leave and allowances.

G. Active Retirement Records: These are manual records maintained on active employees to facilitate timely compliance with requirements of the Civil Service Retirement System. Upon separation, the original SF-2806 is forwarded to the Civil Service Commission and a copy is filed in the Employee Pay Record (F above). This category of records will eventually be replaced by the automated retirement records (D above).

H. Former Employee Pay Records: These records are the Employee Pay Records (F above) for employees that have been separated, transferred or retired. In addition to information contained in the Employee Pay Records, these records include information related to the retirement, separation or transfer.

I. Employee Death Records: These records are the Employee Pay Records (F above) for employees that died while on active duty with Department of Justice. In addition to information contained in the Employee Pay Records, these records include information related to the employee's death and the settlement of pending pay and allowances.

J. Returned Check Records: These records are a manual log for recording and controlling checks issued to employees that were returned to the Justice Employee Data Service because they were undelivered, erroneous or cancelled prior to conversion to cash.

K. Time and Attendance Report: These records contain information on an employee's attendance and use of leave in a particular pay period. They are also used to indicate leave adjustments and balances. The standard form number is DOJ-296.

Authority for maintenance of the system: The head of each executive agency is responsible for establishing and maintaining an adequate payroll system, covering pay, leave, and allowances, as a part of the system of accounting and internal control of the Budget and Accounting Procedures Act of 1950, as amended, 31 U.S.C. 66, 66a and 200(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose: The purpose of each use of categories of records within the DOJ Payroll System of Records is to enable the administration of the payroll function and related financial matters in accordance with applicable laws and regulations and to comply with the requirements of the Comptroller General.

System Uses:

A. Authorize, prepare and document payment to all Department employees covered by the DOJ Payroll System entitled to be paid, with consideration given to all authorized deductions from gross pay.

B. Specify and document proper disposition of all authorized deductions from gross pay.

C. Prepare adequate and reliable payroll reports needed for (1) management, (2) budget, (3) support of payments, (4) the conduct and accounting of payroll related employee services, (5) control and documentation of payroll system operation, and (6) to meet external reporting requirements.

D. Support effective communications on payroll matters between the Department of Justice and its present and former employees.

E. Support proper coordination of pay, leave and allowance operations with personal functions and other related activities.

F. Support adequate control over all phases and segments of the payroll system including leave accounting.

G. Support appropriate integration of the payroll system with the Departmental accounting systems.

H. Records maintained in this system shall include providing a copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement of the State, City, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, City, or other local jurisdiction and the Department of the Treasury pursuant to 5 USC 5516, 5517, and 5520 or in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the System Manager listed below. The request must include a copy of the applicable statute authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. However, the social security numbers will only be provided to state or local taxing authorities which meet the criteria of the Privacy Act.

I. Provide permanent record of actions taken pertinent to the administration of pay leave and allowances.

J. Support legal investigations of suspected fraud.

Categories of Users: Records are accessed by users on a need or right to know basis. A category of users may have potential access under more than one use above.

A. Present or former employees serviced by the DOJ Payroll System.

B. Justice Employees Data Service Staff.

C. Department of the Treasury disbursing offices.

D. Department of Justice budget and accounting offices.

E. Department of Justice personnel offices.

F. Employee supervisors.

G. Employee administrative offices.

H. Federal, state and local taxing authorities.

I. Federal Employees Health Benefits carriers.

J. Employee organization offices participating in dues allotment program.

K. Financial organizations participating in savings account allotment program.

L. Financial organizations participating in net pay to checking account program.

M. State human resource offices administering unemployment compensation programs.

N. General Accounting Office and internal audit staffs.

O. Federal, state or local law enforcement agencies (in support of legal investigations of suspected fraud).

P. Other Federal agencies requiring information as specified in applicable laws or regulations, e.g., Civil Service Commission).

Q. Heirs, executors and legal representatives of beneficiaries.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Various categories of records are stored on different mediums. Categories A, B and E are on magnetic discs. Categories C and D are on magnetic tape. All other records are maintained in paper form.

Retrievability: Categories of records on magnetic media are retrievable by employee social security number which is maintained to comply with Internal Revenue requirements. Records in paper form are retrievable by employee name and social security number.

Safeguards: The principal current safeguard for payroll records is guard force screening of individuals entering buildings within which records are kept. More stringent security practices and procedures are under development.

Retention and disposal: Payroll records retention and disposal are in accordance with General Schedule 2 promulgated by the General Services Administration.

System manager(s) and address: Director; *Systems Operations Staff, Justice Management Division;* U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure: A request for notification of the existence of records upon an individual shall be made in writing by the individual or legal designate, with the envelop and the letter clearly marked 'Privacy Notification Request'. Include in the request the name of the system of records, the individual's full name and social security number while employed with the Department of Justice, the organization within which employed (if available), and whether the individual is a current or former employee. The requestor shall include a return address for the notification response. If the request is submitted by other than the subject individual, indicate the authority under which the information is sought. The request must be signed by the subject individual and, if applicable, by the legal designee. Address inquires to the System Manager.

Record access procedures: A request for access to records from this system shall be made in writing by the subject individual or legal designee, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the system of records, the legal name and social security number of the data subject, the organization within which the individual is a current or former employee. The requestor shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system of records should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought. If the request is submitted by other than the subject individual, indicate the authority under which the information is sought. The request must be signed by the subject individual and, if applicable, by the legal designee.

Record source categories: Information contained within the DOJ Payroll System of Records is obtained from the following sources:

A. Subject Individual: Information collected from the subject individual generally consists of that necessary to administer allotments, deductions or other services requested by the individual.

B. Personnel Office: Information collected from the personnel office generally consists of employment status information which provides the legal basis upon which valid payments are computed.

C. Time and Attendance Clerk: Information collected from this clerk generally consists of an accounting of the individual's presence or absence from the duty station and the usage of leave.

D. Supervisor or Administrative Officer: Information collected from these officers generally consists of leave authorizations and information concerning the individual's duty station.

E. Financial Institutions or Employee Organizations: Information collected from institutions or organizations generally consists of that necessary to insure the timely and accurate forwarding to the institution or organization of monies allotted to an account at the institution or organization by the subject individual.

F. Previous Federal Employer: Information collected from the previous employer within the Federal government generally consists of leave status information at the time of separation.

G. Other Federal Agencies: Information collected from other Federal agencies generally consists of program information necessary to properly administer pay, leave, and allowances.

H. Other Officials: Information collected from other officials consists of that necessary to administer the payroll function. This may include authorization for special payments, death certificate or other documents as necessary.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD—007

System name: Legal and General Administration Accounting System (LAGA).

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: All individuals who submit vouchers requesting payment for goods or services rendered, except payroll vouchers for DOJ employees. These include vendors, contractors, experts, witnesses, court reporters, travelers, relocated employees, etc.

Categories of records in the system: All vouchers paid except payroll vouchers for DOJ employees.

Authority for maintenance of the system: The system is established and maintained in accordance with the Budget and Accounting Procedures Act of 1950 as amended 31 U.S.C. 66(a) and 31 U.S.C. 200(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: After payment of the vouchers, the accounting data is used for the purpose of internal management reporting and external reporting to agencies such as OMB, U.S. Treasury, and the GAO.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Prior to FY 76, voucher files were maintained alphabetically by payee's name. After FY 76, vouchers are filed by batch, controlled by schedule on which paid.

Retrievability: Information is retrieved primarily by using the name of the payee.

Safeguards: Information contained in the system is unclassified. It is safeguarded in accordance with organizational rules and procedures.

Retention and disposal: The payment documents are retained at this location for three fiscal years (current year and two prior years). The records are then shipped to a Federal Records Center for storage in accordance with the General Record Schedule published by the General Services Administration.

System manager(s) and address: Director; *Finance Staff; Office of the Controller; Justice Management Division;* U.S. Department of Justice; 10th & Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: Same as the System Manager.

Contesting record procedures: Same as the System Manager.

Record source categories: Submitted by the payee involved.

Systems exempted from certain provisions of the act: None.

JUSTICE/*JMD*–008

System name: Security Clearance Information System (SCIS).

System location: U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: A. Current employees of the Department of Justice (excluding FBI) who have been investigated and cleared for employment, and for accesss to data classified for National Security reasons; B. Former employees of the Department of Justice (excluding FBI) who had been investigated and cleared for employment and for access to data classified for National Security reasons (maintained for a maximum of *one year* from date of termination).

Categories of records in the system: The system contains two subsystems: (a) a Clearance Index Reference Record which is an automated system for identifying the individuals in Categories of Individuals above listing the status *and types* of investigations, the dates of clearances, level of clearances and *level of Special Intelligence access approvals,* and (b) a Character File *(excluding FBI and Department attorneys)* containing (1) Standard form 86 *((Office of Personnel Management),* Security Investigation Data for Sensitive Position; (2) Copies of investigative reports from the *Office of Personnel Management* and/or Federal Bureau of Investigation; (3) Correspondence related to the request for the investigation, results of the investigation, and clearance approvals for access to classified national security information and waivers; and (4) other information relating to the trustworthiness of the employee.

Authority for maintenance of the system: The system is established and maintained in accordance with Presidential Executive Orders 10450 (clearance for Federal employment) and 12065 (access to data classified for National Security reasons).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The investigative material compiled in this system is used for the purpose of determining the suitability, eligibility and/or qualifications of applicants for employment in the Department of Justice (except the FBI) and for sensitive positions involving access to classified information. In the event of employee transfers to other Government Agencies, this information could be reviewed by investigators of the gaining agency to expedite the employee transfer *if* necessary.

(b) The clearance status of the employees is certified to security officials and investigators of other U.S. Government Agencies or Departments for liaison purposes involving access to classified material during meetings, conferences or training courses.

(c) The personal data in the system *may be* reviewed by Central Intelligence Agency for the purposes of granting Special Intelligence access *approvals* to Department employees. These *access approvals* are within the purview of the Director, Central Intelligence Agency.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system or records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information contained on the Clearance Index Reference Record has been added to the automated Department of Justice personnel data base which has been reported by the *Office of Personnel Management* under the designation of CSC/GOVT–3 at 42 FR 48738 on September 23, 1977. In conjunction with the manual Character File, the automated data is used to certify clearances on DOJ employees.

Retrievability: All data is retrieved by searching under the employee's name/social security account number/organization/type of clearance.

Safeguards: Information contained in the system *includes some classified National Security Information. It is* safeguarded and protected in accordance with Departmental rules and procedures governing the protection of this material.

Retention and disposal: Clearance Index Reference Record *is* maintained for the tenure of employment and for a maximum of *one pay period* after termination. An employee's Character File is maintained for the tenure of employment *and for a maximum of one year after termination* at which time the investigation reports are returned to the investigating agency or destroyed by shredding.

System manager(s) and address: Director, *Security Programs Staff, Justice Management Division,* U.S. Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedures: Same as the System Manager.

Record access procedures: A request for access to a record from this system shall be made in writing *to the System Manager* with the envelope and the letter clearly marked "Privacy Access Request." Include in the request the name, title and organization of the employee and the general subject matter of the inquiry. The requestor will also provide a return address for transmitting a reply. *Requests for copies of investigative reports must be directed to the Office of Personnel Management of the Federal Bureau of Investigation, as appropriate.*

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system are (a) applicants for employment and employees in the Department of Justice (except FBI) and (b) those individuals (informants) contacted by the Investigators for the *Office of Personnel Management* and Special Agents of the Federal Bureau of Investigation who furnished information in the background investigation.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from sections (d)(1) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 533 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

JUSTICE/JMD–009

System name: Justice Data Management Service Center Utilization Report.

System location: Justice Data Management Service Center; 425 I Street NW., Washington, D.C. 20530.

Categories of individuals covered by the system: Personnel submitting computer jobs to run at the Justice Data Management Service.

Categories of records in the system: The data describes the recource utilization of the individual jobs submitted. Certain information is also recorded which pertains to the entire computer system rather than individual jobs.

Authority for maintenance of the system: These records are kept for adminstrative convenience pursuant to 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used to recover costs associated with running computer jobs, to analyze the utilization of the Justice Data Management Service computer systems, detect inefficiencies and areas having high potential benefit from optimization.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member or staff requesting the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Utilization reports are provided to a designated manager for each organization which uses the Justice Data Management Service.

Retrievability: Information may be retrieved by name of the individual submitting computer runs.

Safeguards: The machine readable (magnetic tape) data is kept in the Justice Data Management Service tape library. Utilization reports are controlled by the designated individual of each using agency.

Retention and disposal: The machine readable data is kept indefinitely. Utilization reports are controlled by the designated individual of each using agency.

System manager(s) and address: Director: *Systems Operations Staff, Justice Management Division U.S. Department of Justice;* 10th and Constitution Avenue NW., Washington, D.C. 20530.

Notification procedure: Same as above.

Record access procedures: A request for access to a record from this system may be made in person or in writing, specifying the name of the individual submitting a computer run and the date and name of the computer run.

Contesting record procedures: Requests for correction should be addressed to the System Manager.

Record source categories: Information is collected by the IBM 360/370 Operating System and program modules developed by personnel of the Department of Justice.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD–010

System name: Document Information System. (DIS)

System location: U.S. Department of Justice; 10th and Constitution Avenue N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Employees of the Department of Justice who have been designated by the Attorney General as authorized to classify documents. Employees of the Department of Justice who have been delegated classifying authority by designation of the Attorney General. Individuals (mostly aliens) about whom documents exist which have been classified in the interest of national security.

Categories of records in the system: The system contains records of all documents classified by Department of Justice employees. The system also contains a record on all Department of Justice employees (from January 1, 1973 to present) who have or have had the authority to classify documents.

Authority for maintenance of the system: The system was established and is maintained pursuant to Executive Order 11652.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is routinely used by the Interagency Classification Review Committee, the Department of Justice Security Staff, and the Department of Justice Review Committee.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information is stored in machine readable form on magnetic tape. A copy of the data capture form is maintained in the originating office for two weeks, then destroyed. The original data capture form is maintained at the Department until data contained therein has been successfully processed, then the form is destroyed.

Retrievability: Information is retrieved in any form for all routine uses. Information may be retrieved for non-routine uses with the approval of the Director, Central Management Services Staff, and in accordance with the provisions of the Privacy Act.

Safeguards: Access to information contained in the system is controlled by the Director, *Systems Operations Staff, Justice Management Division.* Access is normally limited to routine users and members of the *Systems Operations Staff,* on a "need-to-know" basis.

Retention and disposal: Records contained in the system are retained indefinitely. The system of records is never purged and no disposal schedule is required.

System manager(s) and address: Director; *Systems Operations Staff, Justice Management Division;* U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: Same as the System Manager.

Contesting record procedures: Same as the System Manager.

Record source categories: Employees of the Department who have been designated by the Attorney General as classifying officials and employees who have been delegated classifying authority.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD–011

System name: Justice Data Management Service Center Tape Library System.

System location: Justice Data Management Service; 425 I Street, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Personnel submitting computer jobs which create magnetic tape data sets.

Categories of records in the system: The data describes the contents of the magnetic tape volumes.

Authority for maintenance of the system: These records are kept for administrative convenience pursuant to 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used to control and protect the data recorded on magnetic tapes.

Release of information to the news media: Information permitted to be released to news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports can be obtained by any Justice Data Management Service user by submitting a computer job requesting the report.

Retrievability: Information can be obtained by name of the individual who submitted the job which created the tape resident data sets.

Safeguards: The machine readable data is kept within the Justice Data Management Service. Reports are controlled by the tape librarian and by the individuals receiving the reports.

Retention and disposal: Reports are controlled by the tape librarian and by the individuals receiving the reports.

System manager(s) and address: Director; *Systems Operations Staff, Justice Management Division, U.S. Department of Justice,* 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: A request for access/correction to a record from this system may be made in person or in writing specifying the serial number of the tape in question. Request should be addressed to the System Manager.

Contesting record procedures: Same as the above.

Record source categories: Information is collected by the IBM 360/370 Operating System and other program modules.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD–012

System name: Executive Biography.

System location: U.S. Department OF Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Officials of the Department of Justice, *in the Senior Executive Service and* generally in grades GS-16 through Executive Level I, who hold key administrative and/or managerial positions within the Department.

Categories of records in the system: The file consists of biographical sketches of key staff officials of the Department and includes: position, title, grade, date of birth, education, professional experience, honors and awards, and professional associations and bar membership.

Authority for maintenance of the system: The file is maintained pursuant to 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is used to obtain information on the background and qualifications of key staff members for the purpose of acquainting top management officials of the Department of Justice with key members of their staff.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are maintained by position and by organization. A periodic report with a distribution limited to ten, top management officials of the Department is produced from the file.

Safeguards: Records are maintained in a locked file cabinet. All information in the records is limited to those persons within the Department whose official duties require such access.

Retention and disposal: Records are maintained as long as the incumbent remains in a position which is covered by the system. If the incumbent's employment in a covered position ceases, his record is retained for three years and then destroyed.

System manager(s) and address: *Deputy Assistant Attorney General for Personnel and Administration, Justice Management Division, U.S. Department of Justice 10th & Constitution Avenue, N.W., Washington, D.C. 20530.*

Notification procedure: Same as System Manager.

Record access procedures: Same as Notification.

Contesting record procedures: Same as Notification.

Record source categories: Information in this system of records is voluntarily provided by the individual to whom it applies, or is derived from personnel record information he or she supplied.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD–013

System name: Employee Locator File.

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: All employees of the U.S. Department of Justice, with the exception of individuals employed by the Federal Bureau of Investigation.

Categories of records in the system: The system contains information relating to each employee's home and business address, home and business telephone number, information as to next of kin, and personal physician preferred in case of medical emergency.

Authority for maintenance of the system: The system is maintained pursuant to 5 U.S.C. 301, 5 U.S.C. 7901, 26 U.S.C. 6011, 26 U.S.C. 6109, 5 U.S.C. 5516, 5 U.S.C. 5517 and 5 U.S.C. 5520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The locator system is used to provide address data to federal, state and local tax authorities

in accordance with the reporting requirements of their income tax withholding programs. The locator system is also used to contact employees of the Department at their official place of business or their residence regarding matters of an official nature relating to their employment with the Department of Justice. It is also used in medical emergencies to contact an employee's personal physician if he or she has an indicated preference, and to notify next of kin. Use of the file for these purposes is limited to supervisors of the employees concerned or individuals having the permission of a supervisor of the employee concerned.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape and magnetic disk.

Retrievability: Records are retrieved by name or any other data item by means of cathode-ray tubes.

Safeguards: Access to terminals is limited to persons with terminal identification numbers. These numbers are issued only to employees who have a need to know in order to perform job functions relating to income tax reporting or personnel matters.

Retention and disposal: Records are retained for the duration of an individual's employment with the Department. They are destroyed upon his or her separation.

System manager(s) and address: *Director, Personnel and Training Staff; Justice Management Division;* U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as System Manager.

Record access procedures: Same as Notification.

Contesting record procedures: Same as Notification.

Record source categories: Information is supplied by the individual to whom the record pertains.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD–015

System name: EEO (Equal Employment Opportunity) Volunteer Representative Roster.

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Employees of the Department of Justice who have volunteered to serve as EEO representatives.

Categories of records in the system: The roster provides the representative's name, position, title, organization, office address and telephone number.

Authority for maintenance of the system: The roster was established and is maintained pursuant to the following authorities: 5 CFR Part 713, 28 CFR 42.2(a), and Department of Justice Order 1713.5 (October 30, 1973).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The roster is used by Department personnel and applicants for Department jobs who have filed or contemplate filing discrimination complaints based on race, color, religion, sex, national origin, age, or physical limitation.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of person privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

System manager(s) and address: *Director Equal Employment Opportunity Staff; Justice Management Division; U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.*

Notification procedure: Same as System Manager.

Record access procedures: Same as Notification.

Contesting record procedures: Same as Notification.

Record source categories: Information in the file is voluntarily provided by employees who wish to serve as volunteer EEO representatives.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD–017

System name: Department of Justice Controlled Parking Records.

System location: U.S. Department of Justice; 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Department of Justice employees who have applied for vehicle parking space which is assigned and controlled by the Department of Justice, per Department of Justice Order 2540.2D, Dec. 20, 1977.

Categories of records in the system: This system contains copies of Form DOJ-362, Department of Justice Parking Space Application (DOJ Space), and Form *DOJ-OT-71,* Department of Justice Parking Space Application (DOJ Carpool Space), which have been completed and submitted by Department of Justice employees.

Authority for maintenance of the system: This system is established and maintained in accordance with Federal Energy Office (FEO) memorandum of January 17, 1974, Federal Management Circular 74-1 of January 21, 1974, and Federal Energy Office memorandum of April 5, 1974, as reflected in Federal Property Management (Temporary) Regulation *D-65 of September 6, 1979.* Operating procedures are contained in Department of Justice Order 2450.2D, Dec. 20, 1977.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used to assign, identify and control the use of vehicle parking space for which the Department of Justice is responsible.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored in a locked file cabinet.

Retrievability: These records are indexed alphabetically, by the last name of the applicant, within the organizational element.

Safeguards: Information contained in this system is unclassified and is disseminated on a need to know basis by the Office of the Director, *Property Management and Procurement Staff, Office of Personnel and Administration, Justice Management Division.*

Retention and disposal: Although these records are currently retained as long as applicants remain as employees of the Department of Justice, the establishment of a disposal schedule is still pending.

System manager(s) and address: *Property Management and Procurement Staff, Office of Personnel and Administration, Justice Management Division;* U.S. Department of Justice; 10th Street and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as System Manager.

Record access procedures: Same as System Manager.

Contesting record procedures: Same as System Manager.

Record source categories: Applications from employees.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD–018

System name: Occupational Health Physical Fitness Files.

System location: U.S. Department of Justice; 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Employee/participants in the DOJ Occupational Health Physical Fitness Program.

Categories of records in the system: A separate file is established for each Program participant. Data contained in the file consists of a Medical History Questionnaire, Physician Consent Form, Participant Waiver of Liability Form, Physical Fitness Profile, electrocardiographic tracings, Anthropometric Measurement Record, Exercise Prescription, Conditioning Record, attitudinal questionnaries, any positive test results and related correspondence.

Authority for maintenance of the system: The files are maintained pursuant to 5 U.S.C. 7901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data contained in each file will be used to evaluate the physical condition of each participant and serve as a basis for preparation of the exercise prescription. Changes in physiological and attitudinal data taken at several points throughout the period of participation will be examined relative to program effect. Data will be taken from each file and anonymously aggregated in order to examine group norms. Use of this data is limited to the Occupational Health Physical Fitness Program staff and its contractors. Research findings may occasionally be published in professional journals but only in summary form. Positive examination results will be referred to the participant's physician upon the written request of the participant.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is manually stored in individual file folders. Summary data will be maintained in the computer data banks of the Department of Justice and the contractor, the University of Maryland.

Retrievability: File folders are maintained alphabetically by participant name. A 4-digit sequentially assigned number is used to imput computerized data which can subsequently be sorted against any other items pertaining to the participant.

Safeguards: File folders are maintained in locked file cabinets. Access to identifiable information is limited to those Department of Justice employees and contract employees whose official duties require such access.

Retention and disposal: Records identified to the participant are retained for as long as the participant is associated with the Program and for three years thereafter. Upon completion of the three-year holding period, the file is given to the participant, or destroyed, as determined by the participant.

System manager(s) and address: *Director, Personnel and Training Staff Justice Management Division* United States Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: Same as the System Manager.

Contesting record procedures: Same as the System Manager.

Record source categories: Information is supplied by the individual to whom the record pertains, and as a result of fitness evaluations conducted within the Program.

Systems exempted from certain provisions of the act: None.

JUSTICE/JMD–019

System name: Freedom of Information/Privacy Act Records.

System location: U.S. Department of Justice, *Justice Management Division,* 10th & Constitution Avenue, N.W., Washington, D.C. 20530.

Categories of individuals covered by the system: Persons who request disclosure of records pursuant to the Freedom of Information Act; persons who pursuant to the Privacy Act request access to or correction of records pertaining to themselves contained in systems of records maintained by the *Justice Management Division,* and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

Categories of records in the system: The system contains copies of all correspondence and internal memoranda related to Freedom of Information Act and Privacy Act requests or responses associated with the *Justice Management Division,* and related records necessary to the processing of such requests.

Authority for maintenance of the system: This system is established and maintained pursuant to 44 U.S.C. 3101 and is maintained to implement the provisions of 5 U.S.C. 552 and 552a and the provisions of 28 C.F.R. 16.1 et. seq. and 28 C.F.R. 16.40 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record maintained in this system may be disseminated as a routine use of such record as follows: (1) a record may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate federal, state, local, or foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in a system of records maintained by the *Justice Management Division;* (3) records maintained on behalf of the U.S. Civil Service Commission may be disseminated to the U.S. Civil Service Commission on request, as the custodian of these records.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: A record contained in this system is stored manually in alphabetical order in file cabinets.

Retrievability: A record is retrieved by the name of the individual or person making a request for access or correction of records.

Safeguards: Access to physical records is limited to personnel of the U.S. Department of Justice who have a need for the record in the performance of their duties under the Freedom of Information or Privacy Acts. The records are safeguarded and protected in accordance with applicable Departmental and Civil Service Commission regulations.

Retention and disposal: A disposal schedule has not been established for these records.

System manager(s) and address: Assistant Attorney General *Justice Management Division:* U.S. Department of Justice; 10th and Constitution Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as the System Manager.

Record access procedures: A request for access to a record contained in this system shall be made in writing with the envelope and the letter clearly marked (Freedom of Information) or 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record. The requester will also provide a return address for transmitting the

information. Access requests will be directed to the system manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: The sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access to or correction of records originating in the *Justice Management Division.*

Systems exempted from certain provisions of the act: None.

Law Enforcement Assistance Administration (LEAA)

LEAA systems of records are reprinted below to reflect amendments stated as follows:

The Financial Management System (JUSTICE/LEAA-005) is reprinted to establish a new routine use. The new routine use provides that information from the Financial Management System may be disclosed to commercial credit bureaus for address location assistance.

The Civil Rights Investigative System JUSTICE/LEAA-008) is reprinted to correct typographical/printing errors. Notice of exemption of the system from the access provisions of the Privacy Act was published in the FEDERAL REGISTER on August 17, 1975. However, by error, the exemption was not shown in subsequent annual publications. The system reprinted below shows this system of records as being exempt from the access provisions of the Privacy Act, 5 U.S.C. 552a(d).

The Technical Assistance Resources Files (JUSTICE/LEAA-010) is reprinted to reflect a change in the system manager of this records system.

The Public Safety Officers' Benefits System (JUSTICE/LEAA-012) is reprinted to establish a new routine use as well as to deleter one. The new routine use will allow disclosure of information to researchers to assist them in researching the cause and prevention of public safety officer line of duty deaths. Deleted is a routine use which permitted disclosure to educaitonal institutions to verify eligibility status of beneficiaries who were students of the institution.

JUSTICE/LEAA-005

System name: Financial Management System

System location: Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Categories of individuals covered by the system: Recipients of LEAA funds; Employees.

Categories of records in the system: Employee Travel files; time and attendance files; Government Transportation Requests; Paid Vendor Document File.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: *Commercial credit bureaus for address location assistance.*

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computerized discs, file folders.

Retrievability: Name, social security numbers, digital identifiers assigned by accounting office.

Safeguards: Manual information in system is safeguarded in locked file cabinets. Computerized passwork key is needed to access computerized information. Direct access only by comptroller personnel.

Retention and disposal: Employee travel files, time and attendance files and Government transportation files are closed at end of fiscal year, held three years thereafter; the records are then retired to Federal Records Center. Federal Records Center destroys in accordance with instructions of GAO.

System manager(s) and address: Comptroller; Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record from this system shall be made in writing with the envelope and letter clearly marked 'Privacy Access Request.' Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in the system are the individuals to whom the information pertains.

Systems exempted from certain provisions of the act: None

JUSTICE/LEAA-008

System name: Civil Rights Investigative System

System location: Law Enforcement Assistance Administration; 633 Indiana Avenue NW.; Washington, D.C. 20531.

Categories of individuals covered by the system: Complaints of discrimination by individuals affected by the agency program for which the agency has compliance responsibility, grantees, subgrantees, contractors, subcontractors, employees, and applicants.

Categories of records in the system: Civil Rights Complaint Control Logs; Civil Rights Litigation Reference Files.

Authority for maintenance of the system: 42 U.S.C. 3766(c); E.O. 11246 (3 C.F.R. 173) as amended by E.O. 11375.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Investigation of complaints and to obtain compliance with Civil Rights laws. Users of the data are State Planning Agencies, State Governors and Attorneys General, Criminal Justice Agencies, Office of Federal Contract Compliance, Equal Employment Opportunity Commission, Office of Federal Revenue Sharing, and a United States Commission on Civil Rights; Department of Health, Education, and Welfare; States Civil Rights Offices; and Law Enforcement Assistance Administration researchers for purposes of evaluation technical assistance and training.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in file folders and on index cards.

Retrievability: Information is retrieved by name of respondent and complainants.

Safeguards: Information is kept in locked file cabinets and combination safe. Access is limited to investigative personnel.

Retention and disposal: Complaint control logs are destroyed upon completion of action on the inquiry or complaint. Complaint case files thereafter are not retrievable by name, number, or other information identifiable to the individual. Other investigative information is destroyed four years after the investigation is completed.

System manager(s) and address: Office of Civil Rights Compliance; Law Enforcement Assistance Administration; 633 Indiana Avenue NW.; Washington, D.C. 20531.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record containing civil rights investigatory material shall be made in writing with the envelope and letter clearly marked "Privacy Access Request" to the Civil Rights System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: The information contained in this system was received from individual complainants, witnesses, grant files, respondents, official State and Federal records.

Systems exempted from certain provisions of the act: *The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(K)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the* FEDERAL REGISTER.

JUSTICE/LEAA-010

System name: Technical Assistance Resource Files

System location: Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Categories of individuals covered by the system: Consultants with expertise in criminal justice systems.

Categories of records in the system: The system consists of resumes and other documents related to technical assistance requests.

Authority for maintenance of the system: The system is maintained under authority of 42 U.S.C. 3763(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used to determine the qualifications and availability of individuals for technical assistance assignments. Users are State planning agencies and the Law Enforcement Assistance Administration.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information contained in the system is on hard copy and stored in file cabinets.

Retrievability: Information is manually retrieved by the name of the individual.

Safeguards: Records are stored in file cabinets. Admittance to the building in which they are stored requires a building pass or an individuals signature at the main entrance to the building.

Retention and disposal: Records are placed in an inactive file at the end of the fiscal year in which final use was made. They are held two years in the inactive file; then transferred to the Federal Records Center. Records are destroyed after six years.

System manager(s) and address: Technical Assistance Coordinator; *Division Director of Program area in which records are sought: Adjudication, Enforcement, Corrections, and Special Programs in the Office of Criminal Justice Programs; Juvenile Justice in the Office of Juvenile Justice and Delinquency Prevention; Systems Development in the National Criminal Justice Information and Statistics Service,* Law Enforcement Assistance Administration; 633 Indiana Avenue, N.W.; Washington, D.C. 20531.

Notification procedure: Address inquiries to the system manager(s) at the above address.

Record access procedures: A request for access to a record contained in this system shall be made in writing with the envelope and letter clearly marked 'PRIVACY ACCESS REQUEST.' Include in the request the name and grant/contract number for the record desired. Access requests will be directed to the system manager(s) listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their requests to the system manager(s) listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system are those individuals to whom the information pertains.

Systems exempted from certain provisions of the act: None.

JUSTICE/LEAA-012

System name: Public Safety Officers' Benefits System

System location: Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

Categories of individuals covered by the system: Public Safety Officers who died while in the line of duty and their surviving beneficiaries.

Categories of records in the system: This system contains an index by claimant and deceased Public Safety Officers; case files of eligibility documentation; and benefit payment records.

Authority for maintenance of the system: Authority for maintaining this system exists under 42 U.S.C. 3701, et seq., Pub. L. No. 94-430 (Sept. 29, 1976) and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) State and local agencies to verify and certify eligibility for benefits; (2) *researchers for the purpose of researching the cause and prevention of public safety officer line of duty deaths;* (3) appropriate Federal agencies to coordinate benefits paid under similar programs; and (4) members of Congress or staff acting upon the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is a party in interest.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in this system is maintained on a master index, in folders and on computer magnetic tape.

Retrievability: Information is retrievable by name of claimant, name of deceased Public Safety Officer, and case file number.

Safeguards: Computerized information is safeguarded and protected by computer password key and limited access. Noncomputerized data is safeguarded in locked cabinets. All files are maintained in a guarded building.

Retention and disposal: Files are retained, retired to Federal records centers and disposed of in accordance with General Services Administration disposal schedules.

System manager(s) and address: PSOB Program Officer, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

Notification procedure: Same as above.

Record access procedures: Request for access to a record from this system should be made in writing with the envelope and the letter clearly marked 'Privacy Access Request.' Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above and state clearly and concisely what information is being contested, the reason for contesting it and the proposed amendment to the information sought.

Record source categories: Public agencies including employing agency, beneficiaries, educational institutions, physicians, hospitals, official state and Federal documents.

Systems exempted from certain provisions of the act: None.

Office of the Pardon Attorney (OPA)

While retained in the Office of the Pardon Attorney, U.S. Department of Justice, Executive Clemency Files are files of the President of the United States which are compiled and maintained to provide for the exercise of his constitutional responsibilities pursuant to Article II, Section 2, and are not subject to the provisions of the Privacy Act of 1974. However, in compliance with the spirit of the Act, the Office of the Pardon Attorney (1) hereby notifies the public that guidelines approved by the President for handling requests for execu-

tive clemency and disclosure of materials submitted or furnished in connection with Executive clemency are published in 28 CFR Part 1 and (2) hereby publishes an amended system notice.

The Executive Clemency Files system (JUSTICE/OPA-001) is reprinted below to correct the identifying number of the pardon application and to correct a misspelled word.

JUSTICE/OPA-001

System name: Executive Clemency Files

System location: Office of the Pardon Attorney; U.S. Department of Justice; Washington, D.C. 20530.

Categories of individuals covered by the system: Applicants for Executive clemency.

Categories of records in the system: The system contains the individual petitions for Executive clemency (OPA-6 or *13*) submitted by the applicants and accompanying oath and character affidavits (DOJ-1973-06), investigatory material, evaluative reports, inter-agency and intra-agency correspondence and memoranda relating to individual petitions for clemency. The system includes Presidential Clemency Board files transferred to the Office of the Pardon Attorney upon termination of the Board's existence on September 15, 1975.

Authority for maintenance of the system: The system is established and maintained in accordance with the United States Constitution, Article II, section 2, Executive Order of the President dated June 16, 1893, Order No. 288-62, 27 FR 11002, November 10, 1962, as codified in 28 CFR 1.1 et seq. and E.O. 11878 dated September 10, 1975.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Executive clemency files are used to (a) enable the Attorney General to investigate each petition for Executive clemency, to review each petition and information developed by his investigation thereof and to advise the President whether, in his judgment, the request for clemency is of sufficient merit to warrant favorable action by the President; (b) prepare notices to the public of the name of each grantee of clemency, date of Presidential action, nature of clemency granted, nature of grantee's offense, date and place of sentencing, description of sentence imposed, and names of character affiants and interested members of Congress; and disclose similar information to that specified above with respect to denials of general public interest if the disclosure does not constitute an unwarranted invasion of privacy; (c) prepare bound and indexed volumes containing photocopies of the official *warrant* of clemency granted each recipient of clemency as a public and official record of Presidential action; (d) upon request of the President and members of his staff, to make available to them individual clemency files; (e) upon specific request, to advise the requestor whether a named person has applied for, been granted or denied clemency, the date thereof and the nature of the clemency granted or denied; (f) upon specific request, to make closed files available for historical research purposes when in the public interest and in conformity with Department of Justice policy; and (g) upon request or otherwise, to make any information which indicates a violation or apparent violation of law, whether civil, criminal or regulatory in nature, available to the appropriate agency, whether Federal, state, local or foreign.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is stored in the Office of the Pardon Attorney and in Archives.

Retrievability: Information is retrieved by reference to the file number assigned to the name of each applicant for clemency.

Safeguards: Information contained in the system is safeguarded and protected in accordance with Department of Justice Rules Governing Petitions for Executive Clemency, specifically, 28 CFR 1.6. Executive clemency files are maintained in the Office of the Pardon Attorney and are not commingled with Department of Justice records.

Retention and disposal: Records are stored in the Office of the Pardon Attorney and closed cases are transferred to the Federal Archives Records Center when five years old. Except for the "letter of advice" furnished to the President in connection with clemency applications and Presidential responses and cases designated by the Pardon Attorney as having significant public interest, records are destroyed after 25 years.

System manager(s) and address: Pardon Attorney; Office of the Pardon Attorney; Department of Justice; Washington, D.C. 20530.

Notification procedure: Address inquiries to the Pardon Attorney; Department of Justice; Washington, D.C. 20530.

Record access procedures: While the Attorney General has exempted Executive Clemency files from the access provisions of the Privacy Act, requests for discretionary releases of records contained in the system shall be made in writing with the envelope and letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document and the name of the clemency applicant in whose file it is contained. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures: While the Attorney General has exempted Executive Clemency files from the correction (contest and amendment) provisions of the Privacy Act, requests for the discretionary correction (contest and amendment) of records contained in this system should be directed to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system are the individual applicants for clemency, Federal Bureau of Investigation or other official investigatory reports, Bureau of Prisons records, armed forces reports, probation or parole reports and reports from individual or non-Federal organizations, both solicited and unsolicited.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

U.S. Parole Commission (PRC)

The U.S. Parole Commission system of records identified as PRC-001 through PRC-007 are reprinted below. They reflect minor changes and/or clarifications. In addition, systems of records identified as PRC-006 and PRC-007 also reflect changes to the "Storage" and "Retrievability" categories. However, these changes are such that they do not create either greater or easier access. Therefore, these changes do not meet the criteria which require a report to the Office of Management and Budget and the Congress.

JUSTICE/PRC-001

System name: Docket, Scheduling and Control

System location: Records are maintained at each of the Regional Offices for inmates incarcerated in and persons under supervision in each region, except for the National Appeals Board docket maintained in Washington. All requests for records should be made to the appropriate regional office or Headquarters at the following addresses: United States Parole Commission, Scott Plaza II, Industrial Highway, 6th Floor, Philadelphia, Pa. 19113; United States Parole Commission, *715 McDonough Blvd S.E., Atlanta,* Ga. 30315; United States Parole Commission, 320 First Street, Washington, D.C. 20537, ATTN: National Appeals Board, United States Parole Commission, KCI Bank Building, 8800 Northwestern 112th Street, Kansas City, Mo. 64153. United States Parole Commission, 3883 Turtle Creek Boulevard, Suite I, Dallas, Tex. 75219. United States Parole Commission, 330 Primrose Drive, 5th Floor Burlingame, Calif. 94010.

Categories of individuals covered by the system: Current and former inmates under the custody of the Attorney General who have become eligible for parole. Former inmates includes those presently under supervision as parolees or mandatory releases and those against who a revocation *warrant* has been issued.

Categories of records in the system: (a) Docket sheets—Each region and the National Appeals Board in Washington maintain a cumulative series of docket sheets in time sequence showing Commission action. Principal data elements are name and register number of inmate, offense, sentence, and previous and present Action. The appeal docket includes the date and type of appeal in addition to

much of the above data. These provide a continual running record of the basic data elements per inmate and former inmate. (b) Hearing schedules—*Shortly after inmates are incarcerated,* their names appear on an eligibility list prepared by the Bureau of Prisions, for initial parole hearings. Inmates denied *immediate* parole are "continued" by the Commission to future dates for review hearings or records reviews. Other types of hearings and reviews are provided for in the Code of Federal Regulations as part of parole, rescission or revocation procedures. All of the different types of hearings and reviews are placed on schedules for examiners to process when they visit the various institutions or hold 'local' hearings. The data elements are similar to those on the docket but indicate the number and type of hearing or review to be held instead of the result.

Authority for maintenance of the system: 18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The dockets provide the basis of answering basic inquiries, mostly from within the Parole Commission, as to when a hearing came up for an individual and what action was taken. The schedules indicate to examiners and prison staff the specific hearings and reviews to be prepared for and held.

(b) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

(c) A record from this system of records may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision concerning parole matters.

(d) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(e) Internal users—Employees of the Department of Justice who have a need to know the information in the performance of their duties.

(f) External users—As noted above, on occasion employees of Federal, State and local enforcement, correctional, prosecutive, or other agencies, and courts may have access to this information.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communications from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information stored in the system is on sheets of paper, one item per line, stored in folders or binders. An experimental program to store such data on tape, disk, or microfiche using ADP technology, is in the beginning stages.

Retrievability: Name, register number, date, institution, Commission action.

Safeguards: Copies of dockets and schedules are not disseminated outside of Commission offices and Bureau of Prisons installations. They are available only to Commission and bureau employees on a "need to know" basis. Information therefrom may be given outside the Department as indicated in the "Routine Uses." If so, a letter will be written covering the item disclosed, date, and identity of the recipient. If information must be given over the phone due to urgency, the caller will be identified beforehand and details of the call recorded.

Retention and disposal: Records in this system are kept for five (5) years after the effective date of the schedule or date of the last item recorded on the docket. They are then shredded.

System manager(s) and address: Herman Levy, Attorney-Management Analyst, United States Parole Commission, 320 First Street NW., Room *846;* Washington, D.C. 20537.

Notification procedure: Address inquiries to Regional *Commissioner* at appropriate location. For general inquiries, address system manager. The Attorney General has exempted this system from compliance with the provisions of subsection (d), under the provisions of subsection (j).

Record source categories: 1) Bureau of Prisons files; 2) Parole Commission and Bureau of Prison's employees; 3) Court Records, 4) Parole Commission inmate files.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC-002

System name: Freedom of Information Act Record System

System location: Records may be retained at any of the Regional Offices as indicated in the Inmate and Supervision Files System and the Headquarter's Office. All requests for records may be made to the Central Office, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537, ATTN: Executive Assistant to Chairman, or to the appropriate Regional Office.

Categories of individuals covered by the system: Current and former inmates under the custody of the Attorney General, including former inmates on supervision.

Categories of records in the system: (1) Administrative requests and responses to requests for information and records under 5 U.S.C. 552, and appeals from denials of data; (2) Final orders of Commission following all parole, rescission, and revocation hearings, record reviews, and appeals are maintained in the Freedom of Information Act reading room at Commission headquarters with names removed to protect individual privacy of inmates and persons on supervision. Final decisions in labor and pension cases are maintained in said reading room.

Authority for maintenance of the system: 5 U.S.C 552.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used: (a) to maintain records concerning the processing and determination of requests for information made pursuant to the Freedom of Information Act 5 U.S.C. 552; and make final orders available in a reading room pursuant to 5 U.S.C. 552: (b) to provide documentation of receipt and processing requests for information made pursuant to the Freedom of Information Act if needed for processing contested denials of release of data; (c) to furnish information to employees of the Department of Justice who have a need for information from the system in performance of their duties; (d) to maintain a count of requests and method of compliance as required by Freedom of Information Act.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is stored on documents.

Retrievability: Documents are indexed by name and/or register number. Final orders in the reading room are indexed by *register number, type, source, and result.*

Safeguards: Information is stored in file cabinets in rooms supervised by day and locked at night and are made available to Commission personnel and other Department of Justice employees on a "need to know" basis. Each requestor may see his own file. The public may use the reading room.

Retention and disposal: Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by shredding.

System manager(s) and address: General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537.

Notification procedure: Same as the above.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: (1) Inmates and persons on supervision; (2) Department of Justice employees.

Systems exempted from certain provisions of the act: None.

JUSTICE/PRC-003

System name: Inmate and Supervision Files

System location: Records are maintained at each of the Commission's Regional Offices for inmates incarcerated in and persons under supervision in each region. Records are housed temporarily at the Commission's Headquarters Office located at 320 First Street, Washington, D.C. 20537 when used by the National Appeals Board or other Headquarter's personnel. Prior to the first parole hearing, the inmate's file is maintained at the institution at which he is incarcerated. All requests for records should be made to the appropriate regional office at the following addresses: U.S. Parole Commission, Scott Plaza II, Industrial Highway, Sixth Floor, Philadelphia, Pa. 19113. U.S. Parole Commission, *715 McDonough Blvd. S.E.,* Atlanta, Ga. 303*15.* U.S. Parole Commission, KCI Bank Building, 8800 112th Street NW., Kansas City, Mo. 64153. U.S. Parole Commission, 3883 Turtle Creek Boulevard, Suite I, Dallas, Tex. 75219. U.S. Parole Commission, 330 Primrose Drive, Fifth Floor, Burlingame, Calif. 94010.

Categories of individuals covered by the system: Current and former inmates under the custody of the Attorney General. Former inmates include those presently under supervision as parolees or mandatory releasees.

Categories of records in the system: 1. Computation of sentence and supportive documentation.

2. Correspondence concerning pending charges, and wanted status, including warrants.

3. Requests from other Federal and non-Federal law enforcement agencies for notification prior to release.

4. Records of the allowance, forfeiture, withholding and restoration of good time.

5. Information concerning present offense, prior criminal background, sentence, and parole from the U.S. Attorneys, the Federal Courts, and Federal prosecuting agencies.

6. Identification Data.

7. Order of designation of institution of original commitment.

8. Records and reports of work and housing assignments.

9. Program selection, assignment and performance adjustment/progress reports.

10. Conduct records.

11. Social background.

12. Educational data.

13. Physical and mental health data.

14. Parole Commission applications, appeal documentation, orders actions, examiner's summaries, transcripts or tapes of hearings, guideline evaluation documents, parole or mandatory release certificates, statements of third parties for or against parole, special reports on youthful offenders and adults required by statute and related documents.

15. Correspondence regarding release planning, adjustment and violations.

16. Transfer orders.

17. Mail and visit records.

18. Personal property records.

19. Safety reports and rules.

20. Release processing forms and certificates.

21. Interview request forms from inmates.

22. General correspondence.

23. Copies of inmate court petitions and other court documents.

24. Reports of probation officers, Commission correspondence with former inmates and others, and Commission orders and memoranda dealing with supervision and conditions of parole or mandatory release.

25. If an alleged parole violation exists, correspondence requesting a revocation warrant, warrant application, warrant, instructions as to service, detainers and related documents.

Authority for maintenance of the system: 18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, and 28 CFR Part 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) The file is the "working tool" used by Parole Commission examiners to frame the questions at the inmates initial hearing. After that hearing, it is placed in the appropriate regional office where it provides the principal information source for decisions necessary during the pre-release stage (before parole), the review hearing or record review, and the post release stage (when supervision takes place). It is sent temporarily to Commission Headquarters when appeals come before the National Appeals Board or when needed by counsel and others on the Headquarters Staff. It is used by employees at all levels including Commission members to provide the information for decision making in every area of Commission responsibility. Files of released inmates are used to make statistical studies of subjects related to parole and revocation.

(b) The system is used to provide *an* information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties.

(c) The system is used *as a* source for disclosure of information *which is* solely of general public record, such as offense, sentence data, release date, etc. Names are not disclosed when information is so provided.

(d) The system is used to provide informational source for responding to inquiries from Federal inmates, their families or representatives, or Congressional inquiries.

(e) Internal Users—Employees of the Department of Justice who have a need to know information in the performance of their duties.

(f) External Users—U.S. Probation Officers, who supervise parolees and mandatory releasees and U.S. District Court judges when Commission action is attacked in litigation. Very rarely, to enforcement authorities outside of the Department of Justice.

(g) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

(h) A record from the this system may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision relating to current or former inmates under supervision.

(i) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(j) A record from this system may be disclosed to a person or to persons who may be exposed to harm through contact with a particular parolee or mandatory releasee if it is deemed by a Commissioner to be reasonably necessary to give notice that such danger exists.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 USC 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 USC 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is stored on papers fastened into file jackets and a minimal amount is on cards stored in card file drawers. Active files and card indices are located in each region; inactive files are at the Washington Federal Records Center and the card index to inactive files is at Board Headquarters in Washington. An experimental program to store such data on tape, disk or microfiche using ADP technology is in the beginning stages.

Retrievability: All data is indexed by name and/or register number. When ADP technology is used in the future, such data may be available by FBI identification number, or other indices.

Safeguards: Within the Department of Justice, routine use is made available to employees only on a "need to know" basis. Files are stored in rooms which are supervised by day and locked at night. Data from files for recipients outside of the Parole Commission and Bureau of Prisons is conveyed by letter so that a record exists. When files are sent they are covered by a letter with a follow-up on return of the file. Such disclosure is infrequent, and is within the Federal enforcement-prosecution-judicial area only.

Retention and disposal: Records in this system are retained for a period of ten (10) years after expiration of sentence, then destroyed by electronic means or shredding.

System manager(s) and address: Herman Levy, Attorney-Management Analyst, United States Parole Commission, 320 First Street NW., Room *846*, Washington, D.C. 20537.

Notification procedure: Address inquiries to Regional *Commissioner* at appropriate location. For general inquiries, address System Manager. The Attorney General has exempted this system from compliance with the provisions of Subsection (d) under the provisions of Subsection (j).

Record source categories: 1. Individual inmate; 2. Federal law enforcement agencies and personnel; 3. State and Federal probation services; 4. Non-Federal law enforcement agencies; 5. Educational institutions; 6. Hospital or medical sources; 7. Relatives, friends and other interested individuals or groups in the community; 8. Former or future employers; 9. Evaluations, observations, reports, and findings of institution supervisors, counselors, board and committees, Parole Commission examiners, Parole Commission Members; 10 Federal Court records; 11. U.S. Bureau of Prisons personnel and records.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 55a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC-004

System name: Labor and Pension Case, Legal File and General Correspondence System

System location: All Labor and Pension cases, *most* Legal file and some general correspondence material is located at: Commission Headquarters, 320 First Street NW., Washington, D.C. 20537. The balance of the general correspondence material is located at the Commission's Regional Offices, the addresses of which are specified in the Inmate and Supervision System. *Some legal files are maintained at the Northeast Regional Office.*

Categories of individuals covered by the system: All applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111, all persons litigating with the U.S. Parole Commission, all persons corresponding with the Commission on subjects not amenable to being filed in an inmate or supervision file identified by an individual, and all Congressmen inquiring about constituents.

Categories of records in the system: The Commission processes applications of persons convicted of certain crimes for exemptions to allow their employment in the Labor field under 29 U.S.C. 504 of by Employee Benefit Plans under 29 U.S.C. 1111. The files contain memoranda, correspondence, and legal documents with information of a personal nature, i.e., family history, employment history, income and wealth, etc., and of a criminal history nature, i.e., record of arrests and convictions, and details as to the crime which barred employment. The final decision of the Commission in each case is a public document under the Freedom of Information Act. The Counsel's Office of the Parole Commission maintains work files for each inmate or person on supervision who is litigating with the Commission. These files contain personnel and criminal history type data regarding inmates, and internal communications among attorneys, *Commissioners* and others developing the Commission's legal position in these cases. Files of the Commission's correspondence with Congressmen who inquire about groups of constituents who have paroles or revocations pending or other subjects are maintained in the Chairman's Office and in the regions. Files of correspondence, notes, and memoranda concerning parole revocation *rescission* and related problems are also maintained in those locations. Some of this material duplicates material in the inmate files and contains personnel-criminal history type information about individuals.

Authority for maintenance of the system: These files are maintained pursuant to 18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, 28 CFR Parts 2 and 4, 29 U.S.C. 504, 1111, and all statutory sections and procedural rules allowing inmates, persons under supervision, or others to litigate with the Parole Commission.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Within the Parole Commission material in this system is used respectively by Counsel's Office staff and Commission Members in processing exemption applications. The legal file material is used by Counsel's Office staff in asserting the litigative position of the Commission. The general correspondence is used by the Commission personnel in responding to Congressmen, and by Commission Members and others in transacting the day-to-day business of the Commission. Final pension and labor case decisions are used by the Commission, the Justice, and Labor Departments, and the public to establish precedents in this field of litigation.

In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed to a Federal, State or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to an agency decision relating to pension or labor matters. A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: All data is on documents or other papers in bound files. Labor and pension case material is in Counsel's Office or the Chairman's Office at Headquarters, except for final decisions which are in the Freedom of Information Act reading room. Legal files are in Counsel's Office at Headquarters, *or in the Northeast Regional Attorney's office,* general correspondence is in the Chairman's Office, the office of his staff at Headquarters, and the offices of each regional *Commissioner.* Files are in file cabinets.

Retrievability: Labor, pension, and legal file material is indexed or filed by name of applicant or litigant, respectively. General correspondence is indexed or filed by subject, time sequence or individuals to whom the items refer.

Safeguards: Material is available only to Commission employees on a "need to know" basis. Storage locations are supervised by day and locked at night. Only disclosure made therefrom is to other agencies of the Department of Justice, the U.S. Probation Office, Federal enforcement agencies or the Congress. Disclosure to Congressmen in response to inquiries concerning constituents is subject to the exemptions of the Freedom of Information Act. The Commission Decisions in labor and pension cases are public information under the Freedom of Information Act.

Retention and disposal: Records are maintained for 10 years and are shredded or destroyed electronically thereafter.

System manager(s) and address: Herman Levy; Attorney/Management Analyst, United States Parole Commission, 320 First Street NW., Room *846,* Washington, D.C. 20537.

Record source categories: a. Applicants for exemptions under 29 U.S.C. 504 and 29 U.S.C. 1111; b. U.S. Department of Labor; c. Administrative Law Judges and others connected with labor or pension cases; d. Litigants proceeding against Parole Commission; e. The Commission's legal staff and other Commission personnel; f. Congressmen and others making inquiries of Commission; g. Commission Members and employees responding to inquiries, corresponding with others, preparing speeches, policy statements and other means of contact with other branches of the Federal Government, State, and local governments, and the public.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (c) (2) and (3), (4) (G) and (H), (c) (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/PRC-005

System name: Office Operation and Personnel System

System location: At each regional office as indicated in the "Inmate and Supervision File System Report" and at the U.S. Parole Commission, 320 First Street NW., Washington, D.C. 20537.

Categories of individuals covered by the system: Present and former Commission Members and employees of the U.S. Parole Commission.

Categories of records in the system: Personnel records, leave records, property schedules, budgets and actual expense figures, obligation schedules, expense and travel vouchers, and the balance of the usual paperwork to run a Government office efficiently.

Authority for maintenance of the system: All statutory sections, CFR sections, and *OPM, MSPB,* GSA, and OMB directives establishing procedures for government personnel, financial, and operational functions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Day-to-day activity involving personnel, financial. Procurement, maintenance, recordkeeping, mail delivery, and management functions.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in paper files or on computer printouts. They are stored in operations areas of offices.

Retrievability: Data of a personal nature is in employee personnel files, used by Commission personnel on a "need to know" basis. Each employee has a right to see his own file on request. Other files are used by Commission personnel on a "need to know" basis.

Safeguards: Files are supervised by appropriate personnel during the working day and are in locked rooms at night.

Retention and disposal: Subject to applicable *OPM, MSPB,* OMB, DOJ, and GSA regulations.

System manager(s) and address: Executive Assistant to the Chairman, U.S. Parole Commission, 320 First Street NW., room *816A,* Washington, D.C. 20537.

Notification procedure: Same as the above.

Record access procedures: Same as the above.

Contesting record procedures: Same as the above.

Record source categories: Parole Commission employees, Office of Management and Finance. All other contributing Government agencies.

Systems exempted from certain provisions of the act: None.

JUSTICE/PRC-006

System name: Statistical, Educational and Developmental System

System location: Parole Commission Headquarters, 320 First Street, *8th* Floor, Washington, D.C. 20537.

Categories of individuals covered by the system: Any inmate or former inmate under custody of the Attorney General including former inmates supervised as parolees or mandatory releasees.

Categories of records in the system: All records as described in the Workload Record, Decision Result, and Annual Report System plus data on additional input forms known as Revocation Data Sheets, Parole Decision Information Sheet, certain follow-up forms and the Salient Factor Worksheet Form. These forms include criminal history-type data elements regarding specific individuals selected from the above category of individual. This data is either organized and processed by hand or is input into a computer and has been used to provide the following one-time reports in pamphlet-text form: a) Administrative Review of Parole Selection and Revocation decisions; b) Parole Decisionmaking, a Salient Factor Score; c) Effect of Representation at Parole Hearings; d) Parole Decisionmaking—Structuring Discretion; e) Time Served and Release Performance—A Federal Sample and certain additional reports, all available in the public reading room. The data base collected as described in this and the preceding system will be used to prepare studies on similar or related subjects in the future. It has been used to develop revocation guidelines similar to parole guidelines. Items collected for this data base may change depending on the subject matter of new studies to be undertaken by the Commission.

Authority for maintenance of the system: 18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, 28 CFR Part 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. Internal—Develop methodology for a more scientific determination of parolability and revocability, methodology to comply with changing concepts of due process, and methodology to select persons to be released from prison who will be less likely to recidivate.

b. External—Add to the general body of knowledge in the parole area of criminology, and provide educational material for other parole boards, and members of the criminal justice and academic communities interested in this subject. Published pamphlets in text form are prepared on subjects of interest in this area of criminology and are circulated freely. They contain no references to individuals, either by name, address, register number or other means of identification. They do not contain recognizable fact situations, descriptions, or other writings through which identification of any individual within the present or former jurisdiction of the Parole Commission can be made.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is in input forms, IBM card decks and on computer produced storage media. It is stored as described in the preceding system description. Pamphlet text reports are public documents stored in offices, libraries, and in bookshelves, and in the public reading room.

Retrievability: Information by name, register number or FBI identification number may be retrieved from the input forms, card decks, or *storage media.* This material is used only by authorized parole *commission* research personnel on a "need to know" basis and is data

processed only by authorized Bureau of Prisons *or Justice Department* personnel. Material is not retrieved in identifiable form except that computer produced "hard copy" may be used as a temporary expedient to prepare a report. The final pamphlet text reports and material resulting from studies are used by Commission personnel for internal purposes and the public externally. None of this material contains any reference to an individual. *Documents* which contains information *concerning* one individual *are* made available to that individual if requested under the *Privacy* Act.

Safeguards: See "Safeguards" of preceding system regarding input forms, IBM cards or tape. Reports in pamphlet form are not safeguarded.

Retention and disposal: See "Retention and Disposal" of preceding system. The studies in pamphlet form are not disposed of on schedule. Some will be maintained perpetually in archives.

System manager(s) and address: Research Director, U.S. Parole Commission, 320 First Street NW., Room *850*, Washington, D.C. 20537.

Record source categories: a. Commission inmate files; b. Docket Sheets; c. Commission Notices of Action, orders and documentation following hearings; d. Commission warrant applications and warrants; e. General Commission records and data; f. Enforcement agency records regarding former inmates.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the Federal Register.

JUSTICE/PRC-007

System name: Workload Record, Decision Result, and Annual Report System

System location: U.S. Parole Commission Headquarters, 320 First Street, 3d Floor, Washington, D.C. 20537.

Categories of individuals covered by the system: Any inmate and parolee or mandatory releasee who has been the subject of a decision for the period covered in the report for which the data is used (prior month, prior quarter, or prior year).

Categories of records in the system: Certain original input forms indicate the inmate or person under supervision by name and register number and give the date and specific statistical detail as to the decision made. They include criminal history type of information regarding the persons in question. Types of decisions covered in order of the form numbers above are or record review, after Regional Appeal, after National Appeal, and after a decision reopening and modifying. The data is input into a computer and is used to provide the following: (a) A monthly report of workload containing number and type of hearings per region further broken out by institutions within regions and type of sentence; (b) *Bimonthly* report on decision results indicating, among other statistics, number and type of decisions within, above, and below guidelines broken out by examiners making the decisions; (c) Together with hand posted data on other items of statistical value, this data is being used to create the Annual Report of the Commission.

Authority for maintenance of the system: 18 U.S.C. 4201-4218, 5005-5041, 28 CFR Part O, Subpart V, 28 CFR Part 2.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (a) These records are used internally to analyze work product, the performance of evaluators, and various types of procedures and hearings and to evaluate the guidelines themselves.

(b) These records are used to prepare an annual report to the Attorney General, and Congress and the public indicating in quantitative and qualitative terms Commission activity and accomplishment.

(c) In the event that material in this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be referred to the appropriate agency, whether Federal, State, local, or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

(d) A record from this system of records may be disclosed to a Federal, State, or local agency maintaining civil, criminal or other relevant information if necessary to obtain information relevant to Parole Commission matters.

(e) A record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that information is relevant and necessary to the requesting agency's decision on the matter.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the U.S. Parole Commission unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the U.S. Parole Commission not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and in response to a communication from the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper input forms are stored in folders only until information from them is *entered into machine readable media.* Monthly and other reports in the form of computer printouts are filed in folders. Annual report is in book form and stored in library shelves.

Retrievability: Data in this system can be retrived by inmate's name and register number from the original input forms, IBM card decks, *and computer-produced storage media.* It is *usually* only retrieved by region, by examiner, by type of decision made or hearing held, by relation to the guidelines and other similar means except for individual case retrievability in the guideline section of the *bimonthly.*

Safeguards: Data on forms, IBM cards, and/or tape *or other computer produced storage media* retrievable by individual is stored in the *Commission's* Office in cabinets. Commission employees supervise this data by day and use it on a "need to know" basis. The room where it is stored *are* locked outside of office hours, and the entire Headquarters building is guarded and secured. Monthly and *other* reports are for use of the Chairman, his Executive Assistant and Commission Members and professional personnel. No information thereon is retrievable as pertaining to any individual except certain breakouts by Parole Commission employee examiners and by inmate in the guideline section of reports. These printouts are stored in the Commission Headquarters offices, all of which are supervised by day, locked at night, and are in a secured building. The Annual Report contains no information identifiable by individual and is a public document.

Retention and disposal: Completed input forms—1. Until data is keypunched into IBM cards—usually 1 month after forms are completed. They are then destroyed; 2. IBM card decks or *other* tape substitute—10 years after preparation, cards will be destroyed—tape degaussed; 3. Printouts of annual and *other* reports—10 years; 4. Annual Reports—Some copies retained perpetually in Archives.

System manager(s) and address: Executive Assistant to the Chairman, Room *816A*, U.S. Parole Commission, 320 First Street NW., Washington, D.C. 20537.

Record source categories: (a) Commission inmate files; (b) Docket sheets; (c) Commission notices of action, orders and documentation following hearings; (d) Commission warrant applications and warrants; (e) General Commission records and data.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (2) and (3), (c)(4) (G) and (H), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

Bureau of Prisons (BOP)

The Bureau of Prisons proposes to amend one system of records and delete another. The Bureau proposes to amend the Inmate Central Records System (JUSTICE/BOP-005) by modifying the language under "Retention and disposal" to show differing periods of retention of records for sentenced and unsentenced inmates, and to delete the Inmate Safety and Accident Compensation Record System (JUSTICE/BOP-005) which was published in error. The Inmate Central Records System (JUSTICE/BOP-005) and the Bureau of Prisons appendix of field locations identified as (JUSTICE/BOP-999) are reprinted below. The appendix is reprinted to reflect current institution addresses.

JUSTICE/BOP-005

System name: Inmate Central Records System

System location: Records may be retained at any of the Bureau's facilities, the Regional Offices and the Central Office. All requests for records may be made to the Central Office: U.S. Bureau of Prisons; 320 First Street, N.W., Washington, D.C. 20534.

Categories of individuals covered by the system: Current and former inmates under the custody of the Attorney General.

Categories of records in the system: 1) Computation of sentence and supportive documentation; 2) Correspondence concerning pending charges, and wanted status, including warrants; 3) Requests from other federal and non-federal law enforcement agencies for notification prior to release; 4) Records of the allowance, forfeiture, withholding and restoration of good time; 5) Information concerning present offense, prior criminal background, sentence and parole from the U.S. Attorneys, the Federal Courts, and federal prosecuting agencies; 6) Identification data, physical description, photograph and fingerprints; 7) Order of designation of institution of original commitment; 8) Records and reports of work and housing assignments; 9) Program selection, assignment and performance adjustment/progress reports; 10) Conduct Records; 11) Social background; 12) Educational data; 13) Physical and mental health data; 14) Parole Board orders, actions and related forms; 15) Correspondence regarding release planning, adjustment and violations; 16) Transfer orders; 17) Mail and visit records; 18) Personal property records; 19) Safety reports and rules; 20) Release processing forms and certificates; 21) interview request forms from inmates; 22) General correspondence; 23) Copies of inmate court petitions.

Authority for maintenance of the system: This system is established and maintained under authority of 18 U.S.C. 4003, 4042, 4082.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of this system are (a) to provide documented records of the classification, care, subsistence, protection, discipline and programs, etc., of persons committed to the custody of the Attorney General; (b) to provide information source to officers and employees of the Department of Justice who have a need for the information in the performance of their duties; (c) to provide information source to state and federal law enforcement officials for investigations, possible criminal prosecutions, civil court actions, or regulatory proceedings; (d) to provide information source for disclosure of information that are matters solely of general public record, such as name, offense, sentence data, release date, and etc; (e) to provide information source for disclosure to contracting or consulting correctional agencies that provide correctional services for federal inmates; (f) to provide informational source for responding to inquiries from federal inmates involved or Congressional inquiries; (g) Internal Users—Employees of the Department of Justice who have a need to know information in the performance of their duties; (h) External Users—State and Federal law enforcement officials for the purposes of investigation, possible criminal prosecution, civil court actions, and regulatory proceedings; state correctional agencies providing services to federal inmates; (i) to provide information relating to federal offenders to federal and state courts, court personnel, and probation officials.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is stored on documents, magnetic tape, magnetic disk, tab cards, and microfilm.

Retrievability: 1) Documents, Tab Cards and Microfilm—Information is indexed by name and/or register number. 2) Magnetic Tape and Disk—information is indexed by Name, Register Number, Social Security Number, and FBI Number.

Safeguards: Information is safeguarded in accordance with Bureau of Prisons rule governing access and release.

Retention and disposal: Records *of a sentenced inmate* are retained for a period of thirty (30) years after expiration of sentence, then destroyed by shredding. *Records of an unsentenced inmate are retained for a period of ten (10) years after the inmate's release from confinement, then destroyed by shredding.*

System manager(s) and address: Chief, Management and Information Systems Group; U.S. Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534.

Notification procedure: Address inquiries to: Director; Bureau of Prisons; 320 First Street, N.W.; Washington, D.C. 20534. The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). Inquiries concerning this system should be directed to the System Manager listed above.

Record access procedures: The major part of this system is exempt from this requirement under 5 U.S.C. 552a (j). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received.

Contesting record procedures: Same as the above.

Record source categories: 1) Individual inmate, 2) Federal law enforcement agencies and personnel, 3) State and federal probation services; 4) Non-federal law enforcement agencies; 5) Educational institutions; 6) Hospital or medical sources; 7) Relative, friends and other interested individuals or groups in the community; 8) Former or future employers; 9) Evaluations, observations, reports, and findings of institution supervisors, counselors, boards and committees.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(2) and (3), (e)(4)(H), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

JUSTICE/BOP-999

System name: Appendix of Field Locations for the Bureau of Prisons

Regional Offices
Northeast Region
Scott Plaza II, Industrial Highway
Philadelphia, Pennsylvania 19113

Southeast Region
523 McDonough Boulevard, S.E.
Atlanta, Georgia 30315

North Central Region
K.C.I. Bank Bldg.
8800 Northwest 112th Street
Kansas City, Missouri 64153

South Central Region
3883 Turtle Creek Blvd.
Dallas, Texas 75219

Western Region
330 Primrose Road, Fifth Floor
Burlingame, California 94010

United States Penitentiaries
Atlanta, Georgia 30315
Leavenworth, Kansas 66048
Lewisburg, Pennsylvania 17837
Marion, Illinois 62959
McNeil Island, Steilacoom, Washington 98388
Terre Haute, Indiana 47808

Federal Correctional Institutions
Alderson, West Virginia 24910
Ashland, Kentucky 41101
Bastrop, Texas 78602
Butner, North Carolina 27509
Danbury, Connecticut 06801
El Reno, Oklahoma 73036
Englewood, Colorado 80110
Ft. Worth, Texas 76119
La Tuna, Texas 88021
Lexington, Kentucky 40507
Lompoc, California 93436
Memphis, Tennessee 38134
Miami, Florida 33177
Milan, Michigan 48160
Morgantown, West Virginia 26505
Oxford, Wisconsin 53952
Petersburg, Virginia 23803

Pleasanton, California 94568
Sandstone, Minnesota 55072
Seagoville, Texas 75159
Talladega, Alabama 35362
Tallahassee, Florida 32304
Terminal Island, California 90731
Texarkana, Texas 75501

Federal Prison Camps
Allenwood-Montgomery, Pennsylvania 17752
Big Spring, Texas 79720
Boron, California 93516
Eglin Air Force Base, Florida 32542
Maxwell Air Force Base, Montgomery, Alabama 36112
Safford, Arizona 85546

Medical Center for Federal Prisoners
Springfield, Missouri 65802

Federal Dentention Center
Florence, Arizona 85232

Metropolitan Correctional Centers
71 W. Van Buren Street
Chicago, Illinois 60605

150 Park Row
New York, New York 10007

808 Union Street
San Diego, California 92101

Community Treatment Centers
826 S. Wabash Ave.
Chicago, Illinois 60605

3401 Gaston Ave.
Dallas, Texas 75248

1950 Trumbull Ave.
Detroit, Michigan 43216

2320 LaBranch Ave.
Houston, Texas 77044

404 E. 10th St.
Kansas City, Missouri 64106

1720 Chestnut Avenue
Long Beach, California 90813

Woodward Hotel
210 West 55th Street
New York, New York 10019

205 MacArthur Blvd.
Oakland, California 94610

316 W. Roosevelt Rd.
Phoenix, Arizona 85003

[FR Doc. 80-396 Filed 1-9-80; 8:45 am]
BILLING CODE 4410-01-M

federal register

Thursday
January 10, 1980

Part III

Department of Transportation

Federal Aviation Administration

Policies and Procedures for Considering Environmental Impacts: FAA Order 1050.1C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Policies and Procedures for Considering Environmental Impacts: FAA Order 1050.1C

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of FAA Order 1050.1C.

SUMMARY: FAA Order 1050.1C entitled "Policies and Procedures for Considering Environmental Impacts" supersedes Order 1050.1B dated June 16, 1977. This order is issued in response to regulations promulgated by the Council on Environmental Quality (CEQ) which set uniform policies and procedures for considering environmental impacts of Federal actions. The FAA notes that this order will be referenced, or incorporated by reference, in various provisions of the Federal Aviation Regulations (14 CFR Chapter I) and, thus, has regulatory significance. References to it will be substituted by amendments to the affected provisions. This order reflects the comments submitted to the docket in response to publication of the Draft Order 1050.1C (44 FR 32094; June 4, 1979).

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Richard N. Tedrick, Noise Policy and Regulatory Branch (AEE–110), Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 755–9027.

SUPPLEMENTARY INFORMATION: On November 29, 1978, the CEQ published its final regulations establishing uniform procedures for implementing the procedural provisions of the National Environmental Policy Act (43 FR 55978). "The principal aims of those regulations are "* * * to reduce paperwork, to reduce delays, and to produce better decisions." Under Part 1507 of the CEQ regulations, Federal agencies must adopt any necessary implementing procedures after publishing them for public comment and submitting them to CEQ for review. This order is issued in accordance with that requirement.

Order 1050.1C was prepared in response to the CEQ regulations to amend FAA's policies and procedures for integrating national environmental objectives into current agency policies and decisionmaking processes. The order provides in a single, comprehensive document the essential treatment of the environmental assessment process for the broad range of FAA programs and projects.

The FAA notes that Appendix 6 of the order, is a self-contained unit prescribing requirements for preparing environmental documents in conjunction with certain Federal actions associated with airport development and grant programs. Sponsors submitting applications for airport development aid are currently required by § 152.23(a)(6) of Part 152 of the Federal Aviation Regulations to submit with their applications an environmental impact assessment that meets the requirements of Appendix 6. Similarly, public agencies applying for a conveyance of a property interest owned or controlled by the United States are required by § 154.7(b)(14) of Part 154 to submit an environmental impact assessment that conforms to that appendix. Appendix 6 is incorporated by reference into both of those parts.

While the proposed order did not incorporate verbatum Order DOT 56.10.1C, "Procedures for Considering Environmental Impacts; Policies and Procedures" (44 FR 56420; October 1, 1979), and CEQ "Regulations for Implementing the Provisions of the National Environmental Policy Act" (43 FR 55978; November 29, 1978), these have been added as Appendicies 8 and 9, respectively, since persons using this order will need the information contained therein. However, since Order DOT 5610.1C and the CEQ regulations have previously been published in the **Federal Register** as cited above, they are not being reprinted at this time. Subsequent changes to these two documents will be incorporated without separate order.

Summary of Comments

A total of eight comments were received; one from an individual, two from private associations, three from State or local agencies, and two from other Federal agencies. Three commenters felt that the order was too long and suggested that a shorter, generalized order be issued. After a series of internal reviews and revisions, the order has been reduced in size by approximately fifty-percent. The sections addressing format and content of EISs have been reduced or eliminated. This information may be published as a separate guidelines document. Paragraph 8, Environmental Descriptors, was deleted from Appendix 2, and all duplication between the order and Appendix 6 was eliminated.

The Environmental Protection Agency (EPA) and two other commenters suggested that a single noise descriptor should be used throughout the order and in all of the required reports and documentation, except where required to satisfy overriding State and local requirements. This comment has been adopted and Ldn is specified as the appropriate noise descriptor.

One commenter indicated that the order does not require notification of the local government, within whose boundaries the facility is located, when a Finding of No Significant Impact (FONSI) has been made. For airport development actions, paragraph 66 (Appendix 6) provides for availability of the FONSI to the affected public in accordance with the CEQ Regulations. In addition for most airports, the sponsor (airport owner) is the local government. Adequate notice should be provided through the requirement that the FAA release a public notice on a quarterly basis of all FONSIs and that in certain cases where the proposed action is similar to that requiring an Environmental Impact Statement or where the proposed action is unprecedented, the FONSI will be made available for public review.

Two of the commenters, EPA and the Department of Housing and Urban Development (HUD), believed the emphasis in the noise area was too narrowly defined. One felt that aircraft noise was over emphasized so that other noise sources were neglected, the other, that aircraft noise other than jet airplane noise was not given sufficient consideration. Any analysis of environmental impact must consider the whole environment to the extent appropriate to the problem under study. Consideration of noise sources other than aircraft is implicit in the review process. However, as a result of the FAA's mission and the nature of the projects which are subject to this order, it must be primarily concerned with aircraft noise. Such projects often result in increased aircraft activity and aircraft noise usually is viewed by the community as being a major component of the noise environment. Additional emphasis will be given to non-jet airplanes and to helicopters in supplemental material, substantially as suggested by EPA.

EPA and other commenters provided a variety of comments and suggestions related to paragraphs 345 through 374, and Appendix 6, paragraph 47 regarding format and content of environmental assessments and impact statements. Almost all of this material has been deleted but will be provided in separate supplemental guidance material at a later date. Comments related to these sections will be carefully considered.

HUD questioned whether references in Appendix 6 to noise exposure "created without the project" related to present or forecast exposure and included sources other than aircraft. The reference could apply to either present or future change in noise exposure, whichever is greater. The initial noise analysis includes only aircraft. If additional analysis is needed, then ambient noise levels including sources other than aircraft are considered when appropriate.

One commenter pointed out that many projects are excluded from A–95 review, which includes public hearings, and expressed the concern that public interest may not surface until late in the project. The actions which do not require environmental assessment as identified in Paragraph 23 of Appendix 6 are those which are expected not to have environmental impacts off airport property. Most of these actions are also excluded from the A–95 review process. Environmental controversy is highly unlikely to exist for such items, but interested citizens should be able to determine when any development is contemplated by keeping in touch with airport management.

Exemption of ongoing environmental assessments from the new requirements was suggested by one commenter. The effective date of the order is specifically directed to environmental impact statements. Evaluation of the contents of environmental assessments for conformance with new requirements will be made on a case-by-case basis, applying the provision in CEQ Regulations 1506.12(a) that "No completed environmental documents need be redone by reason of these regulations."

Another commenter suggested that rather than exclude certain airports from noise analysis requirements based on a calculated level of 60–65 Ldn, it would be better to require the calculation to be performed in a simplified "back-of-the-envelope" manner. The levels of operations at smaller airports, below which no noise analysis is needed, have been determined by noise calculation to avoid the need for specific analysis in each case. Specific noise mitigation measures applicable and possible in a given situation will vary considerably and depend on a number of circumstances as described in the DOT/FAA aviation noise policy issued in 1976. Identification of these measures in this order is inappropriate. If necessary, it would need to be either extremely cumbersome or incomplete and misleading.

Some commenters submitted detailed comments to clarify portions of the order and eliminate apparent conflicts between different sections. Many of these comments were incorporated as suggested and others were modified to be consistent throughout the order.

Accordingly, the FAA publishes the following Order 1050.1C entitled "Policies and Procedures for Considering Environmental Impacts." (National Environmental Policy Act of 1969 as amended (42 U.S.C. 4321 et. seq.); the Environmental quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et. seq.); Section 309, Clean Air Act, as amended (42 U.S.C. 7609); Sec. 4(f), Department of Transportation Act of 1966, as amended (49 U.S.C. 1653(f)); Executive Order 11514, dated March 4, 1970, as amended by Executive Order 11991, dated May 24, 1977; 40 CFR Parts 1500–1508; DOT Order 5610.1C (44 FR 56420; September 18, 1979)).

Issued in Washington, D.C., on December 21, 1979.

Langhorne Bond,

Administrator.

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Chapter 1. General

Section 1. Application

1. *Purpose.* This order establishes policies and procedures for the preparation of Environmental Impact Statements (EIS) and Finding of No Significant Impacts (FONSI) and requires consideration of environmental assessments in decisionmaking. Appendix 6, Airports, provides instructions and guidance for preparing and processing the environmental assessments of airport development proposals as requied by various laws and regulations. This order implements and transmits as Appendix 8, Order DOT 5610.1C, Procedures for Considering Environmental Impacts.

2. *Distribution.* This order is distributed to the director level in Washington with a branch level distribution in the Office of Airport Planning and Programming, and the Air Traffic, Airway Facilities, Office of Airworthiness, Logistics, and Systems Research and Development Services; to the director level in the regions with a branch level distribution in the Airports, Air Traffic, Airway Facilities, Flight Standards, and Logistics Divisions; to the director level in the overseas area offices; a limited distribution to field offices and facilities.

3. *Cancellation.* Order 1050.1B, Policies and Procedures for Considering Environmental Impacts is canceled.

4. *Explanation of Changes.* This order is responsive to the Council on Environmental Quality (CEQ) regulation for implementing the procedural provisions of the National Environmental Policy Act (43 FR 55978–56007, November 29, 1978, 40 CFR Parts 1500–1508; see Appendix 9) and consolidates FAA directives regarding policies and procedures for considering environmental impacts. It includes guidance on content and preparation, processing filing of environmental assessments, EIS's and FONSI's and guidance on citizen involvement.

5. *Definitions.*

a. *Council on Environmental Quality (CEQ) Terminology.* CEQ terminology implementing the National Environmental Policy Act of 1969 (NEPA) was published in their regulation. CEQ 1508.1 states "The terminology of this part shall be uniform throughout the Federal Government."

b. *Federal Aviation Administration (FAA) Terms.* Order 1000.15A, FAA Glossary, dated December 18, 1975, contains terms which recur most often in agency communications.

c. *Preliminary environmental review* is the required early examination of the environmental impacts of proposed actions used to alert program officers of the action's possible significant impacts on the quality of the human environment or of impacts which may be highly controversial on environmental grounds.

d. *Environmental Impact Statement.* CEQ 1508.11 states "Environmental Impact Statement means a detailed written statement as required by Section 102(2)(c) of the Act."

e. *Draft Environmental Impact Statement* is the document that reflects FAA's initial evaluation of the environmental impact of a proposed action. The agency makes its own evaluation and assumes responsibility for the DEIS. It is distributed by FAA to the EPA and other appropriate Federal, State, and local agencies for comment and is made available to the public.

f. *Final Environmental Impact Statement* is the document that reflects FAA's final evaluation of the environmental impact of a proposed action. Reports cited as references in the statement need not be included in the documentation. This EIS shall accompany the proposed action through the Federal decisionmaking process.

g. *Finding of No Significant Impact (FONSI)* means "a document by a Federal agency briefly presenting the reasons why an action, not otherwise excluded will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it. If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference"—CEQ 1508.13. This document is the same as negative declaration used previously under Order 1050.1B.

h. *Record of Decision (ROD)* is "a concise public record of decision." See CEQ 1505.2 and 1506.1 for requirements.

i. *Written Reevaluation.* This is an evaluation prepared by the FAA responsible official of a draft or final impact statement or a finding of no significant impact with section 16(c)(4) coordination which has exceeded the three-year time limitation specified in paragraph 102 of chapter 10. This evaluation will either conclude that the contents of previously prepared environmental documents remain valid or that significant changes require the preparation of a supplement or new environmental document.

j. *Responsible Official* is the official designated with overall responsibility to furnish guidance and participate in the preparation of environmental impact statements, to independently evaluate the statements prior to approval, and to take responsibility for the scope and content of the statements. This person may be authorized to evaluate and approve environmental assessments and may direct scoping activities for the FAA.

k. *Noise Sensitive Areas* may include residential neighborhoods, educational, health, and religious structures and sites, and outdoor recreational, cultural, and historic sites. A noise sensitive area is one where noise may interfere with the usual activities associated with use of the land. Whether sound interferes with a particular use depends upon the level of noise exposure received and the type of activities involved. A site which is unacceptable for outside use may be acceptable for use inside a structure if adequate noise attentuation features are built into that structure.

l. *Sponsor* is any public agency eligible to receive Federal financial assistance under the Airport Act or anyone proposing an airport development project for which a Federal authorization is required.

m. *Scoping* is "An early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action."—CEQ 1501.7.

6. *Policy.*

a. FAA will comply with both the procedures and the policies of the National Environmental Policy Act of 1969 (hereafter NEPA) and related orders, statutes, and regulations. This requires that the FAA include in its decisionmaking processes appropriate and careful consideration of all environmental effects of proposed actions, analyze potential environmental effects of proposed actions and their alternatives for public understanding and scrutiny, avoid or minimize adverse effects of proposed actions, and restore and enhance the resources and environmental quality of the nation. The FAA shall integrate these NEPA

considerations as early in the agency planning processes as possible.

b. The environmental review process outlined in this order shall be the focal point to assure that NEPA considerations are taken into account. Environmental Impact Statements (EIS's) and Findings of No Significant Impact (FONSI's) service to document compliance with these considerations and to reflect a thorough review of all relevant environmental factors, utilizing a systematic, interdisciplinary approach.

c. *These policies* are supplementary to other agency policies established under other statutes and directives.

7. *Regulatory Actions.* This order implements agency actions required by the statutes and directives (as amended) cited in subparagraphs 7a. through 7z.

a. *NEPA* (Pub. L. 91–190, 42 U.S.C. 4321) establishes a broad national policy to improve the relationship between humans and their environment, and sets out policies and goals to ensure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government.

b. *The Clean Air Act* as amended by Pub. L. 91–604 provides that the Administrator shall review and comment in writing on the air quality impacts of actions taken under his cognizance.

c. *Executive Order 11514,* Protection and Enhancement of Environmental Quality, dated March 4, 1970, orders all Federal agencies to "initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals."

d. *40 CFR Parts 1500–1508 (43 FR 55978, November 29, 1978)* CEQ Implementation of NEPA Procedural Provisions establishes uniform procedures, terminology, and standards for implementing the procedural requirements of NEPA's section 102(2) (see Appendix 9).

e. *Section 4(f) of the Department of Transportation Act of 1966* (Pub. L. 89–670 as amended by Pub. L. 90–495 hereafter, Section 4(f)) 49 U.S.C. 1653 states, "The Secretary * * * shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance * * * unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

f. *The Airport and Airway Development Act of 1970* (Pub. L. 91–258), 49 U.S.C. 1701 establishes the airport development grant program and provides that project may not be approved unless the Secretary is satisfied that the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for development of the area in which the airport is located. Each airport development project must also "provide for the protection and enhancement of the natural resources and the quality of environment of the Nation." The Secretary may not authorize a project involving airport location, major runway extension, or runway location found to have an adverse effect unless he finds, in writing, after full and complete review, that "no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect."

g. *The Noise Control Act of 1972* (Pub. L. 92–574) 42 U.S.C. 4901 (as amended by S. 3083) provides for Environmental Protection Agency (EPA) consultation on noise standards and also permits EPA to propose aviation noise regulations to the FAA.

h. *Section 106 of the National Historic Preservation Act of 1966* (Pub. L. 89–665 hereafter, the Historic Preservation Act) 16 U.S.C. 470f requires the head of any Federal agency having jurisdiction over a Federal or Federally-assisted undertaking to take into account, prior to approving the undertaking, its effect on any district, site, building, structure, or object that is included in the National Register of Historic Places, and to give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

i. *Executive Order 11593, Protection and Enhancement of the Cultural Environment,* requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, or archaeological significance.

j. *36 CFR Part 800 (39 FR 3365, January 25, 1974, and 44 FR 6068, January 30, 1979) Procedures for the Protection of Historic and Cultural Properties,* establishes procedures to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements.

k. *The Archaeological and Historic Data Preservation Act of 1974* 16 U.S.C. 469 is directed to the preservation of historic and archaeological data that would otherwise be lost as a result of Federal construction or other Federally licensed or funded activities.

l. *The Coastal Zone Management Act of 1972* (Pub. L. 90–583) 43 U.S.C. 1241 states that "it is national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone * * *" (Section 303); and requires all Federal or Federally supported activities affecting the zone to be carried out in manner consistent with State coastal zone management programs (Section 307). 15 CFR Part 930, *Federal Consistency With Approved Coastal Management Programs,* establishes procedures for determining consistency.

m. *Section 2 of the Water Bank Act* (Pub. L. 91–559) 16 U.S.C. 1301 declares that "* * * it is in the public interest to preserve, restore, and improve the wetlands of the Nation * * *."

n. *Section 2 of the Fish and Wildlife Coordination Act* (Pub. L. 85–624) 16 U.S.C. 661 requires, with certain limited exceptions, that "whenever the waters of any stream or other body of water are proposed or authorized to be * * * impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever * * * by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency shall first consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the * * * control facility is to be constructed * * *" (Subsection (2)).

o. *Protection of Wetlands, Executive Order 11990 and Preservation of the Nation's Wetland, Order DOT 5660.1A,* of August 24, 1978, requires action to minimize the destruction, loss, or degradation of wetlands and to assure the protection, preservation, and enhancement of the Nation's wetlands to the fullest extent practicable during the planning, construction, and operation of transportation facilities and projects.

p. *The Endangered Species Act of 1973* (Pub. L. 93–205) 16 U.S.C. 1531 and 50 CFR Part 402, *Interagency Cooperation Regulation* require that all Federal agencies shall, in consultation with the Secretaries of Interior and Commerce, carry out programs for the conservation of endangered or threatened species listed by the Department of the Interior and insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of the endangered species or result in the destruction or modification of the habitat of such species to an extent

which is determined by the Secretary (of the Interior or Commerce) to be critical.

q. *Executive Order 11988, Floodplain Management 43 FR 6030 and Order DOT 5650.2, April 23, 1979, Floodplain Management and Protection* links the need to protect lives and property with the need to restore and preserve natural and beneficial floodplain values. Agencies are required to make a finding that there is no practicable alternative before taking action that would encroach on a floodplain.

r. *Notice DOT N 5610.4, Implementation of Decision to Address Environmental Design Considerations in Environmental Impact Statements of February 27, 1978,* requires consideration of design, art, and architecture to be documented in EISs and FONSIs, where relevant, and circulated to State and local art councils and other pertinent organizations.

s. *Section 201(a) of the Federal Land Policy and Management Act of 1976* (Pub. L. 94–570) 43 U.S.C. 1701 requires Federal agencies to consult the Bureau of Land Management to determine if land to be used for a Federal action is land which is being considered for inclusion in the National Wilderness System.

t. *The General Bridge Act of 1946* (Pub. L. 79–601) 33 U.S.C. 525 et seq., as amended by the *Department of Transportation Act of 1966* (Pub. L. 89–670), 49 U.S.C. 1655(q)(6)(C) requires U.S. Coast Guard approval for actions involving the construction or alteration of bridges over navigable waters.

u. *7 CFR Part 657 (43 FR 4030, January 31, 1978), Prime and Unique Farmlands* requires the responsible official to consult the U.S. Department of Agriculture's Land Use Committee to determine whether land to be affected by agency action is prime and unique farmland.

v. *Section 404 of the Federal Water Pollution Control Act Amendments for 1972* (Pub. L. 92–500) 33 U.S.C. 1344 as amended by the Clean Water Act of 1977 (Pub. L. 95–217) 33 U.S.C. 1251 establishes a permit procedure for activities involving dredging and filling of navigable waters. The Secretary of the Army, acting through the Army Corps of Engineers, is responsible for issuing such permits.

w. *Order DOT 5610.1C, Procedures for Considering Environmental Impacts, October 1, 1979,* provides guidelines for considering environmental impacts of transportation actions (see Appendix 8).

x. *Resource Conservation and Recovery Act of 1976* (Pub. Law 95–580), as amended by the Quiet Communities Act of 1978, provides environmental requirements in handling solid waste.

y. *Executive Order 12114, January 4, 1979,* provides pertinent environmental considerations with respect to proposed actions outside the United States, its territories and possessions.

z. *Order 1053.1, Policies and Procedures for Energy Planning and Conservation,* provides for assessing energy demands.

8. *APPLICABILITY.* The requirements in this order apply to, but are not limited to, the following: All grants, loans, contracts, leases, construction, research activities, rulemaking and regulatory actions, certifications, licensing, permits, plans submitted to the agency by State or local agencies which require FAA approval, and legislation proposed by FAA. Exceptions to these requirements are listed in paragraph 10.

9. *POLICY, PLAN OR PROGRAM STATEMENTS (FORMERLY "CLASS ACTIONS").* A general policy, plan or program may be covered by a single EIS or FONSI when the environmental impacts of all related actions, alternatives thereto, and measures to mitigate adverse environmental impacts, are substantially similar. (See § 1508.18 of the CEQ Regulations.)

10. *Categorical Exclusions.*

a. *Categorical Exclusions from the Requirement for an EIS or FONSI.*

(1) Administrative and operating actions, such as procurements, organizational changes, personnel actions, and legislative proposals not originating in FAA.

(2) Emergency measures regarding air or ground safety.

(3) Planning grants which do not imply a project commitment.

(4) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action.

(5) Policy and planning documents not intended for or which do not cause direct implementation of project or system actions.

(6) Agreements with foreign governments, international organizations, or U.S. Government departments calling for the provision of technical assistance, advice or services in foreign countries, such as votes or other similar actions in international conferences and organizations.

(7) The planning and development of projects and programs leading to Aeromedical Applications and Standards; personnel efficiency and performance.

(8) The approval or issuance of certificates covering medicals for airmen, delegated authority, ground schools; out-of-agency training; and aircraft repair or maintenance not affecting noise, emissions, or wastes.

(9) In addition to the exceptions noted above, each of the Service Appendices may provide for categorical exclusions of specific types of projects or categories of actions carried out by that Service.

b. *Documentation.* Categorical exclusions from this order and actions for which EISs have been filed do not require further documentation. Program FONSIs also do not require further documentation.

c. *An action* which has been categorically excluded in this order or for which an EIS or FONSI has been filed, but which in a particular case significantly affects the quality of the human environment, requires the preparation of an EIS.

11. *Responsibilities.*

a. Compliance with the policies and procedures of this order is the responsibility of the regional directors for all actions originating in the regions, heads of offices and services for all actions originating at headquarters, and center directors for all actions originating at centers.

b. Heads of offices and services are responsible for revising their appendices of this order, as appropriate; providing supplemental guidelines for implementing this order in their program areas, as appropriate; consulting with and advising responsible officials on matters within their operational areas, and evaluating and appraising of the activities to implement the requirements of NEPA.

c. Regional directors are responsible for developing programs for assigning personnel and other resources necessary to assess and document all relevant environmental factors; preparing and filing EISs and FONSIs as appropriate; assuring appropriate internal coordination of actions that cross program lines, and evaluating and appraising of the activities to implement the requirements of NEPA.

d. The Office of Environment and Energy (AEE) is responsible for overall review of FAA's environmental policies and procedures including NEPA compliance; developing and coordinating policies and procedures under this order; assisting services in developing guidance for their program areas; consulting with and advising responsible officials in their implementation of this order; developing training programs in cooperation with the Office of Personnel and Training and the services, and evaluating and appraising the activities to implement the requirements of NEPA.

e. *The Chief Counsel* and regional and center counsels provide legal counsel to all elements of FAA regarding the legal sufficiency of environmental documents.

f. *Other responsibilities* regarding specific program areas are set forth in Appendices 1–7 of this Order.

12. *Changes to this Directive.* The Director of Environment and Energy (AEE) may issue changes to chapters 1 through 4 of this order after coordinating the change with the concerned organization elements, and each office and service may issue changes to the appropriate appendix (i.e., Air Traffic Service for Appendix 3) after coordinating the change with the concerned organizational elements, including AEE and AGC, provided:

a. The change does not affect policy, delegations of authority, or assignment of responsibilities outside the office or service's authority;

b. The Administrator has not specifically reserved authority to make the change; and

c. Substantial changes are not made without the concurrence of the Office of the Assistant Secretary for Policy and International Affairs (hereafter P) and the Office of the General Counsel (hereafter C) and are published for comment in the Federal Register after consultation with CEQ.

13.–99 [*Reserved*].

Section 2. Commonality With Other Actions

100. *Incorporation of CEQ Regulations.* The uniform procedures, terminology and standards adopted by the CEQ for implementation of the procedural provisions of NEPA (40 CFR Parts 1500–1508; 43 FR 230, November 29, 1978) are herewith incorporated by reference. This order furnishes additional material as explantory guidance and as an aid to implement these regulations. (hereinafter, references to the CEQ Regulations shall simply identify the paragraph; e.g., CEQ 1508.1. The CEQ Regulations are included as Appendix 9 to this Order.)

101. *Incorporation by Reference.* CEQ 1502.21 states that: "Agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference."

102. *Written Reevaluation.* The preparation of a new EIS or FONSI is not necessary when it can be documented that: The proposed action conforms to plans or projects for which a prior EIS or FONSI has been filed; the data and analyses contained in the previous EIS or FONSI are still substantially valid; and that all pertinent conditions and requirements of the prior approval have or will be met in the current action. This evaluation, signed by the FAA responsible official, will either conclude the contents of previously prepared environmental documents remain valid or that significant changes require the preparation of a supplement or new environmental document.

103. *Tiering.* Program offices shall, to the extent practicable, build upon broad prior assessments, whether EIS or FONSI. For example, long term development statements and broad system, program, or regional statements may be incorporated by specific project EISs. The purpose of tiering is to eliminate repetition and allow discussion of issues at the appropriate level of detail. (See CEQ 1500.4, 1502.4, 1502.20, and 1508.28.)

104. *Reducing Paperwork.* Environmental documentation prepared under this order shall be concise and clear. Length of documentation shall be reduced by avoidance of needless detail and by other means such as setting appropriate page limits. (See CEQ 1500.4.).

105. *Reducing Delay.* Environmental documentation prepared under this order shall be integrated into the decisionmaking process and shall be carried on in a timely manner. (See CEQ 1500.5.)

106.–199. [*Reserved*]

Chapter 2. Preliminary Procedures

Section 1. Preliminary Reviews

200. *Planning and Development.* The environmental impacts of proposed actions shall be based on appropriate environmental consideration at the systems planning level and shall be assessed and considered concurrently with initial planning, development, or site considerations.

201. *Initial Review.* An environmental review will indicate whether the proposed project could significantly affect the human environment with respect to noise, land, air and water quality; and is located in wetlands, coastal zones, or historic or archaeological sites; or areas inhabited by endangered species; or areas protected under DOT Section 4(f) and whether the action would be highly controversial on environmental grounds. At this stage, documentation is required to alert program officers to foreseeable environmental impacts and controversies.

202. *Identification of Issues and Problems.* Based on the initial review described in paragraph 201, the program officer(s) shall identify issues and problems having environmental significance to Federal, State, or local officials in the performance of their duties, or to the public. Further, the program officer(s) shall determine whether such issues and problems, *as they pertain to the proposed action,* have been addressed already in a broad system, program, or regional assessment.

203. *Early Coordination.* CEQ 1501.4(b) states, "The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing (environmental) assessment * * *" and in § 1506.2(b) "Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law."

204. *Budgetary requirements.* The Office of Budget is responsible for assuring appropriate environmental consideration and documentation at the budget stage. Criteria for environmental consideration in the Airway Facilities budget process are in Airways Facilities, Appendix 2, paragraph 6. Funding requirements resulting from the implementation of this order shall be justified and requested in accordance with existing budgetary and fiscal policies.

205. *Research.* Criteria for environmental consideration of research activities are in Appendix 1.

206. *Use of Contractors.* Contractor consulting services may be used to prepare environmental assessments, FONSIs, and impact statements. They may also be used to prepare background or supplemental material and otherwise assist in preparing a draft or final environmental document for which FAA takes responsibility.

a. *CEQ 1506.5(c)* provides that "* * * any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by a contractor selected by the lead agency; or where appropriate under § 1501.6(b), a cooperating agency." Further, it is intended that "* * * the contractor by chosen solely by the lead agency, or by the lead agency in cooperation with cooperating agencies, or where appropriate by a cooperating agency to avoid any conflict of interest."

b. Under the provisions set forth above and when a determination has

been made to have a contractor prepare the environmental impact statement, the contractor shall be selected either by the FAA *or* one of the following as a joint lead agency:

(1) A State agency with statewide jurisdiction and responsibility for action per section 102(2)(d) of NEPA.

(2) A State or local agency which is subject to State or local requirements comparable to NEPA.

A cooperating agency may also select contractors. However, its roles are limited to providing information and analyses within its own area of special expertise or jurisdiction. It may obtain such data by contract under its own selection procedures. It would not be expected to select a contractor to prepare the entire FAA environmental impact statement.

c. *Contractor Preparation.* Where a contractor prepares an environmental impact statement, CEQ 1506.5(c) requires that "Contractors shall execute a disclosure statement prepared by the lead agency, or where appropriate the cooperating agency (for its portion), specifying that they have no financial or other interest in the outcome of the project." Furthermore, "* * * the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval and take responsibility for its scope and contents."

207. *Role of Lead and Cooperating Agencies.* The various roles of the lead agency are described in CEQ 1501.5 through 1501.8. CEQ 1501.5 generally describes the role of the lead agency when more than one agency is involved in an action. CEQ 1501.6 describes the relationship with cooperating agencies. CEQ 1501.7 and 1501.8 define the role of the lead agency in the scoping process and in setting time limits.

a. *Federal agencies* which shall be invited by the responsible official to become cooperating agencies are those with jurisdiction by law in areas which may be affected by FAA actions or whose actions, plans, or developments may affect the proposed FAA action or limit proposed alternatives.

b. *Federal agencies* with special expertise may also be asked to be cooperating agencies.

c. *The definition of a cooperating agency* in CEQ 1508.5 includes the provision that "A State or local agency of similar qualifications (i.e., jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal) or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency."

208. *Cumulative Impact.* In determining whether an environmental impact statement is required for a proposed Federal action, it is necessary to consider the overall cumulative impact of the proposed action and the consequences of subsequent related actions. CEQ 1508.7 states that "Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

209. *Noise Analyses.* The noise effects of the proposed action and identified potential alternatives shall be analyzed using the cumulative noise measure, Day-Night Level (Ldn). Continuous contours shall be provided for each of the required conditions, showing the boundaries of all areas exposed to noise levels equal to or greater than Ldn 65. (An alternative cumulative measure may be used if required by State or local regulations or if previously used in a tiered action.)

Section 2. Preliminary Consultation

210. *Consultation.* The affected local units of Government, and pertinent Federal and State agencies identified under paragraph 202 should be consulted early in the process of preparing a DEIS, FONSI, or environmental assessment. Comments on the environmental impacts of the proposed action shall be considered, as appropriate, in determining whether the proposed action requires an EIS or FONSI and in preparing the DEIS or FONSI.

211. *Cooperating Agencies.* When, under this order, some element of the FAA is required to conduct an environmental assessment or prepare an EIS or FONSI, the FAA becomes the "Lead Agency" described in CEQ 1501.5. Under these rules, appropriate Federal agencies should be included on a cooperative basis and Federal agencies with jurisdiction by law shall be required to be cooperating agencies. They should be consulted early when their expertise is essential to an evaluation of the impacts of the proposed action.

212. *A–95 Review.* State and areawide clearinghouses shall be notified of proposed Federal actions as set forth in the Office of Management and Budget (OMB) Circular No. A–95 (Revised). The purpose of the A–95 clearinghouse process is to assure that proposed Federal projects and assisted programs are reviewed and evaluated in advance in terms of their potential impact on or conflict with statewide or areawide comprehensive planning or upon the plans and programs of local Governments. The clearinghouse routinely notifies the appropriate State and local agencies, including those agencies with expertise or jurisdiction with respect to environmental impacts. The FAA should notify State and local agencies, not notified by the clearinghouse, if necessary. The A–95 procedure should be helpful in alerting program officers and responsible officials to possible environmental controversies. Comments on the environmental effects of proposed actions shall be considered in an EIS or FONSI, and shall be attached to the DEIS when it is circulated for review.

213. *Public Hearings.*

a. The following elements are to be considered in deciding whether a public hearing is appropriate in cases where it is not statutorily mandated:

(1) The magnitude of the proposal in terms of environmental impact or controversy, economic costs, the size and location of the geographic area involved, and the uniqueness or amount of the resources to be committed;

(2) The degree of interest in the proposal, as evidenced by requests from the public or Federal, State, and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information presented at the hearing will be of assistance to the agency in fulfilling its responsibilities; and

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, or written comments on the proposed action.

b. The following shall be included in the notice for a public hearing:

(1) A description of the proposed action;

(2) The scheduling of the public hearing (time, date, and place); and

(3) The availability and location of a DEIS, FONSI, or environmental assessment.

c. The notice for a public meeting shall include a description of the proposed action, scheduling of the public hearing (time, date, and place), and availability and location of a DEIS, FONSI, or environmental assessment.

d. Notice of the hearing shall be in an areawide or local newspaper of general circulation. Interested parties and clearinghouses may be notified directly.

e. A DEIS, FONSI, or environmental assessment shall be available to the

public thirty days prior to the public hearing.

f. For FAA hearings, the responsible official may assign program officers the responsibility for convening a hearing and serving as hearing officer.

g. Records of public hearing will be maintained in the docket of the General Council's office.

214. *Citizen Involvement.* Citizen involvement, where appropriate, should be initiated at the earliest practical time and continued throughout the development of the proposed project in order to obtain meaningful input. Examples of citizen groups are: Environmental, conservation, public service, education, labor, business, or aviation and airspace user organizations, and citizen advisory committees. Such citizen involvement may be appropriate in defining the scope of work of an environmental assessment developed by an applicant for aid or by a consultant, or of a DEIS being developed by FAA. Comments from individuals and groups shall be considered in preparing an EIS or FONSI. A summary of citizen involvement and the environmental issues raised shall be documented where practicable in the EIS or FONSI.

215. *Scoping.* Scoping is an important and early integral part of the EIS process. (See CEQ 1501.7.). This section provides that "There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping." The responsible official must take the lead in the scoping process, including issuance of the notice of intent, inviting the participation of other agencies, determining the issues to be analyzed in depth, and assigning responsibilities for imputs to the environmental impact statement.

a. *The first step* is described in CEQ 1501.7 as follows: "As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (§ 1508.22) in the Federal Register * * *"

b. The notice of intent in CEQ 1508.22 "* * * means a notice that an environmental impact statement will be prepared and considered." The notice shall briefly:

"(1) Describe the proposed action and possible alternatives."

"(2) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held."

"(3) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement."

c. CEQ regulations (1501.7(b)(4)) state that an agency may "hold an early scoping meeting or meetings, which may be integrated with any other early planning meetings the agency has. Such a scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites." However, there is no requirement for a scoping meeting, per se, on every project requiring an environmental impact statement. Depending on the nature and complexity of the project, some or all of the information needed during the scoping process may be obtained by letter or telephone.

d. *Delay. If for some reason there is a lengthy period between the time a decision is made to prepare an environmental impact statement and the actual preparation, CEQ 1507.3(e) provides that "* * * the notice of intent * * * may be published at a reasonable time in advance of preparation of the draft statement."*

e. *CEQ 1501.7* further provides that the lead agency shall "Determine the scope (§ 1508.25) and the significant issues to be analyzed in depth in the environmental impact statement." Scope as defined in CEQ 1508.25 "* * * consists of the range of actions, alternatives, and impacts to be considered * * *" To determine the range of actions, the problems as described in the environmental assessment should be carefully reviewed. The proposed action and any actions functionally related to it would be clearly understood. Alternatives should be reviewed in this context, identifying those which need to be rigorously explored and objectively evaluated as well as those which can be eliminated CEQ 1502.14(a). Those impact categories which fall below the threshold of significant in the environmental assessment normally do not need further study or description in the environmental impact statement. Establishing a clear definition of the Federal action, the alternatives, and the impact needing detailed study (as well as those which do not) early in the scoping process should help considerably in managing the environmental impact statement preparation process.

216.–299. [Reserved]

Chapter 3. Environmental Impact Statements and Findings of No Significant Impact

Section 1. Determination Whether an Action Is a Major Federal Action Significantly Affecting the Quality of the Human Environment

300. *Environmental Assessment.* Prior to undertaking an action which has not been categorically excluded by this order, all relevant environmental factors shall be assessed. This assessment should be performed as described in AC 00–54, Methods and Procedures for Environmental Analyses. If it is concluded that the proposed action is a major Federal action significantly affecting the quality of the human environment, the responsible official shall prepare and file an EIS. If it is concluded that the action is not a major Federal action significantly affecting the quality of the human environment, the responsible official shall prepare and file a FONSI. CEQ 1508.9 indicates that the environmental assessment is a concise document. It is FAA's intention to adhere strongly to this instruction and to require only enough analysis in the environmental assessment for the following purposes:

a. To understand the problem and identify reasonable alternative solutions, including the proposed action.

b. To determine whether any potential impacts are significant, which would trigger the environmental impact statement process.

c. To provide the basis for the FAA's finding of no significant impact if the proposed action has no significant impacts.

d. To identify and satisfy special purpose Federal laws, regulations, and executive orders.

e. To identify and satisfy state and local laws and regulations applicable to the proposal.

f. In completing the above, to indicate agencies consulted (and to identify cooperating agencies for environmental impact statement preparation purposes).

301. *Actions Requiring Environmental Impact Statements.*

a. After an environmental assessment has been prepared, an EIS shall be prepared if an FAA action:

(1) Has an effect that is not minimal on properties protected under Section 4(f) of the DOT Act, or Section 106 of the Historic Preservation Act;

(2) Has a significant impact on natural, ecological, cultural, or scenic resources of National, State, or local significance, including endangered species or wetlands, floodplains, and coastal zones;

(3) Is highly controversial with respect to the availability of adequate relocation housing. (A controversy over the amount of acquisition or relocation payments is not a controversy with respect to the availability of relocation housing.);

(4) Causes substantial division or disruption of an established community, or disrupts orderly, planned development, or is determined not to be reasonably consistent with plans or goals that have been adopted by the community in which the project is located;

(5) Causes a significant increase in surface traffic congestion;

(6) Has a significant impact on noise levels of noise sensitive areas;

(7) Has a significant impact on air quality or violates the standards for air quality of the Environmental Protection Agency or an affected locality or State;

(8) Has a significant impact on water quality or may contaminate a public water supply system;

(9) Is inconsistent with any Federal, State, or local law or adminstrative determination relating to the environment;

(10) Directly or indirectly affects human beings by creating a significant impact on the environment; and

(11) Has a significant impact on prime or unique farmlands.

b. *In determining* whether a proposed Federal action requires an EIS, not only the overall, cumulative impact of the proposed action, but also the consequences of subsequent related actions must be considered. This is important because a series of related actions may individually have a limited environmental impact. But when considered together may have a significant cumulative impact.

(1) If the action would permit further contemplated actions, the impacts of both those actions and the proposed action must be considered in determining whether to prepare an EIS.

(2) If an EIS is required, it must be processed before making a commitment which would enable the future action to foreclose or narrow the consideration of alternatives or mitigating measures. (See CEQ 1506.1.)

c. *In case of doubt* as to whether an EIS is necessary for a particular action, the responsible official or program officer should consult with the Office of Environment and Energy and the Office of Chief Counsel.

302. *Time and Length Limits.* The time and length limits appropriate to the environmental analyses of each FAA office and service are listed in the appropriate appendix. In accordance with paragraph 11 of this order, changes in the limits listed in the appendices must be coordinated with the Office of Environment and Energy and the Office of Chief Counsel.

303.–304. [*Reserved*]

Section 2. Preparation of Draft Environmental Impact Statements or Findings of No Significant Impact

305. *Timing of Draft Statement Preparation.* DEISs and FONSIs shall be prepared at the earliest practical time prior to the first significant decision point in the program or project development process.

306. *Applications.* The program officer may require each applicant for a grant, loan, permit, or other approval to which this order applies, to submit, with the original application, an environmental assessment. Regardless of the nature of participation, the responsible official or the program officer must furnish guidance, actively participate in preparing the DEIS, EIS, and FONSI, and make his own evaluation prior to approval. The responsible official shall take responsibility for the scope and content of an EIS or FONSI. The responsible offical shall appropriately limit the actions an applicant may take prior to completion and approval of EISs and subsequent approval of the application. (CEQ 1506.1.)

307. *Use of Consultants.* Contractors may prepare background or preliminary material and assist in preparing a DEIS, EIS, or FONSI for which FAA takes responsibility. (See "Agency Responsibility," CEQ 1506.5.) The program office shall conduct an independent evaluation of all analyses and information supplied by contractors. The names and qualifications of the FAA persons conducting this independent evaluation shall be included in the list of preparers.

308. *Scoping.* After it has been determined that an EIS will be required, the scoping process for the action shall be initiated, in accordance with the CEQ regulations (§§ 1501.7 and others). Scoping, however, is not required if it has been determined that an EIS is not required.

309. *Inclusion of Environmental Determinations.* EISs or FONSIs shall include relevant documentation for environmental determinations under Section 4(f) of the DOT Act and other environmental findings and determinations.

310. *Interdisciplinary Approach.* Section 102(2)(A) of NEPA requires each Federal agency to apply a systematic, interdisciplinary approach in planning and decisionmaking which may impact the environment. (See CEQ 1502.6.) To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the office or service does not contain the necessary disciplines, use of professional services available in other Federal, State, or local agencies, universities, or consulting firms is appropriate. (See paragraph 206.) A listing of the preparers and their qualifications is required under paragraph 373 of this Order and sections CEQ 1502.10 and 1502.17.

311. *Internal Review Process.*

a. Draft environmental impact statements and Findings of No Significant Impact shall be reviewed by affected FAA program divisions and staff officers at the regional or office level prior to filing for public review. DOT Act section 4(f) determinations are subject to review as stated in paragraphs 331 and 340 of this order. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the statement or finding and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out.

b. *Regional Directors* are responsible for designating a lead division or office to carry out this internal review.

312. *Regulations.* For regulations or rulemaking, the DEIS or FONSI should be available to reviewing agencies and the public prior to or concurrently with the notice of proposed rulemaking.

313. *Legislative Proposals.*

a. *Before the FAA submits* to the Congress a legislative proposal, the office which originates the legislation shall prepare, circulate, and file with EPA an environmental statement or prepare a FONSI.

b. *The Office of the Secretary* shall review legislative environmental statements and submit them to the Office of Management and Budget (OMB) for circulation in the normal legislative clearance process.

(1) If the scheduling of congressional hearings on legislation does not allow adequate time for the completion of an EIS, FAA shall furnish Congress and make available to the public a DEIS, pending transmittal of the comments as received, and the final text.

(2) The FAA shall forward FONSIs to the Congress, if requested.

314. *Advisory Actions.* Some Federal actions, such as airspace actions, are of an advisory nature and are neither permissive nor enabling. Actions of this type are not ordinarily major Federal actions, and environmental assessments or statements are not required as a condition for accomplishing the action. If it is known or anticipated that some subsequent Federal action would

require processing in accordance with environmental procedures, the advisory action should so indicate.

315.–319. [*Reserved*]

Section 3. Processing of Draft Environmental Impact Statements

320. *General.* Environmental impact statements shall be reviewed by affected FAA program divisions and staff officers at the regional level prior to filing or public review. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the draft statement and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out. For adoption of another agency's environmental impact statement, refer to CEQ 1506.3.

321. *Public Notice.* Each responsible official shall assure that press releases, official notices, or other appropriate media announce to the public that a DEIS has been prepared and is being circulated and that comments on the environmental impact of the proposed action are being solicited. Where appropriate, notification shall be made in cooperation with the project's sponsor. The announcement shall contain information on the availability of the DEIS and should be published in a local newspaper once a week for three consecutive weeks.

322. *Copies.* The responsible official shall have printed sufficient copies of DEISs and EISs to meet anticipated demand. A fee not to exceed reproduction costs may be charged for copies requested by the public if the original set of copies is exhausted.

323. *Circulation and Availability of DEIS.*

a. *Distribution and Coordination for Intergovernmental Review.*

(1) Per CEQ 1503.1, comments on the draft environmental impact statement shall be obtained from or requested of appropriate Federal, State, and local agencies.

(2) For instructions on circulation of the summary in lieu of the full environmental impact statement, see CEQ 1502.19.

(3) All draft environmental impact statements will be coordinated with the appropriate regional offices of other Federal agencies having jurisdiction by law or special expertise, except that statements to be coordinated with any component of Department of Interior (DOI), Department of Commerce (DOC), or Department of Energy (DOE) shall be sent directly to the Washington headquarters of these departments.

b. *Circulate the DEIS* to agencies which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." In addition, provide copies to:

(1) EPA headquarters (5 copies), EPA region (5 copies), P–1 (2 copies), Office of Environment and Energy (1 copy), Office of Chief Counsel or designee (1 copy), the service director, other elements of DOT, and other FAA services as appropriate; U.S. Department of the Interior headquarters (12 copies; except for projects in North and South Dakota, Nebraska, Kansas, Oklahoma and Texas, 13 copies; and for the Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, 14 copies); only for transportation proposals having major energy-related consequences, DOE (1 copy); and

(2) EPA will subsequently publish a notice in the **Federal Register** per CEQ 1506.10 which will begin the minimum 90-day period after which the Federal action can be taken.

(3) To State and local agencies, including cooperating agencies, agencies that commented substantively on the A–95 notification, affected cities and counties, and others known to have an interest in the action. The A–95 process may be used, by mutual agreement, for securing review of DEISs by State and local agencies.

c. *Availability to the Public.* The draft environmental impact statement shall be made available for public review per CEQ 1506.6.

324. *Comments on the DEIS.* CEQ 1503.3 addresses specificity of comments. If the responsible official considers that the comments received from a commenting agency have not been made in accordance with the intent of this section, consultation with that agency should be undertaken to rectify discrepancies.

CEQ 1503.3(a) states, "Comments on the environmental impact statement or on the proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both."

c. Comments from EPA are categorized according to the following criteria.

(1) The impact is rated by EPA as: LO (Lack of Objections), ER (Environmental Reservations), or EU (Environmentally Unsatisfactory).

(2) The statement adequacy is categorized by EPA as: 1 (Adequate), 2 (Insufficient Information), or 3 (Inadequate).

325. *Comment Periods.* A time period for comment may not be less than 45 days from publication of the notice by EPA per paragraph 323b(2). Requests for reasonable extensions of time, when warranted by the magnitude and complexity of the statement or the extent of citizen interest, shall be granted.

326.–329. [*Reserved*].

Section 4. Findings of No Significant Impact

330. *General.* CEQ 1501.4(e) provides that the Federal agency shall "Prepare a finding of no significant impact (section 1508.13), if the agency determines on the basis of the environmental assessment not to prepare a statement." The FAA will evaluate the environmental assessment to determine if any alternative which provides a good solution to the problem has no significant impacts. Unless there is an overriding reason for not selecting such an alternative, the FAA will then proceed with the preparation of a finding of no significant impact.

331. *Scope of Documentation.*

a. Depending on the complexity and degree of impact of a proposed action, a FONSI may range in content from a simple conclusion, supported with pertinent facts, that the action is not a major Federal action significantly affecting the quality of the human environment, to an analysis involving the format and content necessary for environmental statements.

b. The FONSI shall include a brief description of the proposed action and its purpose.

c. The FONSI shall assess and document all relevant matters necessary to support the conclusion that the action is not a major Federal action significantly affecting the quality of the human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of the proposed action. The FONSI shall include any measures to minimize adverse impacts on the environment.

d. The FONSI shall identify and discuss the alternatives considered, particularly those which mitigate environmental impacts, including the alternative of no action.

e. The FONSI shall determine the proposed action's consistency or inconsistency with community planning, and shall document the basis for the determination.

f. If a FONSI includes a Section 4(f) determination, it shall also include the material called for in DOT Order

5610.1C. AGC, or his designee, shall review the Section 4(f) determination for legal sufficiency. The document must reflect consultation with the Department of the Interior and, where appropriate, the Department of Agriculture or the Department of Housing and Urban Development.

g. Where a Federal action affects wetlands, the FONSI shall document the opportunity for early public review, the agency's conclusion that there is no practicable alternative to the proposed action, and that the proposed action includes all practicable measures to minimize harm. The FONSI shall document the outcome of consultations with the U.S. Fish and Wildlife Service and the pertinent State resources agency.

h. Where a Federal action affects floodplains, the FONSI must reflect the agency's determination that there is no practicable alternative and the agency's efforts to minimize potential harm to or within the floodplain as a result of agency action.

i. Where affected properties are included in or eligible for inclusion in the National Register of Historic Places, the FONSI shall include documentation and outcome of consultations with the State Historic Preservation Office and evidence that the Advisory Council on Historic Preservation reviewed the determination of no adverse effect.

j. Where an action significantly affects the coastal zone in a State with an approved coastal management program, FAA shall provide the consistency determination to the State coastal agency at the earliest practicable time, but not later than 90 days prior to approval of the action (unless an alternative notification schedule is agreed to by the State). Notification may be provided using the existing A–95 process.

k. Where an action affects prime or unique farmlands, the FONSI shall document coordination with the U.S. Soil Conservation Service.

332. *Responsible officials.*

a. At the field level, FONSIs shall be reviewed by pertinent staff and program offices and may be approved by the Regional or Center Director or their designees.

b. Responsible officials shall send FONSIs originating in FAA Headquarters to Office of Environment and Energy and to Office of Chief Counsel for review. After review for legal sufficiency by the Office of the Chief Counsel, the Service or Office Director may sign the FONSI.

333. *Coordination.* Usually FONSIs are required to be coordinated outside of the FAA only where coordination is required by law or administrative directive (e.g., for Section 4(f) of the DOT Act, Section 106 of the Historic Preservation Act, Section 16(c)(4) of the Airport Act, Section 7 of the Endangered Species Act, or wetlands impact).

334. *Distribution.* A copy of the FONSI is filed in the office of the responsible official and a copy forwarded to the appropriate Service Director for review for consistency with the policy and procedures of this order. Service Directors may waive this requirement, subject to Office of Environment and Energy concurrence.

335. *Availability for Public Information.* FONSIs are public information, and shall be made available upon request pursuant to FAA procedures. Public notice of this availability shall be made quarterly through the Office of Environment and Energy. In certain limited circumstances FONSIs will be made available for public review. These circumstances include situations where the proposed action is similar to that requiring an EIS or where the proposed action is unprecedented.

336.–339. *Reserved.*

Section 5. Environmental Impact Statements

340. *General.* Each EIS shall be prepared in accordance with Attachment 2 of DOT Order 5610.1C. The format and content shall conform to the requirements of that document.

341. *List of Preparers.* CEQ 1502.17 states "The environmental impact statement shall list the names, together with their qualifications (expertise, experience, professional disciplines), of the persons who were primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement. Where possible the persons who are responsible for a particular analysis including analyses in background papers, shall be identified. Normally the list will not exceed two pages."

342. *Affected Environment.* CEQ 1502.15 should be followed, in particular the sentence in this section which directs that "The descriptions (of the affected environment) shall be no longer than is necessary to understand the effects of the alternatives." The Affected Environment section includes:

a. A location map, vicinity map, and airport layout plan (where appropriate).

b. Existing and planned land uses and zoning in any affected area including affected residential areas, public parks, wildlife and waterfowl refuges, wetlands and coastal zones, recreation areas, and historic facilities and archeological sites.

c. Nearby schools and places of public assembly, hospitals, shopping areas, and adjacent political jurisdictions affected by the proposed development.

d. Population, industrial and commercial growth characteristics, and assumptions used to justify the project and determine secondary impacts, if these are relevant to the proposal.

e. Any contemplated future actions, including facility installations and procedural actions which have not been included in the Alternatives section and which should be described to show their relationship to the proposal.

f. Other planned and developed activities in the affected area (e.g., highways and other transportation projects, housing development and relocation, etc.) which are interrelated to the proposal or which would produce cumulative impacts.

g. Other important background material, such as previous development and environmental actions which help to explain the present proposal. It may also include such items as bond actions, action by the community or citizen groups pertinent to the proposal, or any other unique factors associated with the project which do not properly belong in another section of the document.

343.–374. [Reserved]

Section 6. Preparation, Approval and Distribution of Final Environmental Impact Statement

375. *Utilization of Comments.*

a. *Comments received on the DEIS* and inputs (in summary form if appropriate) from citizen participation, and public hearings shall accompany the EIS through the normal internal review process.

b. *In preparing an EIS* the DEIS shall be revised, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations.

An appropriate response, or reference to subject's discussion in the statement shall be made. Copies of all substantive commenting letters shall be included. If the number of comments is too voluminous to include, a summary may be prepared in accordance with CEQ 1503.4(b).

c. Any unresolved environmental issues and efforts to resolve them through further consultation shall be identified and discussed. For instance, where an agency comments that the statement contains inadequate analysis or that the impacts are too adverse for approval, either the issue shall be resolved, or efforts to resolve the issue

shall be documented, and any action that will result shall be noted.

d. *Compliance with other requirements.* The final EIS should reflect that there has been compliance with the applicable environmental laws and executive orders as provided by paragraph 11b of Order DOT 5610.1C.

376. *Approval of Final Environmental Impact Statements.*

a. *For EISs which originate at headquarters,* the Office or Service Director shall send one copy each to Office of Environment and Energy and Office of General Counsel for review. After Office of General Counsel review for legal sufficiency, the Director or designee should transmit two copies to appropriate elements of OST for concurrence, if required, with a request for concurrence within 15 to 30 days, depending upon the complexity of the statement. Following concurrence, if required, the Office or Service Director may approve the EIS and file it with EPA.

b. *For EISs originating in the field,* not subject to headquarter's concurrence, the Regional Director or Center Director shall approve and file the EIS and EPA, following review for legal sufficiency by the Regional Counsel.

c. *For EISs originating in regions or centers,* but subject to headquarters concurrence, the regional director or center director shall approve the EIS and submit it to the apppropriate service or office director. The service or office director shall transmit two copies to any appropriate elements of OST for concurrence, if required, with a request for concurrence within 15 to 30 days, depending on the statement's complexity. Following concurrence, the EIS must be filed with EPA.

d. *For EISs originating in regions or centers,* but where authority to approve the EIS is retained in headquarters, the region or center shall send the proposed EIS to the appropriate service or office director. The service or office shall send copies to the Office of Environment and Energy and to the Chief Counsel for review. After Chief Counsel review for legal sufficiency, the service or office director shall transmit two copies to any appropriate element of the Office of Secretary for concurrence, if required, with a request for concurrence within 15 to 30 days, depending on the statement's complexity. Following concurrence, the EIS must be filed with EPA.

e. *All statements involving Section 4(f)* of the DOT Act are subject to Chief Counsel review for legal sufficiency in headquarters.

f. *Approval.* After appropriate internal review, a declaration approximately as follows shall be added to the summary. Signature and date blocks shall be added for the concurrence of appropriate offices and approval or disapproval of the approving official:

After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdication by law or special expertise with respect to the environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969.

377. *DOT Concurrence.*

a. *The Assistant Secretary for Policy and International Affairs* must concur on EISs (accompanied by draft Record of Decision) for proposals in the following categories:

(1) All actions not involving airport development;

(2) Any new airport serving a metropolitan area, construed as a Standard Metropolitan Statistical Area (SMSA);

(3) Any new runway or runway extension for an airport, any part of which is located in an SMSA and is either certificated under Section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators;

(4) Any project to which a Federal, State, or local governmental agency has expressed opposition on environmental grounds; and

(5) Any project for which the Assistant Secretary requests an opportunity to review and concur in the final statement or for which FAA requests such review and concurrence by the Assistant Secretary.

b. For any action in paragraph 377a. involving DOT Section 4(f), concurrence is also required by the Assistant Secretary.

c. Any action for which a notice of intended referral to CEQ has been received from another agency per CEQ 1504 and the objections have not been resolved (see paragraph 381).

378. *Decisions Reserved to the Secretary.* If an action requires the personal approval of the Secretary or Deputy Secretary pursuant to a request by them or by the Assistant Secretary for Policy and International Affairs and the General Counsel, a brief memorandum requesting the Secretary's or Deputy Secretary's approval of the action shall accompany the EIS. The memorandum shall have signature lines for the concurrence of the Assistant Secretary for Policy and International Affairs, the General Counsel, and for the approval of the Secretary or Deputy Secretary, as appropriate.

379. *Availability Pending Approval.* In addition to the availability and distribution of approved final EISs, final statements proposed for approval shall normally be made available upon request in FAA offices for inspection by the public and Federal, State, or local agencies prior to final approval and filing with EPA. Such statements should carry a notation that they have not been approved and filed.

380. *Distribution of Approved Environmental Impact Statements.* The originating FAA region, center, or service shall simultaneously distribute the EIS as follows:

a. Five copies to:

Environmental Protection Agency (A–104), 401 M Street, SW., Washington, D.C. 20460.

b. Five copies to the appropriate regional office of EPA (one copy if categorized as LO–1 per paragraph 324c.).

c. One copy each to the Office of Environment and Energy and to the Service Director;

d. A copy of the EIS shall also be sent to each Federal, State, and local agency, to private organizations which made substantive comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comments on the draft. For DOI copies shall be sent to the Director, Environmental Project Review, U.S. Department of the Interior, Washington, D.C. 20240. DOI shall be sent seven copies for proposals in all states except that eight copies should be sent for proposals in North and South Dakota, Nebraska, Kansas, Oklahoma and Texas; nine for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. For transportation proposals having major energy-related consequences, one copy should be sent to DOE headquarters.

e. One copy to any sponsor, applicant, or grantee;

f. One copy to appropriate state and areawide clearinghouses unless otherwise designated by the governor;

g. Additional copies shall be sent to accessible locations to be made available to the general public, including headquarters and regional offices; state, metropolitan, and local public libraries;

h. Pursuant to CEQ 1506.6, environmental statements, comments received, and underlying documents will be available to the public without charge to the fullest extent practical or at a reduced charge which is not more than the actual cost of reproducing copies; and

i. After filing the EIS with EPA and after expiration of the 30-day review period, the Office of Environment and Energy shall send a copy of the EIS to the DOT Library (Attn: M-491.1).

381. *Referrals to CEQ.* The Council on Environmental Quality may serve as a mediator in interagency disagreements over proposed Federal actions that might cause unsatisfactory environmental effects (see CEQ 1504).

a. If a commenting agency determines that an action is environmentally unsatisfactory, the matter may be referred to CEQ.

b. When the responsible official receives a notice of intended referral from the commenting agency, this official shall provide the Assistant Secretary with a copy of the notice and shall submit the final EIS through the Office of Environment and Energy to the Assistant Secretary for concurrence.

c. In the event of referral to CEQ by a commenting agency, the responsible official shall forward a proposed response to the Office of Environment and Energy with 10 days of referrals. The response shall address fully the issues raised in the referral and be supported by evidence. The Office of Environment and Energy shall coordinate with the Assistant Secretary and respond to CEQ within 20 days of the referral to CEQ.

382.-389. [Reserved]

Section 7. Supplemental Actions

390. *Supplemental or Amended Statements.* The responsible official may supplement or amend a DEIS or EIS when substantial changes are made in a proposed action or where signficant new information regarding its environmental impact comes to light. A supplemental or amended EIS requires Assistant Secretary concurrence if the EIS required Assistant Secretary concurrence. CEQ shall be consulted, through the Office of Environment and Energy and the Assistant Secretary, with respect to the need for, or desirability of, recirculating the statement for the appropriate period. Supplemental and amended statements do not require scoping.

391. *Implementation of Commitments in Environmental Statements.* In accordance with CEQ 1505.3, "Mitigation * * * and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency." This section of the CEQ Regulations further specifies actions which the lead agency shall take to implement environmental commitments. The FAA shall take steps as appropriate to the action, through special conditions, funding agreements, contract specifications, preferential arrival and departure procedure, directives, other project review or implementation procedures, and other appropriate follow-up actions that the agency and applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Any proposed deviation from prescribed action that may reduce protection to the environment shall be submitted to the Office of Environment and Energy. Deviations shall be submitted to the Assistant Secretary for concurrence if the Assistant Secretary Concurred in the approved statement.

392. *Limitations on Actions.* In accordance with CEQ 1506.1, actions concerning the proposal shall not be taken until the responsible office issues the Record of Decision.

393. *Record of Decision.*

a. Following the review periods prescribed in CEQ 1506.10, the FAA decisionmaker may make a decision on the Federal action. CEQ 1505.2 requires a Record of Decision (ROD) and specifies information to be included in the record of decision. This ROD shall accompany the proposed final statement during the internal review prior to EIS approval.

b. Any mitigation measures which were made a condition of the approval of the environmental impact statement shall be included in the ROD. Proposed changes in or deletions of mitigation measures which were a condition of approval of the environmental impact statement must be reviewed by the same FAA offices which reviewed the final statement and must be approved by the environmental impact statement approving official.

c. If the responsible official wishes to take an action which was included within the range of alternatives of an approved environmental impact statement but was neither the environmentally preferable alternative or alternatives nor the agency's preferred alternative as identified in the final statement, the decisionmaker must first coordinate a draft ROD for concurrence with the same FAA offices which reviewed the final statement. These offices may concur without comment, may concur on the condition that specific mitigation measures be incorporated in the Rod, may request that a supplement to the environmental impact statement be prepared and circulated, or may nonconcur. The responsible official shall not approve the Federal action over a nonconcurrence.

d. If the alternative the responsible official wishes to take action on involves a special interest (e.g., Section 4(f) land, endangered species, wetlands, historic sites, or others), the FAA must first complete any required evaluation and consultation that has not been done, including supplementing the original environmental impact statement, prior to taking the action. Supplements to environmental impact statements shall be reviewed and approved in the same manner as the original document, and a new ROD shall be prepared and approved.

394. *Public Record.* Relevant environmental documents, comments, and responses are part of the agency's public record and shall be made available to the public through appropriate regional, office or service procedures.

395. *Use of Information.*

a. CEQ 1506.5(c) specifically provides "Nothing * * * is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency."

b. The use of information obtained in the manner set forth above may obviate the need for extensive contractual efforts in preparing an environmental impact statement. It must be cautioned, however, that any information so received may only be used after thorough analysis and acceptability of its contents by the FAA. To the extent that the information represents a significant background paper, the names and qualifications of those persons primarily responsible for its preparation and the identification of pesons responsible for particular analyses should be listed for incorporation in the list of preparers of the environmental impact statement (see paragraph 341 of this order).

396.399. [Reserved]

Chapter 4. Additional Provisions

400. *Review of Environmental Statements Prepared by Other Agencies.* Other Federal, State or local agencies may consult FAA for assistance in analyzing environmental impacts which fall within the agency's functional area of responsibility. FAA should provide a competent, cooperative advice on proposals affecting aviation and FAA responsibilities.

a. *Comments* should be organized in a manner consistent with the structure of the draft statement and should identify alternatives or modifications that may enhance environmental quality or avoid or minimize adverse environmental impacts, and should correct inaccuracies or omissions.

b. *FAA projects* that are environmentally related to the proposed action should be identified so that interrelationships may be discussed in the final statement.

c. *Environmental monitoring* for which FAA has special expertise may be suggested and encouraged during construction, startup, or operation phases.

d. *Other agencies consulting* with FAA and requesting review of their DEIS should be advised to transmit their EISs to FAA regional offices. The following types of matters, however, should be referred to FAA headquarters for comment:

(1) Actions with national policy implications;

(2) Projects is that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance;

(3) Legislation or regulations having national impacts of national program proposals;

(4) Projects affecting the transportation of hazardous materials; and

(5) Water resource projects.

Comments on these projects may be prepared by regional or headquarters offices, but DOT's Research and Special Programs Administration (RSPA) and the Coast Guard (G–WS) should be consulted and referred to the Assistant Secretary.

e. *Regional offices should review* DEISs that do not have national implications. Comments should be forwarded directly to the office which the originating agency designates for receipt of comments. If the receiving office believes that another DOT office also has an interest or is in a better position to respond, it should transmit the statement to the other office. If FAA and other DOT administrations comment at the regional level, the Secretarial Representative or his designee may coordinate the comments.

f. *When appropriate,* the FAA should coordinate a response with Department offices having special expertise in the subject matter.

g. *Comments shall be submitted* within the time limits set forth in the request, unless the office responsible for submitting comments seeks and receives an extension of time. Comments should be concise, and should specify any changes desired either in the action proposed or in the environmental statement or both.

h. *Comments shall be distributed as follows:* The original and one copy to the requesting agency, one copy to the Office of Environmental and Energy, one copy to the Assistant Secretary, and one copy to the Secretarial Representative if a regional office prepared the comment. Requests by the public for copies should be referred to the agency originating the statement.

401. *Quarterly lists of environmental information.*

a. By the tenth day following the end of a calendar quarter, each region and office shall forward to the Office of Environment and Energy a list of environmental impact statements anticipated or under preparation.

b. Drop from the list EISs for which RODs have been completed.

c. List any major unresolved environmental interagency disagreements.

d. The Office of Environment and Energy shall compile these lists, transit them to EPA, and the Assistant Secretary, and make them available to the public.

402. *Emergency Action Procedures.* CEQ regulations allow modification of requirements in case of a national emergency, a disaster or similar great urgency. The processing times may be reduced or, if the emergency situation warrants, preparation and processing of a DEIS, EIS, or FONSI may be abbreviated. Such reduction in processing time should be requested from CEQ only for those projects where the need for immediate action requires processing in other than the normal manner.

403. *Application of Section 102(2)(C) Procedure to Existing Projects and Programs.* The Section 102(2)(C) procedure applies to major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of NEPA on January 1, 1970. In assessing the environmental effect of proceeding with such a project and in evaluating alternatives, consideration shall be given to the status of work and degree of completion. If the project or program is continued, it must, to the extent feasible, be shaped so as to enhance and restore environmental quality, avoid or minimize adverse environmental consequences, and consider environmental consequences not fully evaluated at the outset of the project or program.

404. *Land Acquisition and Construction of Facilities.* Public sponsors, other aviation agencies or private parties have the authority to acquire land or to construct facilities for operation by the FAA without prior approval by the FAA. Such action, if inconsistent with the policies of this order, could prejudice a decision by the FAA on proposed changes in an airport which would use the land thus acquired, or on request for reimbursement for the property, or construction or operation of the facility.

a. *When FAA is notified* or becomes aware of a possibility that such a situation may be occuring, FAA will advise the public sponsor, other aviation agency or private party that:

(1) Such actions must be consistent with pertinent environmental policy as expressed in this order.

(2) The manner in which the particular property was acquired or the facility constructed will be carefully considered by the FAA prior to approval of any future FAA action involving it.

b. *FAA will give particular attention* to its responsibilities under DOT Section 4(f) to insure that a special effort is made to presrve the natural beauty of countryside, public parks, and recreation lands. wildlife and waterfowl refuges, and historic sites. FAA will not approve actions requiring the use of DOT Section 4(f) properties unless there is no feasible and prudent alternative and the program includes all possible planning to minimize harm.

c. *FAA also will give particular attention* to actions involving properties included in or eligible for inclusion in the National Register of Historic Places and the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Properities Acquisition Policies Act of 1970.

d. *An action by a sponsor,* other aviation agency or private party which has acquired land or constructed a facility for operation by FAA, but without prior approval by FAA, will be reviewed to determine whether the action was consistent with the policies of this order and has not limited full and objective consideration of alternatives.

405. *Environmental Impact Statements or Findings of No Significant Impact on Requests From Foreign Sources.*

a. Requests for FAA action by a foreign government, manufacturer or operator may fall within criteria requiring preparation of an EIS or FONSI. The responsible Federal official shall coordinate such requests with the State Department through P–1. All initial FAA requests to such a foreign applicant for information which FAA needs to prepare an EIS or FONSI should be forwarded through the civil aviation authority of the applicant's government. Copies of the DEIS, EIS, and notices of any public hearings planned on the proposed action should be furnished to the applicant, the appropriate foreign civil aviation authority, and the Washington embassy

of the country in which the applicant is located.

b. Any substantial differences arising in the course of the EIS between the originating FAA reorganization and a foreign applicant should be referred to the Office of Environment and Energy, which will consult with the Associate Administrator for Policy and International Aviation Affairs to resolve any problems.

406.–499. [*Reserved*]

Appendix 1. Systems Research, Engineering and Development

1. *General.* This appendix provides guidance and assigns functional responsibilities for the conduct of environmental assessments and the preparation, coordination, executive review, and approval of environmental assessments, EISs and FONSIs which concern Research, Engineering & Development (RE&D) programs of FAA. Documentation of the environmental impact of all actions not excluded by this Order is required.

2. *Environmental Responsibilities.* Functionally responsible officials, Lead Directors of Systems Research and Development Service (ARD), Office of Systems Management (AEM), and NAFEC or their designees (i.e., Division Chief, Branch Chief, Section Chief, Manager, etc.) of offices or services will, on a case-by-case basis:

a. Determine consistent with Chapters 2 and 3 of this Order whether a proposed RE&D program action requires an EIS or FONSI; or

b. Determine if RE&D activities are excluded under paragraph 5 of this appendix;

c. Prepare, process and distribute appropriate environmental documentation according to Chapter 3 of this Order.

(1) Assure consultation with responsible and expert agencies and organizations and invite their cooperation and comment, and obtain review and approval where indicated or required.

d. Participate with other offices, services and centers in the conduct of assessments and the preparation, processing and evaluation of an EIS or FONSI for major actions involving:

(1) Development of systems with future cumulative, significant environmental impact;

(2) The inclusion into the National Airspace System of new equipment and techniques developed in RE&D programs.

e. Assure submission to AEE of quarterly list of EISs anticipated or in preparation or RE&D efforts;

f. Conduct periodic review of RE&D actions implementing this order;

g. Assure retention of documentation files by the organizational component having program or subprogram responsibility; and

h. Prepare and transmit to AEE a publicly available record which sets forth reasons for a determination that although an EIS may be required, its preparation is still premature and thus unnecessary. Such a record should be updated when significant new information becomes available.

3. *Environmental Impact Statement or Finding of No Significant Impact.* In determining whether RE&D programs and plans which have not been excluded require preparation of and assessment, EIS or FONSI, the following factors shall be considered:

a. The magnitude of Federal investment in the program;

b. The likelihood of widespread application of the technology;

c. The degree of environmental impact which would occur if the technology were widely applied; and

d. The extent to which continued investment is likely to restrict future alternatives.

4. *Actions Subject to Environmental Assessments and Procedures.* The RE&D cycle includes such activities as promulgation of directives, policies, plans, programs, budgets, legislative proposals, system design, test evaluation, specification, demonstration, etc. An environmental assessment is to be conducted and, where appropriate, an EIS or FONSI is to be prepared for implementing actions under the following programs:

a. *Air Traffic Control:*

(1) *System Program #01.*

(2) *Runways/Taxiways Program #08.*

(3) *Flight Service Station Program #13.*

(4) *Technology Program #16.*

(5) *Support Program #21.*

b. *Navigation:* (1) *Approach & Landing Systems Program #07.*

c. *Aircraft Safety:* (1) *Environmental Program #20* (Noise/Pollution/Quality).

5. *Categorically Excluded Actions.* RE&D programs excluded from the requirement for an EIS or FONSI are:

a. *Air Traffic Control* Radar Beacon System (ATCRBS) Program #03; Proximity Warning Indicator/Collision Avoidance System (PWS, CAS) Program #05; Landside/Oceanic Satellites Program #17; New Radar Systems Program #02, New Communication Systems Program #06; En Route Control Program #12, Navigation Program #04; Terminal/Tower Control Program, #14; Flow Control Program #11.

b. *Aviation Weather,* Weather Data Acquisition, Processing Criteria, Program #15;

c. *Aircraft Safety Program #18,* Anti-Hijacking, Flight Safety Criteria;

d. *Aviation Medicine Program #19,* Biomedical Aspects of Design, Personnel Efficiency and Performance;

e. *Policy Analysis,* System Analysis, System Design studies.

6. Timing of Environmental Procedures.

a. *General.* An EIS or FONSI should be prepared late enough in the development cycle to contain meaningful information but early enough for analysis of environmental effects and alternative courses of action to be significant inputs in the program decision making process.

b. *Specific.* An EIS or FONSI where required should be completed:

(1) *On or before* completion of RE&D and before introduction into the National Airspace System.

(2) *Prior to,* or with submission for comment to outside organizations of draft standards (RE&D products) or technical data packages per 9500.4; and

(3) *Prior to* submission of draft Orders, Notices, Advisory Circulars to outside organizations for comment.

7. *Mitigating Measures.* Responsible RE&D Directors, or their designees, shall specify in an EIS measures to be taken to mitigate or minimize significant adverse environmental effects. These may include:

a. Selecting alternative actions which most effectively minimize adverse impacts;

b. Conducting field tests in areas least likely to cause significant adverse environmental impact;

c. Locating laboratories and demonstration centers with a view to avoiding adverse environmental impacts; and

d. Minimizing potential adverse effects in the RE&D cycle (design, installation, test, evaluation and specific action).

Appendix 2. Airway Facilities

1. *General.* This appendix sets forth environmental procedures to be used regarding airway facilities, the categories of projects which require an EIS or FONSI, and those which are not subject to an EIS or FONSI. Airway facilities include facilities and equipment projects; the establishment of new facilities; and maintenance programs, ranging from component/equipment modification to major changes in the facilities.

2. *Environmental Responsibilities.*

a. *Regional Airway Facilities Division.* Responsible for conducting an

environmental assessment in accordance with paragraph 201, and the preparation, coordination and signing in accordance with Chapter 3 of the EIS or FONSI as appropriate for all assigned Facilities and Equipment and maintenance projects within the region. For projects where commitments to protect the environment are detailed in an EIS or FONSI, the Regional Airways Facilities Division Chief shall include the appropriate statement to implement the commitment in land acquisition or construction design documents.

b. *Airway Facilities Service.* Responsible for providing environmental guidance as follows:

(1) It shall complete EISs or FONSIs where appropriate and provide them to the regions to minimize the need for more extensive assessments.

(2) It is responsible for establishing environmental procedures and guidelines for National Airspace System programs, facilities and housing.

(3) To assist the regions in maintaining uniformity of procedures, it shall provide EIS and FONSI review and coordination.

3. *Environmental Impact Statements or FONSIs.* Environmental assessments should be developed along with economic and technical considerations in the facility siting and design. Careful consideration of the specific site and the effect of aircraft operations are necessary. Where the individual location or the operational use of the facility indicates significant environmental impact, an EIS should be prepared and circulated in accordance with this order. Those projects for which an EIS or FONSI has been filed or excluded do not require further action unless a particular case significantly affects the quality of the human environment and requires the preparation of an EIS.

4. *Projects Subject to Environmental Assessments and Procedures.* The following categories of projects are subject to an environmental assessment and preparation of an EIS or FONSI:

a. Establishment or relocation of facilities such as Air Route Traffic Control Centers (ARTCC), Airport Traffic Control Towers (ATCT), Air Route Surveillance Radars (ARSRs), Beacon Only Sites, and Flight Service Stations (FSS). These facilities may affect the environment because of land or access requirements; the electronic emissions generated by its operation; the impact on water and sewerage facilities, power distribution facilities, rainfall runoff and traffic flow from public roadways; and the impact on personnel in a given locale;

b. Establishment or relocation of facilities used for communications and en route navigation such as the VHF Omni Range (VOR) or with TACAN (VORTAC), Remote Communications Air Ground (RCAG), and Radar Microwave Links (RML). The environmental impact of these facilities normally results from providing access to the remote facility and constructing the facility itself;

c. Establishment or relocation of Instrument Landing or Microwave Landing Systems (ILS or MLS), Approach Light Systems (ALS), and Runway End Identifier Lights (REILS). these facilities may be the subject of environmental controversy because of the impact of a change in operational use and the location of certain elements of airports;

d. Establishment of FAA housing, sanitation systems, fuel storage and distribution systems, and power source and distribution systems normally should be assessed because of their location, and impact on community land use planning;

e. Environmental assessments required for the establishment of non-federal facilities, such as an ILS or TVOR, are to be accomplished by the sponsor. The regional assessments for takeover of these facilities relate to the impact of the federal operation as opposed to sponsor operation and not to the impact of the facility itself.

f. The following projects have been determined to have no significant impact on the quality of the human environment and normally do not require further environmental consideration:

(1) Installation on airports of Visual Approach Slope Indicators (VASI).

(2) Installation or replacement of engine generators or powerplants from 5 KW to 175 KW used in emergencies when commercial power fails.

(3) Installation of Runway Visual Range (RVR) equipment on airports.

(4) Construction of Single Frequency Outlets (SFO) to provide air-to-ground communication between pilots of general aviation aircraft and personnel in Flight Service Stations.

(5) Construction of Remote Transmitter/Receiver (RT/R) facilities to supplement existing communications channels installed in the Airport Traffic Control Tower or the Flight Service Station.

(6) Installation of Wind Sensing equipment, generally installed on airports.

5. *Categorically Excluded Projects.*

a. Upgrading of building electrical systems or maintenance to existing facilities (including painting, replacement of siding, etc.);

b. Minor expansion of facilities including the addition of communication channels where personnel is minimal and which require no additional land, and where expansion is due to remodeling of space in current quarters or existing buildings;

c. Upgrading of facilities to improve their operational capacity, e.g.,

(1) Existing runway approach lighting installations;

(2) Conversion of VOR to VORTAC; and

(3) Conversion of ILS to Category II or III standards;

d. Wind and other weather instruments located on airports;

e. Demolition and removal of buildings and structures, except where they are of historical, archaeological and architectural significance as officially designated by Federal, State or local government;

f. Replacement or reconstruction of a structure of facility with a new one of substantially the same size and purpose, where location will be on the same site as the existing building/facility;

g. Water, sewage, electrical, gas or other utility extension of temporary duration to serve construction;

h. New gardening or landscaping, or the maintenance of existing landscape;

i. Accessory onsite structures including storage buildings, garages, small parking areas, and signs and fences;

j. Grading on land with a slope of less than 10 percent, except where located near waterways in any wetland in an officially designated (by Federal, State, or local government agency) scenic area, or in officially mapped areas of severe geologic hazard;

k. Filling of earth into previously excavated land with material compatible with the natural features of the site;

l. Minor trenching and backfilling where the surface is restored and the excavated material is protected against wash and runoffs during the construction period;

m. Replacement of power and control cables for facilities, such as ALS, Airport Surveillance Radar (ASR), ILS and RTR;

n. Repairs and resurfacing of existing access to remote facilities such as ARSR, RCAG, RML, and VORTACs;

o. Installation of equipment on airports, such as Cloud Height Indicators (CHI) and Hygrothermometers;

p. Installation of equipment within a facility or on an airport that provides for modernization or enhancement of the

service provided by that facility, such as ASR, Radar Bright Display Equipment (RBDE) with Plan View Displays (PVD), Direct Access Radar Channel (DARC), beacon system on an existing radar and test sets.

6. *Timing of Environmental Procedures.*

a. The environmental impact of proposed projects should be considered during the budgetary process. It is not necessary that EISs or FONSIs be filed prior to budgeting for a given project. However, where significant, environmentally adverse project impacts are known or anticipated, the project justification should identify all pertinent factors to enable a determination of whether to include the project in the budget or to consider alternatives.

b. Environmental assessments should be initiated with the beginning of design or engineering effort for the project.

c. No Procurement Request for construction will be submitted to the Procurement Office for action until the EIS or FONSI, if required, has been completed and filed.

d. If the project requires acquisition of property interests, no formal contact with the property owner for the purpose of acquiring these interests, including any offer, should be made prior to filing a EIS or FONSI, except for:

(1) Emergency situations;

(2) Obtaining rights-of-entry for such purposes as preparation for site testing, obtaining data, property surveys, etc.; and

(3) Those cases where the review process indicates that the proposed site warrants further engineering study and requires an EIS. It may be in the agency's interest to obtain an option or other document to assure the availability of the property pending the filing of the EIS. In this evnt, the DEIS should state that the FAA has entered into an option and the reason for the option; that alternate sites are being considered through the EIS process; and that a decision to exercise the option will not be made until completion of the review and filing of the EIS.

7. *Site Selection.* When a site has been tentatively selected, the region should investigate such things as:

a. Impact of the facility/system on nearby residential areas.

b. Impact of grading required to accommodate the facility.

c. Impact on local land use patterns and plans.

d. Impact on wildlife in the area.

e. Impact on other variables.

Note.—The results of the analysis of the foregoing variables should be integrated with the information contained in the facility environmental discriptor, and an endorsement added to complete the EIS or FONSI as appropriate.

Appendix 3. Air Traffic

1. *General.* Air traffic personnel are involved in the assessment of aircraft noise resulting from new or revised air traffic control procedures. "Calculation of Maximum A-Weighted Sound Levels Resulting from Civil Aircraft Operations" and the Integrated Noise Model will be used to assist in determining noise impacts.

2. Environmental Responsibilities.

a. *Regional Offices.* Responsibility for environmental assessment and preparation of EISs and FONSIs may be delegated to field facilities or retained within the regional office, with assistance from the field facilities. Regional offices and field facilities shall provide input to an environmental assessment when requested by Air Traffic Service (AAT) or other services.

b. *Headquarters.* The office originating the proposed systemwide action is responsible for making environmental assessments and preparing the FONSIs or EISs. Input may be requested from regional offices and field facilities for an action originating within headquarters.

3. *Environmental Impact Statement or Finding of No Significant Impact.*

a. After completion of the environmental assessment (including noise analyses), the Responsible Offical will determine whether the proposed procedure will require an EIS or FONSI or is categorically excluded.

b. If it is determined that the proposed procedure is categorically excluded, no further action is required.

c. If the proposed procedure is determined to require EIS or FONSI, they shall be prepared in accordance with Chapters 2 and 3 of the Order.

4. *Actions Subject to Environmental Assessments and Procedures.* The following actions are subject to environmental assessment and preparation of an EIS or FONSI.

a. New or revised air traffic control procedures which routinely route air traffic over noise sensitive areas at less than 3,000 feet above the surface.

b. Special use airspace if the floor of the proposed area is below 3,000 feet above the surface or if supersonic flight is anticipated at any altitude. This airspace shall not be designated, established or modified until:

(1) The notice (NPRM or non-rule circular) contains a statement supplied by the requesting or using agency that they will serve as lead agency for purposes of compliance with NEPA;

(2) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on the environmental aspects can be addressed (applicable only if an EIS is to be filed by the requesting agency);

(3) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on any land use problems can be addressed (applicable only if special use airspace extends to the surface); and

(4) The rule, determination, or other publication of the airspace action contains a statement, supplied by the requesting agency, that the requirements of NEPA have been met.

c. The provisions of paragraph b. (1) through (4) are not applicable to special use airspace actions if minor adjustments are made such as raising the altitudes or if a change is made in the designation of the controlling or using agency.

5. *Categorically Excluded Actions.*

a. Determination under FAR Part 77, "Objects Affecting Navigable Airspace" and determinations under FAR Part 157, "Notice of Construction, Alteration, Activation and Deactivation of Airports."

b. Procedural actions to the extent covered by a previously filed EIS or FONSI in the establishment of en route or terminal navigation aids, when environmental circumstances have not changed.

c. Actions taken under FAR Part 71, "Designation of Federal Airways, area Low Routes, Controlled and REPORTING Points."

d. Actions taken under FAR Part 75, "Establishment of Jet Routes and Area High Routes"; FAR Part 99, "Security Control of Air Traffic"; FAR Part 101, "Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons"; and FAR Part 105, "Parachute Jumping."

e. Establishment or modification of Terminal Control Areas (TCA) or Terminal Radar Service Areas (TRSA).

f. Procedural actions dictated by emergency determinations.

6. *Timing and Length Limits of Environmental Actions.*

a. An environmental assessment should be conducted when a procedure is first proposed or coordinated. If the procedure originates within the regional office, it may be necessary to request input from field facilities. This preliminary step will help determine if an EIS or FONSI is appropriate and help identify the scope of environmental objections. If a procedure is found to be controversial, alternative courses of action should be considered or the

proposed procedure may be changed to mitigate the environmental impact, so as not to constitute a significant environmental impact.

b. EIS or FONSI action requiring public comment shall provide at least 90 days for that comment while action requiring response to or from other agencies or services will provide 45 days for response.

c. EISs shall normally be less than 150 pages and for procedures of unusual scope or complexity shall normally be less than 300 pages.

Appendix 4. Aviation Standards

1. *General.* Aviation Standards programs and project actions shall be given proper environmental consideration in accordance with the procedures and guidance contained within this order.

2. *Environmental Responsibilities.*

a. The Aviation Standards Office, staff and Division Chiefs shall implement the environmental assessment procedures, including developing an EIS or FONSI as appropriate. In the Western Region and European Region, the Chief, Aircraft Engineering Division and Chief, Aircraft Certification Staff, respectively, shall implement actions involving certification of aircraft and engines. Normally, the office (office, staff and division) responsible for the action is responsible for the environmental assessment. Office Chiefs may delegate environmental responsibility to appropriate branches or district/field offices, or they may retain the responsibility within the office with assistance from the branches or district/field offices. Regional Flight Standards Divisions shall coordinate with and assist as necessary the airway facilities, air traffic, and airports division and others on those actions involving environmental impacts crossing division lines. The headquarters divisions with assistance from the regions will develop and coordinate FONSI actions for programs.

b. Documentation, including the analysis of environmental factors, shall be retained in the project folder to substantiate the environmental assessment. This should be prepared for all projects not categorically excluded to support the decision that an EIS or FONSI will be prepared.

c. In the Washington headquarters each EIS and FONSI pertaining to a regulatory project will be prepared for the signature of the Office Director and a concurrence signature of AVS–20.

3. *Environmental Impact Statement or Finding of No Significant Impact.* Environmental considerations of Aviation Standards actions require assessment of all relevant environmental factors. A decision as to whether the action's impact requires a FONSI or EIS is based on the assessment.

4. *Actions Subject to Environmental Assessments and Procedures.* The following Aviation Standards actions are subject to environmental procedures, analysis and a decision as to whether to prepare a FONSI or EIS:

a. *Certificates.* New, amended or supplemental aircraft types for which environmental regulations do not yet exist, or new, amended or supplemental engine types for which regulations do not yet exist, or where an environmental analysis has not yet been prepared in connection with the regulatory action;

b. Aircraft/avionic maintenance bases to be operated by the FAA.

c. Regulations and rules (and exemptions and waivers to regulations and rules) which may affect the might of human environment;

d. Authorization to exceed Mach 1 Flight under FAR Part 91.55;

e. Operating specifications and amendments thereto that may significantly change the character of the operational environment of the airport. When actions cross regional boundaries, coordination among regions is expected;

f. Pilot training schools certificated under FAR Part 141 and whose anticipated operations at an airport may alter the character of the operational environment of the airport; and

g. New Instrument Approach Procedures, Departure Procedures, En Route Procedures, and Modification to currently approved instrument procedures which are conducted below 3,000 feet above the surface and which will tend to increase noise over noise sensitive areas. This requires consideration of those operations that will be routinely routed over noise sensitive areas and includes residential neighborhoods; education, health, and religious sites; and cultural, historical and recreation areas. A significant increase in noise is based on reduction of distance between aircraft and noise sensitive areas of more than 20 percent.

5. *Categorically Excluded Actions.*

a. *Certificates* for new, amended or supplemental aircraft types that meet environmental regulations or new, amended or supplemental engine types that meet emission regulations, or new, amended or supplemental engine types that have been excluded by the EPA; medical, airmen, export, manned free balloon type, glider type, propeller type, supplemental type not affecting noise, emission or waste; mechanic schools, agricultural aircraft operations, repair stations and other air agency ratings;

b. Special flight authorization controlled by operating limitations, FAR sections 21.193, 21.199, and 91.42;

c. All delegations of authority under section 314 of the FAA Act (49 U.S.C. 1301) e.g., designated examiners and engineering representatives;

d. Approvals of aircraft and engine repairs, parts and alterations not affecting noise, emissions, or wastes;

e. Aircraft and engine certifications or approvals under regulations which have been covered by prior EISs or FONSIs provided there have been no significant changes in circumstances;

f. Acoustic change actions that demonstrate compliance with FAR Part 36;

g. Operating specifications and amendments thereto which do not significantly change the character of the operational environment of the airport, including authorizing alternate use of an airport, new use of an airport, or administrative revisions to operating specifications;

h. Regulatory documents which cover administrative or procedural requirements;

i. Regulations, rules, standards, and exemptions (excluding those which if implemented may cause a significant impact on the human environment);

j. Instrument Approach Procedures, Departure Procedures, and En Route Procedures conducted at 3,000 feet or more above the surface; instrument procedures conducted below 3,000 feet above the surface which do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved instrument procedures conducted below 3,000 feet above the surface that do not significantly increase noise over noise sensitive areas, and increases to minimum altitudes and landing minima. Noise sensitive areas may include residential neighborhoods, educational, health, and religious sites, and cultural, historical and outdoor recreational areas. A significant increase in noise is based on a reduction of distance between aircraft and noise sensitive areas of more than 20 percent.

k. Ongoing actions which are categorically excluded or actions for which FONSIs have been prepared, normally, need only documentation in the project folder that the action is not subject to further environmental consideration. However, should it be determined that a particular action in the above category has a significant impact on the quality of the human environment, an EIS will be required;

l. Denials of: (1) A petition for exemption; (2) a petition for reconsideration of a denial of exemption; (3) a petition for rulemaking; (4) a petition for reconsideration of a denial of a petition for rulemaking; (5) exemptions Technical Standard Orders (TSOs) when they are routine in nature and have no significant environmental impact.

6. *Timing of Environmental Procedures.* Environmental assessments shall be initiated along with technical, economic and operational considerations, and at the earliest practical point in time. Assessments shall be completed in a timely manner and should not become the pacing item for proposed actions. Length of assessments should be as stated in Section 1502.7 of the CEQR. The EIS or FONSI shall be filed prior to action; for example, in the case of certificates, prior to issuance.

Appendix 5. Logistics

1. *General.* Logistics programs, while basically a service function in support of agency needs or actions initiated by other FAA elements, are subject to the procedures and guidance of this order. The Logistics Service shall ensure the filing of the EIS or FONSI prior to land acquisition and construction, per Appendix 5, paragraph 4. This section delineates the responsibilities of the Office of Logistics Service (ALG) in processing proposed FAA actions and the categories of actions initiated in ALG which require an EIS or FONSI and those which are categorically excluded.

2. *Environmental Responsibilities.* Through the negotiations and procurement processing of actions proposed by agency elements, ALG is responsible for:

a. Converting commitments contained in an EIS or FONSI into contract clauses applicable to completed products, contractor's facilities, performance of services, and land acquisition documents;

b. Negotiating the cost and application of environmental requirements in contracts;

c. Assuring through inspection and review that the contractor meets environmental requirements in the contract, and administers penalty provisions as provided in applicable contract clauses;

d. Assuring that leases, loans, agreements, permits, easements, and any instrument negotiated with respect to donations, condemnations, purchases, or improvements involving real or personal property, and all utility or service contracts, conform with established environmental standards and incorporate pertinent terms relative thereto; and

e. Assuring that no solicitation or proposal for bids for construction or formal contact with property owners for the purpose of initiating negotiations to acquire land shall be made prior to filing an EIS or FONSI, except as provided in Appendix 2, paragraph 6d.

3. *Environmental Impact Statements or FONSIs.* The environmental considerations of ALG actions shall be documented in an EIS or FONSI. An environmental assessment shall be developed along with design or specifications to determine whether the action requires an EIS or FONSI. Preparation of the EIS or FONSI shall be in accordance with Chapter 3 of this order.

4. *Actions Subject to Environmental Assessments and Procedures.* The acquisition of land for the construction of new office buildings is subject to environmental procedures, assessment and a decision as to whether its impact requires an FONSI or EIS (Materiel Management Division, ALG–200 is responsible for these environmental procedures).

5. *Categorically Excluded Actions.*

a. Motor Fleet Management (purchase of new motor vehicles) where such vehicles are obtained from General Services Administration (GSA) under a lease arrangement or through a direct purchase as part of a national buy;

b. Use of space in buildings which are constructed for or controlled by GSA;

c. Lease of existing buildings;

d. Lease of space for a firm term of one years or less;

e. Acquisition of land for an existing leased operational facility.

Appendix 6. Airports

Chapter 1. Definitions

1. *Council on Environmental Quality (CEQ) Terminology.* (See paragraphs 5a and 100 of the basic Order 1050.1C. Hereinafter, references to paragraphs shall mean paragraphs in the basic order text unless specifically identified as referring to this appendix.)

2. *Federal Aviation Administration (FAA) Terms.* (See paragraph 5b.)

3. *Airports Program Environmental Definitions.* The following terms used for airport actions are in addition to those defined in CEQ 1508.

a. *Federal Action.* The Federal action as far as the Airports Program is concerned may be any of the following:

(1) Adoption of the National Airport System Plan.

(2) Approval of an airport location.

(3) Approval of an airport layout plan or revisions to an airport layout plan.

(4) Approval of funding for airport development.

(5) Requests for the conveyance of government land under section 23 of the Airport and Airway Development Act of 1970, as amended, (Airport Act) for development or improvement of a public airport.

(6) Approval of release of airport land.

b. *Federal Environmental Approval.* This is a determination by the approving official that the requirements imposed by applicable environmental statutes and regulations have been satisfied by a finding of no significant impact or a final environmental impact statement. It is not an approval of the Federal action.

c. *Finding of No Significant Impact with Section 16(c)(4) Coordination.* This is a finding of no significant impact as defined in CEQ 1508.13 which, because the project involves airport location, a major runway extension, or runway location, must be coordinated with the Department of the Interior (DOI) and the Environmental Protection Agency (EPA) in accordance with the Airport Act, section 16(c)(4).

d. *Written Reevaluation.* This is an evaluation prepared by the FAA responsible official of a draft or final impact statement or a finding of no significant impact with section 16(c)(4) coordination which has exceeded the three-year time limitation specified in paragraph 102, Chapter 10, of this appendix. This evaluation will either conclude that the contents of previously prepared environmental documents remain valid or that significant changes require the preparation of a supplement or new environmental document.

e. *Approving Official.* This is the FAA official who has the authority to approve findings of no significant impact or final environmental impact statements per Chapters 6 and 9 of this appendix.

f. *Responsible Official.* This is an FAA employee designated with overall responsibility to furnish guidance and participate in the preparation of environmental impact statements, to evaluate the satements, and to take responsibility for the scope and content of the satements. This person may be authorized to evaluate and accept environmental assessments prepared by airport sponsors and may direct scoping activities for the FAA.

g. *Decisionmaker.* This is the FAA official who has authority to approve airport layout plans, approve funding for airport development, or otherwise approve the Federal action.

h. *Sponsor.* This is any pulic agency eligible to receive Federal financial assistance under the Airport Act or anyone proposing an airport action for

which a Federal authorization is required.

i. *Major Runway Extension.* This is a runway extension which upgrades an existing runway to permit usage by noisier aircraft.

j. *Major New Construction or Expansion of Passenger Handling and Parking Facilities.* This is development on an airport to accommodate one or more increments of a planned total increase in scheduled air carrier enplanements of at least 25 percent over current enplanements. This increase shall also be at least 100,000.

k. *Design, Art, and Architectural Application.* Design is the process of arranging physical spaces, materials, and objects to perform specific functions with emphasis on the relationship of the resulting product to human and environmental factors. Design quality is judged by broader criteria than functional performance alone. Design includes architecture, landscape architecture, graphics, interior design, and engineering. Art includes objects or works of art which are placed in or on an airport facility primarily for aesthetic reasons. Architectural application means the arrangement of structural materials, landscaping, or site development to produce an aesthetically pleasing and functional environment.

l. *NEPA Section 102(2)(D) States.* Such states are those whose agencies or officials, having statewide jurisdiction and responsibility for implementing major Federal actions funded under a program of grants to states, prepare environmental impact statements required by NEPA, section 102(2)(C).

m. *"NEPA-Like" State or Local Agencies.* Such states or agencies are those which are subject to state or local requirements comparable to NEPA requirements for environmental impact statements according to CEQ 1506.2(c). Such agencies, unless specifically barred by other law, shall be joint lead agencies with the FAA and to the fullest extent possible jointly prepare environmental impact statements.

n. *Noisier Aircraft.* For purposes of this order, noisier aircraft are aircraft over 12,500 pounds which are at least three decibels louder than aircraft currently using a runway as measured at one or more of the measuring points used to determine compliance with Federal Aviation Regulations, Part 36. (an aircraft more heavily loaded than the same aircraft curently using the runway under similar conditions may be a noiser aircraft under this definition.)

o. *Project Involving Airport Location.* This is a project by a public sponsor for land acquisition or other development at an airport which has not previously been eligible for Airport Development Aid Program funds because:

(1) It did not exist, or

(2) It was privately owned.

4.–9. [Reserved]

Chapter 2. General Requirements and Responsibilities

10. *General.*

a. Airport sponsors and the FAA shall carefully consider and weigh environmental amenities and values in a timely manner in evaluating proposed Federal actions relating to airport planning and development, utilizing a systematic interdisciplinary approach and involving local and state officials and individuals having expertise. The environmental assessment and consultation process is to provide officials and decisionmakers, as well as members of the public, with an understanding of the potential environmental impacts of the proposed action. The final decision is to be made on the basis of a number of factors. Environmental considerations are to be weighed as fully and as fairly as nonenvironmental considerations. The FAA's objective is to enhance environmental quality and avoid or minimize adverse environmental impacts that might results from a proposed Federal action in a manner consistent with the FAA's principal mission to provide for the safety of aircraft operations.

b. Unless categorically excluded by this appendix, an environmental assessment and environmental impact statement or finding of no significant impact are required for proposed Federal actions related to airports. In accordance with Department of Transportation (DOT) policy and with the CEQ Regulations, it is intended that a single environmental document meet Federal, state, and local requirements.

11. *Overview of Environmental Process.*

a. The process for consideration of the environmental effects of a proposed action involves a number of steps, beginning with the airport proprietor or sponsor. The relative responsibilities of the sponsor and the FAA are summarized in the following paragraphs. Intergration of environmental considerations in early planning and involvement of the public are discussed in Chapter 5 of this appendix. Subsequent chapters present detailed instructions on content, processing, and approval of environmental documents.

b. To facilitate an understanding of the process, a flow diagram (figure 1) is presented at the end of this appendix. Figure 1 is broken down into four sheets:

(1) Sheet 1 depicits the process from identification of the problem by the sponsor, through initial review of the sponsor prepared environmental assessment, to development of the environmental assessment as an FAA document. This sheet also identifies an early decision point on whether or not the action falls in the categorical exclusion category per the listing in paragraph 23 of this appendix. If the FAA determines after initial review of the sponsor's proposal that the action is in this category, no environmental assessment is necessary.

(2) Sheet 2 begins with a key FAA determination based on the environmental assessment on whether the action requires preparation of an environmental impact statement. If this answer is yes, sheet 2 outlines the process of scoping, developing, and processing of a draft environmental impact statement by FAA through review of comments and preparation of the proposed final document.

(3) Sheet 3 describes the process if it is determined that an environmental impact statement is not necessary. In this case, it is first determined if limited Federal agency coordination is necessary pursuant to section 16(c)(4) of the Airport Act. If it is, a proposed finding of no significant impact is prepared, coordinated, and approved as indicated in the flow diagram. Otherwise, a finding of no significant impact may be prepared and approved without further coordination. A final decision on the action is then make after environmental approval.

(4) Sheet 4 is a continuation of Sheet 2. It represents the environmental and funding approval process for actions which have required the preparation of an environmental impact statement. Environmental approval action is taken in either headquarters or the region depending on approval authority as described in paragraph 95 of this appendix. A final funding decision is made subsequently and includes a record of decision incorporating assurances and mitigation measures identified in the environmental impact statement (reference paragarph 98 of this appendix). The funding decision may also be made in headquarters or the region depending on approval authority. Note that the environmental and funding approvals are not necessarily made at the same level or by the same official. These distinctions are made in the flow diagram and in the definitions in Chapter 1, paragraphs 3 e and g of this appendix.

12. *Sponsor's Responsibility.* Sponsors of airport projects are responsible for identifying the problem, developing

conceptual alternatives, and preparing an environmental assessment as more full explained in Chapter 5 of this appendix. In the Airports Program, an environmental assessment prepared by the sponsor shall systematically examine each portential impact to determine if the impact is significant. The document shall be developed in coordination with appropriate local, state, and Federal agencies, with community involvement as described in this appendix, and in direct consultation with FAA. It is important that the material contained therein be objective, complete, and accurate in order for it to serve as the basis for the preparation of the FAA's environmental documents. The sponsor's responsibility also extends to providing additional data and information to the FAA when required to assist in its review of environmental impacts and in the preparation of environmental documents. The environmental assessment shall draw upon the appropriate disciplines of the natural and social sciences and the environmental design arts.

13. *FAA Responsibility.* In brief, under the Airports Program the FAA is responsible for analyzing the environmental impacts and consequences of a proposed Federal action involving airports, for the environmetal assessment and related documents, and ultimately for approving or disapproving the environmental documents and the Federal action. Although an environmental assessment submitted by an airport sponsor may be used in whole or in part, the FAA is responsible for the facts, opinions, and judgments upon which the environmental determination is based. It is, therefore, incombent upon the FAA to assure that all documentation presents a full, accurate, and fair assessment of the environmental consequences of the proposed action.

14. *Use of Contractors.* If contractors are to be involved, see paragraph 76 of this appendix for details.

15. *Role of Lead and Cooperating Agencies.* (See paragraph 207.) More specific information on the involvement of the lead and cooperating agencies in the preparation of environmental impact statements is contained in paragraphs 74 and 75 of this appendix.

16. *Preparation of Environmental Documents.* Responsibilities and authority of state and local agencies will very depending upon the state or local requirements, jurisdictional responsibilities, and expertise. This is discussed in Chapter 7 of this appendix.

17. *Early NEPA Involvement in Planning.* In accordance with NEPA, environmental considerations shall be identified early in the planning process. Chapter 5 discusses the implementation of this requirement in airport planning.

18. *Public Involvement.* (See paragraph 214.)

19. [*Reserved*]

Chapter 3. Environmental Action Choices

20. *General.*

a. In the Airports Program, Federal actions which require environmental processing generally involve the approval of specific projects at specific airports. A series of projects may be grouped into an overall plan for development, with successive phases being contingent upon other events such as a projected increase in traffic or a change in the aircraft using the airport. Such programs for development will usually be the subject of tiered environmental actions (see paragraph 101 of this appendix and CEQ 1508.28).

b. On occasion, such as for the development of a new National Airport System Plan which is based upon new criteria for the inclusion of airports in the plan, an environmental impact statement will be prepared for a broad action. This action is the adoption of a formal plan upon which future agency actions will be based.

c. All Federal actions fall in one of three categories:

(1) Those normally requiring an environmental impact statement (CEQ 1508.11).

(2) Those requiring an environmental assessment (CEQ 1508.9).

(3) Those which are normally categorically excluded (CEQ 1508.4).

21. *Actions Normally Requiring an Environmental Impact Statement.*

a. The following Federal actions will normally require an environmental impact statement:

(1) Adoption of a new National Airport System Plan which is based upon significantly different criteria for inclusion of specific airports from criteria used in the previous plan.

(2) First time airport layout plan approval or airport location approval (see paragraphs 30 and 32 of this appendix) for an air carrier airport located in a standard metropolitan statistical area.

(3) A new runway capable of handling air carrier aircraft at an air carrier airport in a standard metropolitan statistical area.

b. Even though these actions normally require an environmental impact statement, the preparation of the environmental impact statement will usually be preceded by an environmental assessment. If the environmental assessment demonstrates that there are no significant impacts, the action shall be processed as a finding of no significant impact instead of an environmental impact statement.

22. *Actions Normally Requiring an Environmental Assessment.*

a. Federal financial participation in, or airport layout plan approval of, the following categories of development actions shall be subject to the analysis of an environmental assessment and subsequent decision as to whether to prepare an environmental impact statement or a finding of no significant impact.

(1) Airport location.

(2) New runway.

(3) Major runway extension.

(4) Runway strengthening which would permit use by a noisier aircraft than that for which the pavement was previously designed.

(5) Major new construction or expansion of passenger handling or parking facilities with Federal funding.

(6) Land acquisition associated with all the above items plus any land acquisition which causes relocation of residential or business activities or involves land covered under section 4(f) of the Department of Transportation Act of 1966, as amended (hereinafter section 4(f)).

(7) Establishment or relocation of an instrument landing system, an approach lighting system, or runway end identification lights (when airport development aid funds are used).

(8) An airport development action that falls within the scope of paragraph 24 or which involves any of the following:

(a) Use of section 4(f) land.

(b) Effect on property included in or eligible for inclusion in the National Register of Historic Places or other property of state or local historical, architectural, archeological, or cultural significance.

(c) Wetlands, coastal zones, or floodplains.

(d) Endangered or threatened species.

b. FAA requests for conveyance of government land for airport purposes under section 23 of the Airport Act (see paragraph 34 of this appendix for more detailed instructions).

c. Federal release of airport land (see paragraph 35 of this appendix).

d. The actions identified in this paragraph shall be supported through one of the following action choices based upon an environmental assessment.

(1) Environmental impact statements.

(2) Findings of no significant impact (see paragraphs 27 and 28 of this chapter).

e. Actions identified in this paragraph may be the subject of written reevaluations of previously approved environmental impact statements or findings of no significant impact. (See paragraph 103 of this appendix.)

23. *Categorical Exclusions.* Paragraphs 21 and 22 of this chapter identify specific airport actions such as major runway extensions which require, as a minimum, an environmental assessment. Paragraph 24 identifies extraordinary circumstances which create a requirement for environmental assessment of actions otherwise excluded. For any specific FAA airport project or program action, paragraphs 21, 22, 24, and 26 shall be reviewed. Unless specifically covered by those paragraphs, the following items are categorically excluded from the requirement for formal environmental assessment.

a. Runway, taxiway, apron, or loading ramp construction or repair work including extension, strengthening, reconstruction, resurfacing, marking, grooving, fillets and jet blast facilities, except where such action will create environmental impacts off airport property.

b. Installation or upgrading of airfield lighting systems, including beacons and electrical distribution systems.

c. Installation of miscellaneous items including segmented circles, wind or landing direction indicators or measuring devices, or fencing.

d. Construction or expansion of passenger handling or parking facilities including pedestrian walkway facilities.

e. Construction or repair of entrance and service roadway within airport property and relocation of these type roads except where they connect to a public highway or street.

f. Grading or removal of obstructions on airport property and erosion control actions with no off-airport impacts.

g. Landscaping generally, and landscaping or construction of physical barriers to diminish impact of airport blast and noise.

h. Land acquisition associated with any of the above items.

i. Acquisition of: noise suppression or measuring equipment, security equipment required by rule or regulation for the safety or security of personnel and property on the airport (14 CFR Part 107), safety equipment required by rule or regulation for certification of an airport (14 CFR Part 139) or snow removal equipment.

j. Issuance of airport planning grants.

k. Airport Development Aid Program actions which are tentative and conditional and clearly taken as a preliminary action to establish a sponsor's eligibility under the Program.

l. Retirement of the principal of bond or other indebtedness for terminal development.

m. Issuance of airport policy and planning documents including advisory circulars on planning, design, and development programs not intended for direct implementation or issued by FAA as administrative and technical guidance to the public.

n. Issuance of certificates and related actions under the Airport Certification Program (14 C.F.R. Part 139).

o. Advisory actions as described in paragraph 25 of this chapter.

p. Any items identified in other appendices of this order as categorical exclusions. These items are not normally included in airport actions. There may be circumstances when such items, especially those associated with airways facilities, may be shown on an airport layout plan or included in an airport development action.

24. Extraordinary Circumstances. Proposed Federal actions, normally categorically excluded, which have any of the following characteristics shall be the subject of an environmental assessment. The FAA will determine, in accordance with paragraph 51 of this appendix, whether the action will be the subject of an environmental impact statement or finding of no significant impact.

a. An action that is likely to have an effect that is not minimal on properties protected under section 106 of the Historic Preservation Act of 1966, as amended, or section 4(f).

b. An action that is likely to be highly controversial on environmental grounds. A proposed Federal action is considered highly controversial when the action is opposed by a Federal, state, or local government agency or by a substantial number of the persons affected by such action on environmental grounds. If the responsible official has any doubt whether a given number of opposing persons is "substantial," that doubt shall be resolved by discussion with APP-600 to determine if the action should be processed as a highly controversial one.

c. An action that is likely to have a significant impact on natural, ecological, cultural, or scenic resources of national, state, or local significance, including endangered species, wetlands, floodplains, coastal zones, prime or unique farmland, energy supply and natural resources, or resources protected by the Fish and Wildlife Coordination Act.

d. An action that is likely to be highly controversial with respect to the availability of adequate relocation housing. In an action involving relocation of persons or businesses, a controversy over the amount of the acquisition or relocation payments is not considered to be a controversy with respect to availability of adequate relocation housing.

e. An action that is likely to:

(1) Cause substantial division or disruption of an established community, or disrupt orderly, planned development, or is likely to be not reasonably consistent with plans or goals that have been adopted by the community in which the project is located; or

(2) Cause a significant increase in surface traffic congestion.

f. An action that is likely to:

(1) Have a significant impact on noise levels of noise sensitive areas;

(2) Have a significant impact on air quality or violate the local, state, or Federal standards for air quality;

(3) Have a significant impact on water quality or contaminate a public water supply system; or

(4) Be inconsistent with any Federal, state, or local law or administrative determination relating to the environment.

g. Other action that is likely to directly or indirectly affect human beings by creating a significant impact on the environment.

25. *Advisory Actions.* Some Federal actions, such as airspace actions, are of an advisory nature and are neither permissive nor enabling. Actions of this type are not ordinarily major Federal actions, and environmental assessments or statements are not required as a condition for accomplishing the action. If it is known or anticipated that some subsequent Federal action would require processing in accordance with environmental procedures, the FAA shall so indicate in the advisory action.

26. *Cumulative Impact.* (See paragraph 208.) For further detail on the treatment of present and related future actions, see Chapter 10 of this appendix. Also, see CEQ 1508.7 and 1508.25 for more on cumulative impacts of both related and unrelated actions.

27. *Findings of No Significant Impact Requiring Airport Act Section 16(c)(4) Coordination.*

a. This action choice occurs when the proposed action involves the location of an airport, the location of a runway, or the major extension of a runway but does not have significant impacts. A finding of no significant impact shall be supported by an environmental assessment, prepared in accordance with Chapter 5 of this appendix, substantiating the determination that the proposed action will not

significantly alter the airport's impact on its surrounding environment.

b. Pursuant to section 16(c)(4) of the Airport Act, DOI and EPA shall be consulted. The FAA shall forward a copy of the proposed finding of no significant impact (and environmental assessment) to both agencies and advise them that, although the project is not expected to significantly affect the quality of the human environment, they are being consulted pursuant to section 16(c)(4).

c. FAA processing and approval of this action choice are described in Chapter 6 of this appendix.

28. *Findings of No Significant Impact Not Requiring Section 16(c)(4) Coordination.* This action choice applies to those projects which do not have significant impacts, do not fall under section 16(c)(4) of the Airport Act, and are not categorically excluded under paragraph 23 of this appendix. Content, processing, and approval of this action choice are described in Chapter 6.

29. *Supplements.* (See paragraph 390.) The choice of preparing a supplement to a previously prepared draft of final environmental impact statement or to a finding of no significant impact with section 16(c)(4) coordination is appropriate in some instances of tiering, or when significant changes occur affecting the validity of previously prepared documents, or when significant new information is brought to light. Paragraph 104 of this appendix discusses requirements for supplements.

Chapter 4. Special Instructions

30. *Airport Layout Plan Approvals.*

a. *Applicability.* This paragraph applies to approvals of new or revised airport layout plans showing development actions identified in paragraphs 21 and 22a of this appendix. It does not affect airport layout plan approvals prior to January 1, 1970. Other paragraphs of this appendix apply to Federal participation in development actions even if shown on an airport layout plan approved prior to January 1, 1970. (See CEQ 1506.12(b).)

b. *General.* Proposals to construct new runways, runway extensions, terminal buildings, or other major and supportive development are shown on an airport layout plan. Inclusion on the plan signifies that the proposed development has been identified by public sponsors for planning purposes. It does not represent a commitment by the sponsor to implement the indicated development. FAA reviews the planned development with respect to safety, efficiency, utility, and environmental impact. FAA's approval does not represent a commitment to provide financial assistance to implement the proposed plan. Environmental documents for airport layout plan approvals are subject to tiering as explained in detail in paragraph 101b(4). Tiering results in either an unconditionally or a conditionally approved airport layout plan.

c. *Approval.*

(1) When all items of development covered by paragraphs 21 and 22a of this appendix have been the subject of environmental approvals pursuant to the provisions of this order, the airport layout plan may be approved unconditionally.

(2) When such environmental action has not been completed, the airport layout plan may be approved subject to the following condition which shall be included in the airport layout plan approval letter:

"The approval indicated by my signature is given subject to the condition that the proposed airport development identified by item herein as requiring environmental processing shall not be undertaken without prior written environmental approval by the FAA."

(3) The approval letter shall identify, by item, those items shown on the airport layout plan which are covered by paragraphs 21 and 22a which have not yet been environmentally approved by FAA.

(4) The FAA approval of an airport layout plan shall be indicated as follows:

(a) The FAA unconditional approval shall be shown on the face of the airport layout plan by use of the term "approved."

(b) The FAA conditional approval shall be shown on the face of the airport layout plan by use of the term "conditionally approved," with a cross-reference to the airport layout plan approval letter.

31. *Planning Grants.*

a. Planning grants are not considered major Federal actions for purposes of section 102(2)(C) of NEPA. Neither are planning grants considered to be airport development projects for purposes of section 16(c)(4) of the Airport Act. Therefore, a finding of no significant impact or an environmental impact statement is not required for issuance of the grant. However, environmental considerations should be included as an integral part of master planning. The airport layout plan, which is one element of a master plan, is the vehicle through which the FAA acts with respect to airport planning and which is subject to the requirements in paragraph 30 of this chapter. Environmental actions may be taken to cover either the ultimate plan as developed by the study or stages of such development, depending on the independen utility of each stage and the certain of ultimate development. Two major elements of an environmental assessment—noise and land use—are included in studies conducted under a planning grant for airport noise control and land use compatibility. See paragraph 41 of this appendix for more information on the sponsor's planning process.

b. In the context of airport development, public meetings or other planning meetings held in conjunction with master planning may expanded to incorporate some of the principles of scoping as described in paragraph 74 of this appendix, especially when it is reasonable to expect that the master plan will identify needed development which has the potential for significant environmental impacts.

32. *Airport Location Approval.* The location of new airports or existing privately owned airports is subject to the appropriate environmental approval prior to receiving first time Federal aid. If location selection is made as an intial phase of a master planning study, the environmental assessment shall take into account enough of the ultimate planned development to assure that with the best available information, the selection is based upon considerations that the need for an benefits of future development of the site outweigh any adverse environmental impacts.

33. *Land Acquisition.* Public sponsors may have the authority to acquire land adjacent to existing airports or for new airports without prior approval by the FAA. Such action could prejudice or preclude a favorable decision by the FAA on proposed changes in airport layout or development which would use the land thus acquired or on requests for reimbursement for the property. When FAA is notified or become aware of a possibility that such a situation may be occurring, FAA shall advise the public sponsor that such actions must be consistent with pertinent environmental policy as expressed in this appendix, that the manner in which the particular property was acquired will be carefully considered by the FAA prior to approval of future FAA action involving the property, and that particular attention will be given by the FAA to its responsibilities under section 4(f) to insure that a special effort is made to preserve the natural beauty of the countryside, public parks recretation lands, wildlife and waterfowl refuges, and historic sites. Particular attention shall also be given by the FAA to actions by a sponsor involving

wetlands, floodplains, coastal zones, endangered species, properties in or eligible for inclusion in the National Register of Historic Places, and the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. A sponsor which has acquired land without prior approval by the FAA shall demonstrate to the satisfaction of the FAA that the acquisition was consistent with the policies expressed in this appendix and has not prejudiced full and objective consideration of alternatives or limited possible implementation of a preferable alternative.

34. *Conveyances of Land.*

a. Airport sponsors may request conveyance of government owned land under section 23 of the Airport Act for the development, improvement, or future use of a public airport. This covers land for a new airport, expansion of an existing airport, protection of aerial approaches, and future airport projects. FAA Order 5170.1, entitled Transfer of Federal Lands, Section 23, of the Airport and Airway Development Act of 1970, contains FAA's procedures for such land transfers. The sponsor shall normally be required to include with the request to FAA for the land an environmental assessment in accordance with Chapter 5 of this appendix. An environmental assessment is not required if the use of the land falls within the scope of paragrah 23 of this appendix, Categorical Exclusions. The FAA responsible official shall consult with the Federal agency controlling the land to assure that environmental documentation meets the needs of the controlling agency as well as of the FAA. If an environmental impact statement is required, the FAA may act as either joint lead agency with the controlling agency or as a cooperating agency with jurisdiction by law and may request further information from the sponsor in order to complete the analysis of significant impacts.

b. The FAA may include environmental mitigation measures as covenants in the deed or patent which transfers the land or in an Airport Development Aid Program grant agreements for a project on the land.

C. FAA Order 5170.1 instructs "Where there is other Government land adjoining that which is being requested for an airport, an easement interest should be requested as necessary to protect the airport. This involves sufficient control to clear and protect the aerial approaches to the airport, to maintain freedom from electronic interference, or smoke-producing activities, and the right to overfly any land *or any interest therein necessary to insure that such land is used only for purposes which are compatible with the noise levels of the operation of a public airport"* (Italics added). The FAA responsible official shall pay particular attention to recommending that the FAA request such additional land as allowed and as determined necessary for compatible land use.

35. *Releases of Airport Land.*

a. When a sponsor accepts a Federal airport development grant or a conveyance of Federal surplus property for airport purposes, the sponsor incurs specific obligations with respect to the uses of the property. FAA action is required to release a sponsor from obligations in the event the sponsor desire to sell the airport land. This action requires an appropriate environmental assessment in accordance with the provisions of this appendix. The assessment shall address the known and immediately foreseable environmental consequences of the release action and, as with other Federal actions regarding land, appropriate coordination with Federal, state, or local agencies shall be completed for applicable areas of environmental consideration (e.g., historic and archeologic site considerations, section 4(f) lands, wetlands and coastal zones, endangered species). In all cases, coordination with the State Historic Preservation Officer is required.

b. In making the final determination, the responsible Federal Offical shall consider the effects of covenants which will encumber the title and the extent of Federal ability to enforce these covenants subsequent to the release action. The standard conditions of release relative to the right of flight, including the right to make noise from such activity and the prohibition against erection of obstructions or other actions which would interfere with flight of aircraft over than land released, may be considered as mitigating factors in the environmental assessment especially regarding noise impacts and land use compatibility. When the intended use of released land is consistent with uses described and covered in a prior environmental assessment, the prior data and analysis may be used as input to the present assessment. When the conditions as set forth in Chapter 10 of this appendix apply, a written reevaluation may be used to support the property release.

c. In some cases, another Federal agency may be the lead agency that is responsiblie for the preparation of an environmental assessment and environmental impact statement, if required. In these circumstances, the FAA may be a cooperating agency. To support the release action, the FAA may then adopt the environmental document prepared by the other agency in accordance with the provisions of CEQ 1506.3.

d. Long term leases which are not related to aeronautical activities or airport support services (i.e., convenience concessions serving the public such as shelter, ground transportation, food and personal services) and which require the FAA's consent for the conversion of dedicated airport property to the status of revenue producing property have, for all practical purposes, the effect of a release and shall be subject to an environmental assessment. Long term leases are normally those exceeding 20 years.

36.–39. [Reserved]

Chapter 5. Early Planning, Preparation of Environmental Assessments, A–95 Review, Public Hearings

40. *Initiation of Environmental Process.* The environmental process begins at the local level with the airport sponsor. An overview of the process is discussed in paragraph 11 and a flow diagram is presented in figure 1 at the end of this appendix with the steps numbered for ease of reference. CEQ 1501.2 states "Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts." At this early point in time, the sponsor may be engaged in any one of the following activities which may be expected to result in a Federal action:

a. An airport master planning study (presumably leading eventually to approval of a new or revised airport layout plan or of a grant for construction).

b. An airport site selection study.

c. A new airport layout plan or a revision.

d. Formulation of an airport development project.

e. Plans to obtain government land for airport purposes through a conveyance under section 23 of the Airport Act.

f. Plans to obtain a release of airport land.

41. *Sponsor's Planning Process.*

a. *General.* Steps 1, 2, and 3 in figure 1 indicate the minimum action expected from the sponsor to start the process. The sponsor identifies a problem and develops conceptual alternatives to solve it. These first three steps may involve a considerable amount of effort.

In the case of a master planning study, for example, problem identification would involve inventory, forecasts, demand/capacity analyses, and the determination of facility requirements. The possible alternative ways to provide the required facilities would constitute the planning alternatives. From these alternatives, the sponsor may make a choice which is identified as the proposed action. In choosing among alternatives, environmental factors play a role. CEQ 1501.2(b) states "Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses." Consequently, in developing alternatives and in choosing a proposed course of action, environmental feasibility should influence choices, as should safety, economic, and technical feasibility. The amount of environmental detail at this early planning stage should be commensurate with other planning analyses being undertaken by the sponsor and will obviously vary greatly between a comprehensive master planning study, for example, and a small development proposal. When a master planning study is done, the sponsor is encouraged to incorporate aircraft noise control land use compatibility planning and other environmental planning techniques in the study as a basis for subsequent environmental assessment. Whether it is possible at this stage for the sponsor to choose a proposed action among alternatives depends upon the type and complexity of the problem. If the identified problem is lack of sufficient airfield runway capacity or need for a new airport, the alternatives may be numerous and sufficiently complicated to preclude an obvious solution at this early stage. On the other hand, a problem such as providing additional apron space or locating a crash/fire/rescue building may be simple enough that relatively little effort is required to identify the problem, explore the relatively limited options, and choose the proposed action.

b. *Design, Art, and Architectural Application.*

(1) Design, art, and architectural considerations are applicable to airport actions involving airport location; extensive earthmoving or other disruption of the natural environment or aesthetic integrity of an area; terminal and access road development; and to any development which may affect sensitive locations such as parks, historic sites, or other public use areas. Such considerations shall be reflected in any environmental assessment prepared to the extent relevant.

(2) Applicability may best be determined by early consultation with appropriate local or state art or architecture councils or other organizations having special interest or experience in design, art, and architecture. The environmental assessment shall reflect such consultation which may be done directly or through the A–95 clearinghouse coordination.

(3) Consideration of the design arts in the preliminary design stage of project development is encouraged and shall be reflected in the environmental assessment to the extent information is available. Emphasis should be placed on design factors which will complement and support establishment of functional, efficient, and safe airport facilities while reflecting local, cultural, and architectural heritage considerations.

42. *FAA's Initial Advice and Review.* FAA personnel in regional offices and airports district offices will advise sponsors during the planning process. The locations and phone numbers of these offices are contained in Advisory Circular 150/5000–3D (or subsequent updates). The FAA's first required environmental review is indicated in step 4 of figure 1. This review has two basic objectives. The first objective is to determine whether the FAA agrees that a problem exists, that the problem has been correctly identified, and that appropriate alternative solutions have been proposed. In evaluating whether the proposal has been properly defined and whether the appropriate range of actions and alternatives is being considered, FAA will apply CEQ 1502.4 and 1508.25. If the FAA is not satisfied, further consultation with the sponsor will be undertaken to resolve areas of disagreement. The second objective of this review is to determine whether the proposed action is one of categorical exclusion. Both paragraphs 23 and 24 of this appendix shall be examined before a final determination is rendered by the FAA that a proposed action is a categorical exclusion. A categorical exclusion requires no further environmental processing, and the proposed Federal action may be approved by the FAA decisionmaker.

43. *Requirement for Environmental Assessment.* All proposed actions which are not categorical exclusions require an environmental assessment prepared by the airport sponsor. An environmental assessment is defined in CEQ 1508.9 and further elaborated on in 1501.3 and 1501.4. The completion of an environmental assessment shall normally precede the FAA's decision to prepare an environmental impact statement since the environmental assessment is a document used by the FAA to determine whether potential impacts appear to be significant. There are proposals, however, which normally require the preparation of an environmental impact statement per paragraph 21 of this appendix or on which the FAA and the sponsor agree initially that impacts will be significant. In these cases, the FAA and sponsor may determine that the scoping process should not await completion of the environmental assessment. For these proposals, the sponsor's preparation of the environmental assessment shall be done concurrently with scoping as allowed in CEQ 1501.7(b)(3). If tiering is involved, sponsors should consult Chapter 10 of this appendix and request special advice from the FAA prior to preparing an environmental assessment.

44. *FAA Role in Environmental Assessment.* The environmental assessment process is shown in steps 7 through 12 of figure 1. The FAA has responsibility in four ways:

a. Advice and assistance to the airport sponsor during the environmental assessment preparation.

b. Review of the environmental assessment (per step 8 of figure 1) to determine its adequacy for a public hearing and review pursuant to Office of Management and Budget (OMB) Circular A–95 (Revised). At this time, the FAA will insure that the cover page of the environmental assessment contains a notification that the environmental assessment has been prepared by the sponsor and that it will become a Federal document only after it is evaluated and signed on the cover page by the FAA responsible official.

c. Final review of the environmental assessment (per step 12 of figure 1) at which point the FAA independently evaluates and takes responsibility for the environmental assessment per CEQ 1506.5(b). If not satisfied with the environmental assessment, the FAA may request the sponsor to correct deficiencies and resubmit it.

d. The decision to prepare either an environmental impact statement or a finding of no significant impact (step 13 of figure 1) based on final review of the environmental assessment and completion of certain impact categories as necessary to make judgements on the significance of anticipated impacts.

45. *Early Coordination.* CEQ 1501.4(b) states, "The agency shall involve environmental agencies, applicants, and the public, to the extent practicable, in preparing [environmental] assessments * * *" and in section 1506.2(b) "Agencies shall cooperate with State and local agencies to the fullest extent

possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law." The FAA encourages the sponsor to undertake early coordination with appropriate Federal, state, and local agencies, industry groups, environmental agencies, and the community in the environmental assessment process. Such coordination shall be initiated as appropriate during the sponsor's planning process and development of alternatives and continue during the preparation of the environmental assessment prior to the formal coordination during the A–95 review process. Early coordination can serve a number of purposes. It is an aid in the identification of environmental impacts and can help trigger advance planning of measures to mitigate environmental effects, including changes in project design. The community can be provided with timely information and have its opinions heard at the earliest formative stage of the project, which may avoid serious controversy later on. The amount of early coordination advisable will depend on the complexity, sensitivity, and anticipated environmental impacts of the proposal. Information received during early coordination may be used in the environmental assessment.

46. *Purposes of Environmental Assessment.* (See paragraph 300.)

47. *Format and Content of Environmental Assessment.* The environmental assessment shall incorporate some selected items of information required for an environmental impact statement in CEQ 1502.10. The information in the environmental assessment will however, be in more abbreviated form than in an environmental impact statement. Detailed information on format and content of environmental assessments is provided in separate supplemental guidance material.

48. *A–95 Review Process.* (See paragraph 212.)

49. *Public Hearing.*

a. If a new airport location, a new runway, or an extension of an existing runway is involved, the sponsor must afford the opportunity for public hearings as required by section 16(d)(1) of the Airport Act. The public hearing opportunity shall normally be afforded prior to formal submission of a sponsor's environmental assessment.

b. In deciding whether a public hearing is appropriate in other cases, the FAA and sponsor shall consider the provisions of CEQ 1506.6(c)(1) and (2).

c. In preparing for a public hearing, the sponsor is required to comply with the requirements in § 152.73 of the Federal Aviation Regulations.

50. *FAA Submission.*

a. The sponsor shall revise the environmental assessment as necessary as a result of the A–95 review, any public hearing, and other input and shall submit a completed assessment per paragraph 47 of this chapter to the FAA. The environmental assessment shall be submitted, depending upon the type of action proposed, at any time in the project formulation but not later than at submission of the sponsor's preapplication for Federal aid or the sponsor's request for either FAA approval of a new or revised airport layout plan, FAA approval of an airport location, conveyance of government lands for airport purposes under section 23 of the Airport Act, or FAA approval of a release of airport land.

b. The FAA may require corrections or additional information from the sponsor before accepting the environmental assessment. The FAA's acceptance of the environmental assessment will be indicated on the cover page by the signature of the responsible FAA official. From this point on, the environmental assessment is a Federal document for which the FAA is responsible. The number of copies of the environmental assessment submitted to the FAA shall be determined by consultation with the FAA and, for findings of no significant impact, shall include a copy designated as a reproducible master which must be of good quality.

c. If no environmental assessment is required by the FAA, such as for runway extensions which are not major runway extensions, and a public hearing is held, the sponsor shall submit a written report to the FAA which summarizes the issues raised, alternatives considered, conclusion reached, and reasons for the conclusion. The sponsor must furnish a copy of the transcript to the FAA upon request. The responsible official shall review the written report to determine whether the action should remain a categorically excluded action or whether it appears to be covered by conditions set forth in paragraph 21, 22, or 24 of this appendix.

51. *FAA Completion of Environmental Assessment and Decision.*

a. The FAA is responsible for making the judgment, based on the environmental assessment and any other known information, of whether the action choice will be an environmental impact statement or a finding of no significant impact and shall inform the sponsor of this decision.

b. If no thresholds indicating the potential for significant impact are exceeded for the proposed action, the environmental assessment, when evaluated and accepted by the FAA, will have been completed. The FAA decision will be to prepare a finding of no significant impact.

c. If some thresholds are exceeded, the environmental assessment may not have been completed when it is evaluated and accepted from the sponsor by the FAA, and the FAA may not be able to make a decision on the appropriate action choice until completing further evaluation and consultation. This situation may occur for two reasons. One is that a number of thresholds of significance may produce borderline cases which require further FAA evaluation, in consultation with appropriate officials having jurisdiction and expertise, in order to make a final judgment on whether impacts are significant. The second reason is that there are some consultations, such as the section 7(a) consultation under the Endangered Species Act Amendments or the consultation with the Advisory Council on Historic Preservation, which are required when specific categories of impacts may be of significant concern and for which the FAA rather than the sponsor must take the lead. When enough evaluation and applicable consultations have been completed by the FAA to judge for each category of impact whether the impact is significant or not, the FAA shall complete the documentation of the environmental assessment and make its decision on the action choice.

d. In order to minimize overall environmental processing time, sponsors should inform the FAA as soon as they find that their initial analysis exceeds thresholds of significance. Consultations can then be initiated without delay and advice offered on what the needs for additional information for more detailed analyses are likely to be. These further actions need not be delayed until the sponsor's final submission of the environmental assessment but can be pursued simultaneously with the environmental assessment preparation.

e. To assist in resolving uncertainties on whether impacts are significant, it may be prudent to initiate scoping prior to a firm final decision to prepare an environmental impact statement and prior to issuing a Notice of Intent per CEQ 1501.7. Scoping, under these circumstances, may eliminate from detailed study all issues as insignificant and thereby lead the responsible FAA official to determine that a finding of no significant impact is the appropriate action choice. If the FAA has announced a decision to prepare an environmental

impact statement and issued a Notice of Intent to this effect, CEQ 1501.7(c) provides the authority to revise previous determinations on the significance of impacts when applicable.

52. *Availability of Environmental Assessments.* After the FAA has evaluated and accepted the environmental assessment, this document shall be made available to the public pursuant to CEQ 1506.6.

53.–59. [*Reserved*]

Chapter 6. Finding of No Significant Impact

60. *Requirement for Finding of No Significant Impact.* (See paragraph 330.) The FAA shall evaluate the environmental assessment to determine if an alternative which provides a good solution to the problem has no significant impacts. Unless there is an overriding reason for not selecting such an alternative, the FAA shall then proceed with the preparation of a finding of no significant impact. This decision point is identified as step 13 in figure 1. The process for a finding of no significant impact is shown in steps 14 through 23 in figure 1.

61. *Special considerations.* There are several special assurances, conclusions, and findings which apply to Airport Development Aid Program projects, to projects involving the use of section 4(f) lands, to projects involving the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and to other environmental areas. If any of these special assurances, conclusions, or findings apply to a proposed action, they must be based on appropriate analyses and evidence in the finding of no significant impact, although the findings themselves will not be made until the decision on the Federal action per paragraph 67c of this chapter.

62. *Format and Content.* This information is given in separate supplemental guidance material.

63. *Coordination.*

a. *General.* Appropriate Federal, state, and local coordination shall be completed as described in Chapter 5 of this appendix for applicable areas of environmental consideration. In all cases, coordination with the State Historic Preservation Officer is required. In addition, other informal coordination as may be considered prudent by the region may be carried out to satisfy the FAA regarding the extent of specific impacts. All proposed findings of no significant impact shall be reviewed by affected FAA program divisions and staff officials at the regional level before presentation for approval. Findings of no significant impact which are not section 16(c)(4) actions may be approved without headquarters level review or other formal Federal review unless such review is required under some special purpose law, regulation, or executive order. This is shown as step 15 in figure 1.

b. *Section 16(c)(4) Actions.*

(1) Section 16(c)(4) of the Airport Act requires consultation with DOI and EPA regarding the effects which a new airport, new runway, or major runway extension may have on natural resources.

(2) Copies shall be accompanied by a transmittal letter explaining the purpose of the consultation. A time limit for review of not less than 45 days after receipt of the letter shall be established after which it may be presumed that the agency consulted has no comment. Differences of opinion that develop as a result of section 16(c)(4) consultation shall be resolved at the field level to the extent possible. Unresolved issues, including objections on the adequacy of the assessment of impacts or alternatives or objections to the proposed section 16(c)(4) action, shall be identified and called to the attention of the approving official. The roles of DOI and EPA are of consultation, not concurrence, on section 16(c)(4) actions. After consultation, it is FAA's responsibility to give due consideration to the comments received and to make the decision as to whether the action should be approved as a finding of no significant impact. Reference steps 16 through 20 in figure 1.

c. *Special Circumstances.* The responsible official shall determine if the circumstances in CEQ 1501.4(e)(2) apply. The 30-day public review period may run concurrently with the Federal review for section 16(c)(4) actions.

64. *Approval.*

a. The decision to approve a finding of no significant impact may be made by the FAA approving official. In addition to the information on format and content provided in separate guidance material, the final document shall include other material which contributes to the finding, including documentation of EPA and DOI coordination for 16(c)(4) actions.

b. Section 16(c)(4) coordinations require review by the regional counsel for legal sufficiency. If a proposal involves section 4(f), the finding of no significant impact shall also be reviewed for legal sufficiency by the regional counsel (steps 19 and 20, figure 1).

c. The Federal approval shall include the following:

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969 (NEPA) and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to section 102(2)(C) of NEPA.

Approved: _____
Date: _____
Disapproved: _____
Date: _____

65. *Final Distribution.* After a finding of no significant impact/section 16(c)(4) coordination is approved, the region shall send one copy of the approved package to EPA, DOI (in Washington), CAB (for air carrier airports), and APP–600 for record purposes. (If no changes have been made since the circulation of the package, no additional copy of the circulated document need be included in the final package sent to APP–600.) Otherwise, distribution of approved findings of no significant impact outside the region is not required. However, the document shall be made available upon request per CEQ 1506.6 (step 21, figure 1).

66. *Public Availability.* CEQ 1501.4(e)(1) states "The agency shall make the finding of no significant impact available to the affected public as specified in section 1506.6." Copies of findings of no significant impact shall be provided, on request, free of charge or at a fee commensurate with the cost of reproduction (step 22, figure 1). (Also see paragraph 335.)

67. *Decision and Implementation.*

a. Immediately following the approval of a finding of no significant impact, the decision may be made on the Federal action (step 23, figure 1).

b. Mitigation measures which were made a condition of approval of the finding of no significant impact shall be included in the decision as well as the steps taken to assure appropriate commitment and follow-up of mitigation measures. Proposed changes in or deletions of mitigation measures which were a condition of approval of the finding of no significant impact must be reviewed by the same FAA offices which reviewed the original document and must be approved by the official who originally approved the finding of no significant impact.

c. A record of decision is not required for findings of no significant impact. However, prior to the Federal action and based upon the data presented in the finding of no significant impact, the decisionmaker must reach and document the appropriate conclusions, findings, or assurances. These

assurances shall be incorporated in a letter or other documentation attached to the Federal action and signed by the FAA decisionmaker.

d. If the decisionmaker wishes to take an action which was included as an alternative in the finding of no significant impact and which involves a special interest (e.g., section 4(f) land, endangered species, wetlands, historic site, or others), the FAA shall first complete any required evaluation and consultation that has not been done, supplementing the original finding of no significant impact, prior to taking the action. Supplements to findings of no significant action shall be reviewed and approved as appropriate for the type of action (i.e., whether or not pursuant to section 16(c)(4)).

e. If the alternative on which the decisionmaker now wishes to take action has potential significant impacts, the FAA shall issue a notice of intent to prepare an environmental impact statement and commence scoping.

68.–69. [*Reserved*]

Chapter 7. Environmental Impact Statement Preparation

70. *General.* This chapter and the subsequent two chapters describe the preparation, content, and processing of an environmental impact statement pursuant to section 102(2)(C) of NEPA. The process leading to a decision by FAA to prepare an environmental impact statement is described in Chapter 5 of this appendix. This chapter explains the purpose of an environmental impact statement and the manner in which it is to be prepared. It describes the scoping process, the assignment of responsibilities for input, and contracting for environmental impact statement preparation (see steps 24 through 29 in figure 1).

71. *Purpose.* The purpose of an environmental impact statement is contained in CEQ 1502.1.

72. *Implementation.*

a. To achieve the purpose in CEQ 1502.1, environmental impact statements are to be prepared in the manner prescribed in CEQ 1502.2.

b. Paragraph 310 describes the requirement for the interdisciplinary approach in preparation of environmental impact statements.

c. Other sections of the CEQ Regulations which apply generally to the preparation of environmental impact statements and their application to airport actions include sections 1502.4(a) and (b), 1502.5, and 1502.8. For airport actions, formal preparation shall normally commence with the scoping process immediately after it is determined by the FAA responsible official at the region or airports district office level that an environmental impact statement is necessary. This decision point is identified in the flow diagram (figure 1) as step 13. Nothing in this order shall preclude earlier commencement of the gathering of information and preparation for the scoping process as described in paragraph 74, below.

73. *Limitations.* CEQ 1506.1 deals with limitations on actions during the NEPA process.

74. *Scoping.*

a. The responsible official shall assume a key role in managing the preparation of an environmental impact statement. (In the context of scoping, the responsible official is the official in charge of preparation of the environmental impact statement for the lead agency. Where joint lead agencies are involved, the other agency(s) may share in the responsibility for scoping with the FAA.) Scoping is a major element. The responsible official shall take the lead in the scoping process, including issuing the notice of intent, inviting the participation of other agencies and interested persons pursuant to CEQ 1501.7 (a)(1), determining the issues to be analyzed in depth, and assigning responsibilities for inputs to the environmental impact statement. CEQ 1501.7 further describes these steps in detail.

b. Establishing a clear definition of the Federal action, the alternatives, and the impacts needing detailed study (as well as those which do not) early in the scoping process should help considerably in managing the environmental impact statement preparation process.

75. *Assigning Responsibilities.*

a. An integral part of the scoping process is the allocation of assignments for preparation of the environmental impact statement by the responsible official among the lead and cooperating agencies (step 26 in figure 1). This process is intended to assure, among other things, that applicable environmental permits, licenses, and other consultation requirements are identified in the environmental impact statement.

b. Federal agencies which shall be invited by the responsible official to be cooperating agencies are those with jurisdiction by law in areas which may be affected by airport development.

c. Federal agencies with special expertise may also be asked to be cooperating agencies.

d. If a Federal agency that is requested to be a cooperating agency replies pursuant to CEQ 1501.6(c) that it will not participate, two copies of such letter shall be sent to APP–600 which will forward one copy to the Office of the Assistant Secretary for Policy and International Affairs, P–1. A copy of the draft environmental impact statement shall be sent to such agency. If that agency has adverse comments on the draft, the matter shall be referred to APP–600 for subsequent discussion with CEQ through P–1.

76. *Contracting.*

a. Chapter 2 of this appendix describes in general the requirements and resonsibilities of the FAA and state and local agencies in meeting the requirements of NEPA and the CEQ Regulations. The degree to which state and local agencies can be involved is dependent upon whether a state agency has statewide jurisdiction or what type of state or local environmental laws or regulations exist. These distinctions are important in determining what roles agencies may play in the preparation or contracting for the preparation of an environmental impact statement as discussed below.

b. (1) State agencies with statewide jurisdiction pursuant to section 102(2)(D) of NEPA may act as joint lead agencies for the preparation of the environmental impact statement as long as the FAA furnishes guidance and participates in such preparation and independently evaluates the statement prior to its approval and adoption (reference NEPA, section 102(2)(D)(ii) and (iii). (Also, see paragraph 31 for the definition of NEPA 102(2)(D) states.)

(2) Agencies subject to state or local requirements comparable to NEPA shall be joint lead agencies (unless specifically barred by some other law) in cooperation with FAA. Such cooperation, in the words of CEQ 1506.2(c), ". . . shall to the fullest extent possible include joint environmental impact statements."

(3) State or local agencies which do not qualify as lead agencies under the conditions given in (1) and (2) above may not be lead agencies but may be cooperating agencies if they have jurisdiction by law or special expertise with respect to environmental impacts involved.

c. Paragraph 206 contains more specific instructions on use of contractors.

77. *Use of Information.*

a. CEQ 1506.5(c) specifically provides "Nothing . . . is intended to prohibit any agency from requesting any person to submit information to it or to prohibit any person from submitting information to any agency."

b. The use of information obtained in the manner set forth above may obviate the need for extensive contractual

efforts in preparing an environmental impact statement. It must be cautioned, however, that any information received from the airport sponsor or others shall be used only after evaluation and acceptance of its contents by the FAA. Further, to the extent that the information represents a significant background paper, the names and qualifications of those persons primarily responsible for its preparation together with the identification of persons responsible for particular analyses shall be listed for incorporation in the list of preparers of the environmental impact statement (see paragraph 87 in Chapter 8 of this appendix).

78. *Preparation of a Draft Environmental Impact Statement.* As a result of the scoping process, the responsible official should have a detailed analysis of the significant issues and impacts from the various cooperating agencies and others who were assigned responsibilities as described in paragraph 75 of this chapter. The responsible official's task of preparing the environmental impact statement at this point involves collating the results, conducting a detailed evaluation, and adding the necessary cover sheet, summary, etc. as may be needed to complete the document and prepare it for circulation. If a contractor has been hired to prepare the environmental impact statement, the responsible official is still required to independently evaluate the statement and be responsible for its scope and contents. When in-house expertise is insufficient to evaluate independently, it may be necessary to supplement FAA expertise with either cooperating agency or independent contractor assistance.

79. [*Reserved*]

Chapter 8. Environmental Impact Statement Contents

80. *General.* Paragraph 340 refers to Attachment 2 of DOT Order 5610.1C for information about the format and contents of environmental impact statements. Detailed information for airport actions is provided in separate supplemental material.

81.–86. [*Reserved*]

87. *List of Preparer, List of Parties to Whom Sent.*

a. CEQ 1502.17 provides information on the list of preparers to be included in an environmental impact statement.

b. A list of agencies and organizations and persons to whom copies of the statement have been sent shall also be included.

88. *Index and Appendices.*

a. An index shall be included at the end of an environmental impact statement to assist the reader and facilitate review.

b. See CEQ 1502.18 for information on appendices.

89. *Miscellanous.* CEQ 1502.21, .22, and .24 discuss in detail "Incorporation by reference," "Incomplete or unavailable information," and "Methodology and scientific accuracy," respectively. These sections should be reviewed for appropriate treatment of these instructions in an environmental impact statement.

Chapter 9. Environmental Impact Statement Processing

90. *General.*

a. This chapter applies to proposed Federal actions requiring an environmental impact statement. The process for an environmental impact statement is shown in steps 30 through 46 of figure 1.

b. For information on internal FAA review, see paragraph 320.

c. For adoption of another agency's environmental impact statement, refer to CEQ 1506.3.

91. *Distribution for Federal Review of Draft Environmental Impact Statements.* The FAA region or airports district office shall distribute the draft environmental impact statement, per steps 30 through 35 of figure 1. Five copies of the draft environmental impact statement, including the A–95 comments and the summary sheet, are to be forwarded to the Office of Airport Planning and Programming, APP–600, which shall be responsible for further distribution within the FAA and the Office of the Secretary of Transportation. For information on distribution and coordination for intergovernmental review, filing with EPA, availability to the public, and comment periods, see paragraphs 323 and 325.

92. *Comments on the Draft Environmental Impact Statement.* (See paragraph 324.)

93. *Recirculation of the Draft.* CEQ 1502.9(a) identifies when it is necessary to circulate a revised draft.

94. *Preparation and Review of Final Environmental Impact Statements.*

a. Final environmental impact statements shall be prepared in accordance with CEQ 1503.4 (step 36 in figure 1).

b. The environmental impact statement shall include evidence and required consultation to support any assurances if applicable to the Federal action. The assurances themselves will not be made until the record of decision.

c. CEQ 1504 establishes procedures for "environmental referrals" to CEQ by Federal agencies with disagreements on the environmental effects of a proposal. When a notice of intended referral has been received on an Airports Program environmental impact statement, a copy of the notice shall be forwarded to APP–600 which will advise P–1. Every effort shall be made to resolve the issues prior to processing the final environmental impact statement. Resolution of issues shall be documented in the final statement. Notification in writing to the FAA from the referring agency indicating that its objections have been resolved shall be obtained to obviate the requirement for concurrence in the final statement by P–1.

95. *Approval of Final Environmental Impact Statements.*

a. *Delegation to FAA.* Final approval authority on environmental impact statements for airport actions has been delegated to the FAA but subject to prior concurrence by the Assistant Secretary for Policy and International Affairs, P–1, for certain categories of actions. P–1 requires that a draft record of decision accompany, but not be part of, any final statement sent through that office for concurrence. This draft record of decision is for environmental review purposes only and does not constitute a review by P–1 of the Airports Program's project or funding decision. This draft record of decision shall state what the FAA's preferred alternative is, include the information specified in CEQ 1505.2 (b) and (c), indicate what environmental commitments (if any) are to be included as a condition for a favorable decision on the preferred alternative and how these will be implemented (e.g., special condition in grant agreement, property conveyance deed, plans and specifications), and incorporate proposed applicable assurances. The draft record of decision need not include project or funding information which is not relative to environmental approval. Actions requiring concurrence by the Office of the Secretary of Transportation on the final statement are identified in paragraph 377.

b. *Airports Program Approval Authority.*

(1) The Associate Administrator for Airports has final impact statement approval authority for any action in the categories specified in paragraph 377, subject to prior review for legal sufficiency by the Chief Counsel and concurrence by the Assistant Secretary for Policy and International Affairs.

(2) The Assistant Secretary may determine, after review of a draft statement, that a final statement on an action covered by paragraph 377 can be processed without prior concurrence by that office. In such case, the approval authority by the Associate

Administrator for Airports may be delegated to the region on a case-by-case basis.

(3) Those actions in (2) above for which the Associate Administrator for Airports has delegated approval authority and all other environmental impact statements may be approved by the regional director or his designee. Approval may be given after review for legal sufficiency by regional counsel and subject to prior concurrence by the Director, Office of Airport Planning and Programming, and the Chief Counsel, when such concurrence is deemed necessary upon headquarters' review of the draft statement or when requested by the regional director. All actions involving section 4(f) of the DOT Act are subject to review for legal sufficiency by Chief Counsel in headquarters (steps 37 through 45, figure 1).

c. *Headquarters Review.*

(1) When final approval of an environmental statement is retained in headquarters, the headquarters coordination is initiated when statements are received in the Office of Airport Planning and Programming. Copies are forwarded by APP–600 to the Office of the Chief Counsel for review for legal sufficiency, and then to appropriate elements of the Office of the Secretary of Transportation when required for review and concurrence, with a request for response within 15 to 30 days, depending upon the complexity of the statement. During headquarters review, the statement is revised as necessary or information added. The statement, with any comment, is then submitted to the Associate Administrator for Airports for approval (steps 38 through 41, figure 1).

(2) When approval authority is delegated to the regional director and concurrence by headquarters is requested, two copies are to be forwarded to APP–600 for action (step 44 in figure 1).

d. *Approval.* As the mechanism for approval of a final statement, a declaration approximately as follows shall be added to the summary. Signature and date blocks shall be added for the concurrence of appropriate offices and approval or disapproval of the approving official (step 41 or 45, figure 1).

"After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969."

96. *Notification and Distribution of Approved Final Environmental Impact Statement.*

a. *General.* Distribution by the region or airports district office of approved final statements to EPA, other agencies and organizations, and the public shall, insofar as possible, be simultaneous so as to avoid unnecessary inquiries and insure that all interested parties have a fair opportunity to review the documentation (step 46 in figure 1). If there have been only minor changes to the draft, the procedure in CEQ 1503.4(c) may be used for circulation of less than the entire document. The region shall notify APP–600 when distribution has been completed. For information on other distribution, filing with EPA, and availability to the public, see paragraph 380.

b. CEQ 1506.10(b) identifies when a final decision may be made. CEQ 1503.1(b) contains further advice relative to the final decision.

97. *Other Availability of Final Statements.* (See paragraph 379.)

98. *Decision.*

a. Following the review periods prescribed in CEQ 1506.10, the FAA decisionmaker may make a decision on the Federal action (see steps 47 through 53 of figure 1). The environmental impact statement and other environmental documents shall be included in the administrative record and made available to the decisionmaker. CEQ 1505.2 requires a record of this decision and specifies information to be included in the record of decision. CEQ 1505.2(b) states "An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions."

b. The record of decision shall include any mitigation measures which were made a condition of the approval of the environmental impact statement. Proposed changes in or deletions of mitigation measures which were a condition of approval of the environmental impact statement shall be reviewed by the same FAA offices which reviewed the final statement and must be approved by the environmental impact statement approving official.

c. If the decisionmaker wishes to take an action which was included within the range of alternatives of an approved environmental impact statement but was not the agency's preferred alternative as identified in the final statement, the decisionmaker shall first coordinate a new draft record of decision for concurrence with the same FAA and DOT offices whose concurrence was required for approval of the final statement. These offices may concur without comment, may concur on the condition that specific mitigation measures be incorporated in the record of decision, may request that a supplement to the environmental impact statement be prepared and circulated, or may nonconcur. The decisionmaker shall not approve the Federal action over a nonconcurrence.

d. If the alternative the decisionmaker now wishes to take action on involves a special interest (e.g., section 4(f) land, endangered species, wetlands, historic sites, or others), the FAA shall first complete any required evaluation and consultation that has not been done, supplementing the original environmental impact statement, prior to taking the action. Supplements to environmental impact statements shall be reviewed and approved in the same manner as the original document.

99. *Implementation of Environmental Commitments.* (See paragraph 391.)

Chapter 10. Tiering, Time Limitations, Written Reevaluations, Supplements

100. *General.* After a draft or final environmental impact statement or a finding of no significant impact has been prepared, there are circumstances which involve further environmental documentation. These are discussed in the following paragraphs.

101. *Tiering.*

a. Tiering is defined in CEQ 1508.28 and further discussed in CEQ 1500.4(i), 1502.4(d), and 1502.20.

b. In the Airports Program, tiering is most applicable in the circumstances listed below. Care must be exercised when tiering not to separate actions which are functionally related and have no independent utility.

(1) Program statements (as for new legislation or a new National Airport System Plan) followed by site specific statements as required.

(2) Environmental documents resulting from master planning covering specific short term projects, in a long term development context, to be followed at a later time when further specific projects become ripe for decision.

(3) Environmental documents for airport location approvals to be followed at a later time by specific development projects as the need develops. The subsequent environmental analysis or statement will then focus on the development which is proposed for decision and exclude from consideration the issue of airport location (including other airport sites as reasonable alternatives to the

proposed action) since this has already been decided.

(4) Environmental documents for airport layout plan approvals.

c. For instructions relative to summarizing, referencing, and making available previously tiered environmental documents, see CEQ 1502.20.

102. *Time Limitations for Environmental Documents.*

a. The time limitations below have been established for all DOT environmental impact statements. The time limitations in subparagraph (2) apply to final environmental impact statements approved after July 30, 1979, and apply effective July 30, 1982, to final statements approved prior to July 30, 1979.

(1) A draft environmental impact statement may be assumed valid for a period of three years. If the final statement is not submitted within three years from the date of the draft statement circulation, a written reevalation of the draft shall be prepared by the responsible Federal official to determine whether the consideration of alternatives, impacts, existing environment, and mitigation measures set forth in the draft statement remain applicable, accurate, and valid. If there have been changes in these factors which would be significant in the consideration of the proposal, a supplement to the draft statement or a new draft statement shall be prepared and circulated.

(2) With regard to approved final impact statements, four sets of conditions have been established:

(a) If major steps toward implementation of the proposed action (such as the start of construction, substantial acquisition, or relocation activities) have not commenced within three years from the date of approval of the final statement, a written reevaluation of the adequacy, accuracy, and validity of the final statement shall be prepared. If there have been significant changes in the proposed action, the affected environment, anticipated impacts, or proposed mitigation measures, a new or supplemental environmental impact statement shall be prepared and circulated.

(b) If the proposed action is to be implemented in stages or requires successive Federal approvals, a written reevaluation of the continued adequacy, accuracy, and validity of the final statement shall be made at each major approval point which occurs more than three years after approval of the final statement and a new supplemental statement prepared, if necessary.

(c) If major steps toward implementation of the proposed action have not occurred within the timeframe (if any) set forth in the final statement or, if no timeframe is set forth, within five years from the date of approval of the final statement, the written reevaluation required by (a) or (b) above shall be referred to the same concurring authority that concurred in the environmental impact statement.

(d) If the proposed action has been restrained or enjoined by court order or legislative process after approval of the final statement, the five-year period may be extended by the time equal to the duration of the injunction, restraining order, or legislative delay.

b. For Airports Program environmental actions, the above time limitations shall also apply to preliminary section 16(c)(4) findings of no significant impact which have been circulated to EPA and DOI and to final approved section 16(c)(4) findings of no significant impact.

103. *Written Reevaluations.* When required by paragraphs 102a(1), a(2)(a), and a(2)(b) above, the responsible official shall prepare a written reevaluation of the continued applicability, adequacy, accuracy, and validity of a draft or final impact statement. There is no requirement for a specific format or content, for coordination, or for publication of this written reevaluation. It shall include the name of the FAA responsible official and the date prepared and shall become part of the administrative record on the action. No further processing is required unless the written reevaluation indicates that a supplemental or new draft or final impact statement is necessary.

104. *Supplements.*

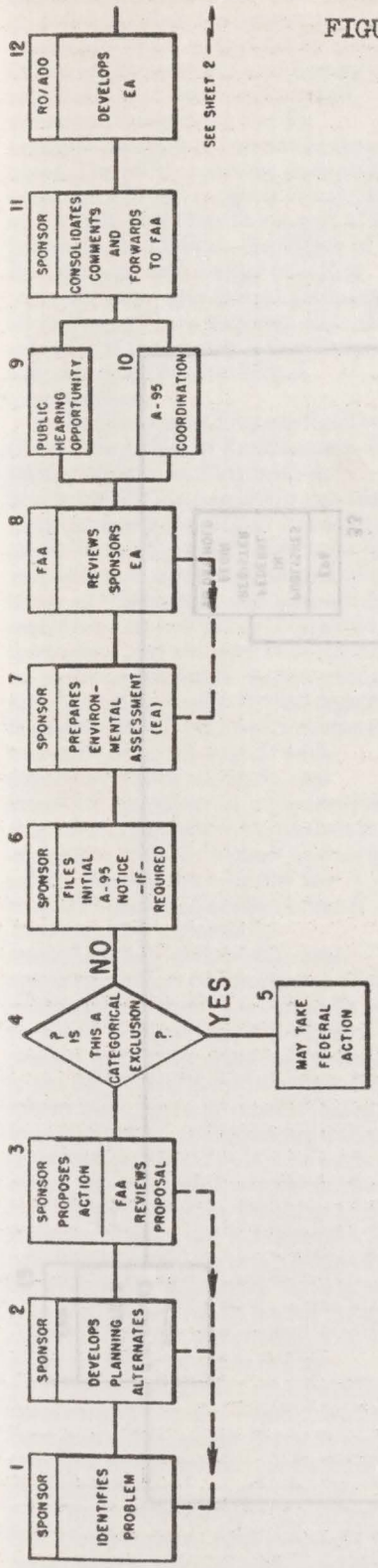
a. CEQ 1502.9(c) describes the circumstances which require the preparation of supplements to draft or final impact statements.

b. A change in the proposed action, in the environmental circumstances, or in the agency's decision (reference paragraph 98 of this appendix) may cause a supplement to a draft or final impact statement to be prepared soon after the original document. If a reasonable alternative which is significantly different from alternatives considered in the draft is identified, a supplement shall be prepared. A supplement is not required if the only change is the development of additional data, provided such data are not in conflict with the environmental impact statement. In other cases, a supplemental may be required because the time limitation on an environmental document has been exceeded and a written evaluation has indicated that the contents of the original document are not longer applicable, adequate, accurate or valid per paragraph 102 of this chapter.

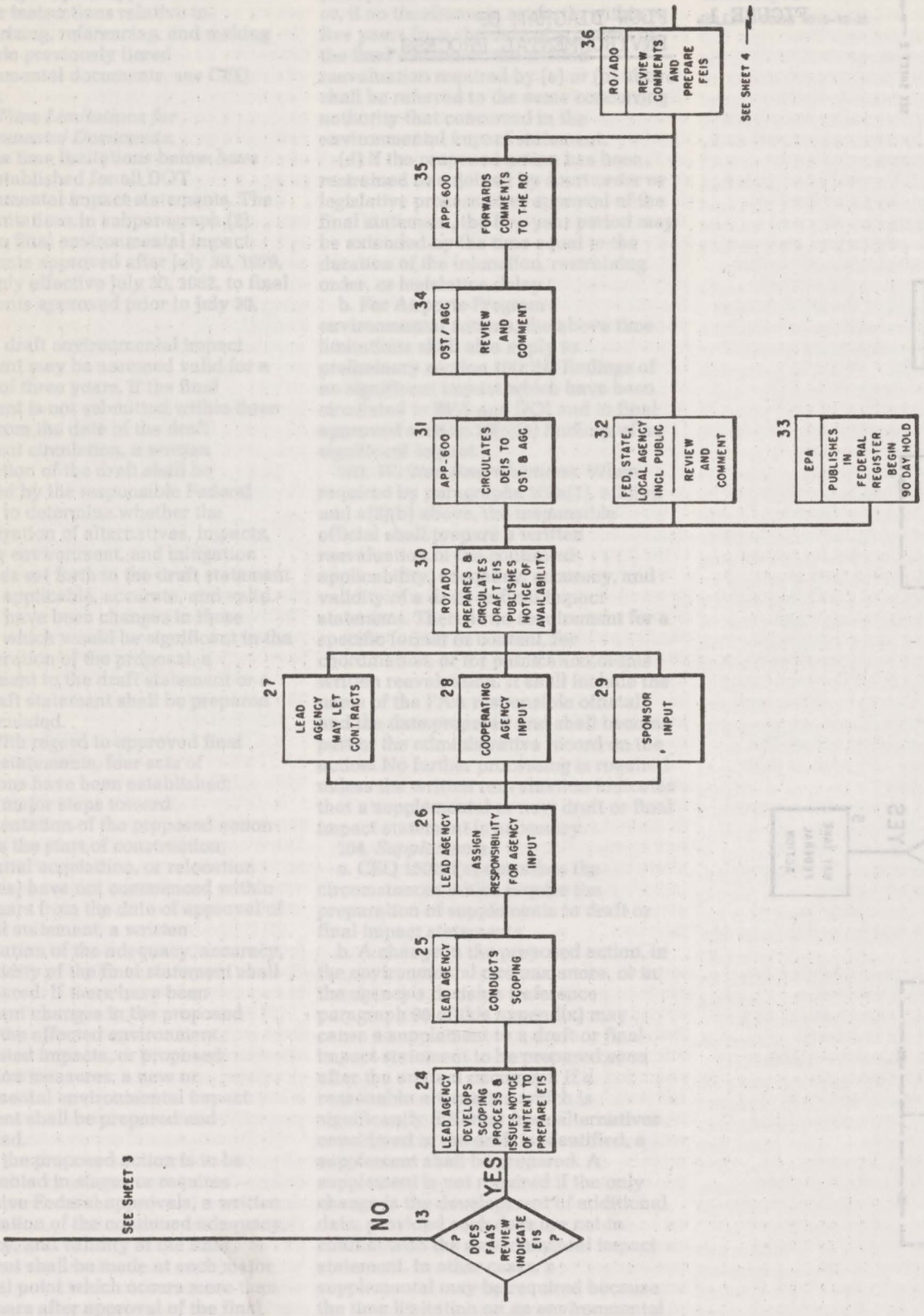
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Appendix 6

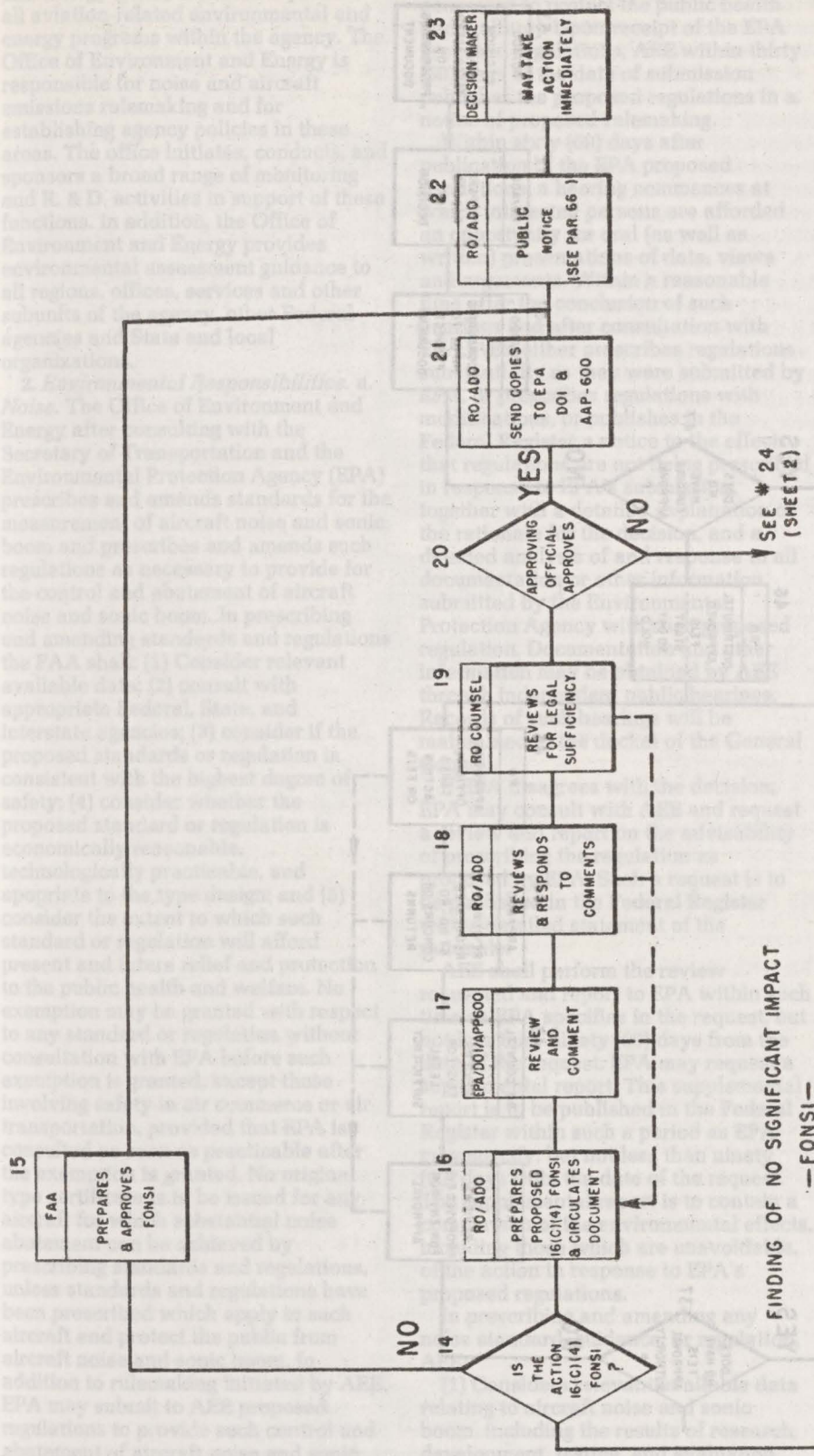
FIGURE 1. FLOW DIAGRAM OF ENVIRONMENTAL PROCESS.



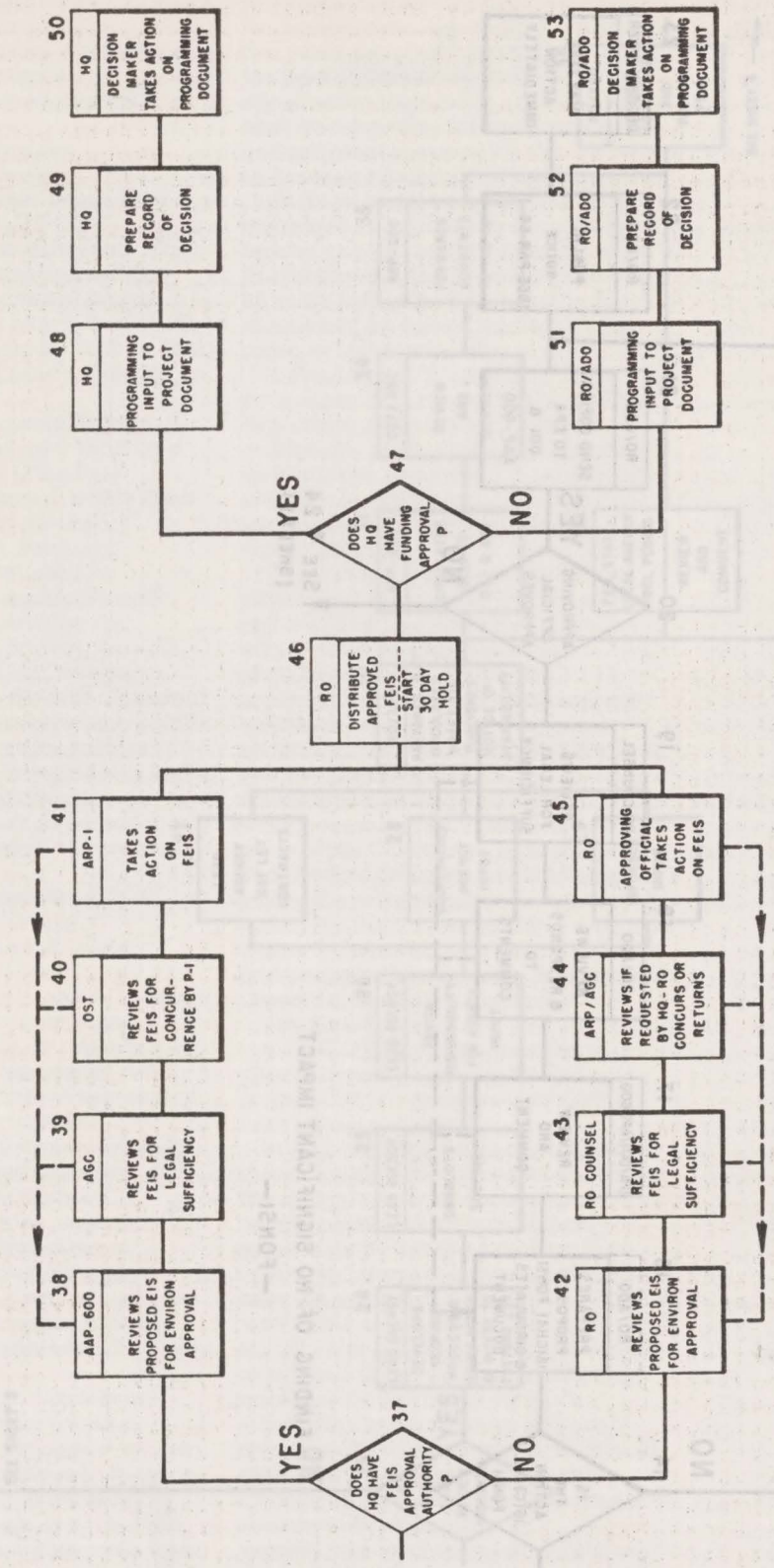
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Appendix 7. Environment and Energy

1. *General.* The Office of Environment and Energy (AEE) is the focal point for all aviation-related environmental and energy programs within the agency. The Office of Environment and Energy is responsible for noise and aircraft emissions rulemaking and for establishing agency policies in these areas. The office initiates, conducts, and sponsors a broad range of monitoring and R. & D. activities in support of these functions. In addition, the Office of Environment and Energy provides environmental assessment guidance to all regions, offices, services and other subunits of the agency, other Federal agencies and State and local organizations.

2. *Environmental Responsibilities.* a. *Noise.* The Office of Environment and Energy after consulting with the Secretary of Transportation and the Environmental Protection Agency (EPA) prescribes and amends standards for the measurement of aircraft noise and sonic boom and prescribes and amends such regulations as necessary to provide for the control and abatement of aircraft noise and sonic boom. In prescribing and amending standards and regulations the FAA shall: (1) Consider relevant available data; (2) consult with appropriate Federal, State, and interstate agencies; (3) consider if the proposed standards or regulation is consistent with the highest degree of safety; (4) consider whether the proposed standard or regulation is economically reasonable, technologically practicable, and apopriate to the type design; and (5) consider the extent to which such standard or regulation will afford present and future relief and protection to the public health and welfare. No exemption may be granted with respect to any standard or regulation without consultation with EPA before such exemption is granted, except those involving safety in air commerce or air transportation, provided that EPA is consulted as soon as practicable after the exemption is granted. No original type certificate is to be issued for any aircraft for which substantial noise abatement can be achieved by prescribing standards and regulations, unless standards and regulations have been prescribed which apply to such aircraft and protect the public from aircraft noise and sonic boom. In addition to rulemaking initiated by AEE, EPA may submit to AEE proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations as EPA determines necessary to protect the public health and welfare). Upon receipt of the EPA proposed regulations, AEE within thirty (30) days of the date of submission publishes the proposed regulations in a notice of proposed rulemaking.

Within sixty (60) days after publication of the EPA proposed regulations, a hearing commences at which interested persons are afforded an opportunity for oral (as well as written) presentations of data, views and arguments. Within a reasonable time after the conclusion of such hearings and after consultation with EPA, AEE either prescribes regulations substantially as they were submitted by EPA, or prescribes regulations with modifications, or publishes in the **Federal Register** a notice to the effect that regulations are not being prescribed in response to EPA's submission, together with a detailed explanation of the rationale for the decision, and a detailed analysis of and response to all documentation or other information submitted by the Environmental Protection Agency with such proposed regulation. Documentation and other information may be obtained by AEE through independent public hearings. Records of such hearings will be maintained in the docket of the General Council.

If EPA disagrees with the decision, EPA may consult with AEE and request a review and report on the advisability of prescribing the regulation as proposed by EPA. Such a request is to be published in the **Federal Register** with a detailed statement of the rationale.

AEE shall perform the review requested and report to EPA within such time as EPA specifies in the request, but not less than ninety (90) days from the date of the request. EPA may request a supplemental report. This supplemental report is to be published in the **Federal Register** within such a period as EPA may specify, but not less than ninety (90) days from the date of the request. The supplemental report is to contain a comparison of the environmental effects, including those which are unavoidable, of the action in response to EPA's proposed regulations.

In prescribing and amending any noise standard, guidance, or regulation, AEE:

(1) Considers relevant available data relating to aircraft noise and sonic boom, including the results of research, development, testing, and evaluation activities conducted pursuant to the Noise Control Act and the DOT Act.

(2) Consults with such Federal, State, and interstate agencies as deemed appropriate.

(3) Considers whether any proposed standard or regulation is consistent with the highest degree of safety in commerce or air transportation in the public interest.

(4) Considers whether any proposed standard or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance, or certificate to which it will apply.

b. *Emissions.* Based upon study and investigation of emissions of air pollutants from aircraft to determine the extent to which such emissions affect air quality in air quality control regions throughout the United States, and to determine the technological feasibility of controlling such emissions, EPA from time to time issues proposed emission standards applicable to emissions of any air pollution from any class or classes of aircraft or aircraft engines which in their judgment causes, or contributes to, air pollution which may reasonably be anticipated to endanger the public health or welfare.

(1) EPA holds public hearings with respect to such proposed standards. Such hearings are, to the extent practicable, held in air quality control regions which are most seriously affected by aircraft emissions. Within 90 days after the issuance of such proposed regulations, EPA is supposed to issue such regulations with such modifications as they deem appropriate. Such regulations may be revised from time to time.

(2) Any regulation prescribed above (and any revision thereof) shall take effect after such period as the EPA Administrator finds necessary (after consultation with the Secretary of Transportation) to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period. The authority of the Secretary of Transportation in the area of aircraft emissions has been delegated to the FAA.

(3) Any such regulations in effect under this section on the date of enactment of the Clean Air Act Amendments of 1977 or proposed or promulgated thereafter, or amendments thereto, with respect to aircraft shall not apply if disapproved by the President, after notice and opportunity for public hearing, on the basis of a finding by the FAA that such regulation would create a hazard to aircraft safety. Any such finding shall include a reasonably specific statement of the basis upon which the finding was made.

(4) The FAA, after consultation with the EPA Administrator, shall prescribe regulations to insure compliance with all aircraft emission standards prescribed by the EPA. The FAA regulations shall include provisions making such standards applicable in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by the Federal Aviation Act or the Department of Transportation Act. The FAA shall insure that all necessary inspections are accomplished, and may execute any power or duty vested in it by any other provision of law in the execution of all powers and duties concerning aircraft.

In any action to amend, modify, suspend, or revoke a certificate which violates an aircraft emission standard prescribed under the Clean Air Act, the certificate holder shall have the same notice and appeal rights as are prescribed for such holders in the Federal Aviation Act of 1958 or the Department of Transportation Act, except that in any appeal to the National Transportation Safety Board, the Board may amend, modify, or revoke the order of the Secretary of Transportation only if it finds no violation of such standard or regulation and that such amendment, modification, or revocation is consistent with safety in air transportation.

3. *Environmental Impact Statement or FONSI.* The environmental considerations of AEE actions shall be documented in an EIS or FONSI as appropriate. Decision in this regard shall be based on the criteria presented in Chapters 2 and 3 of this Order.

4. *Actions Subject to Environmental Assessments and Procedures.* The following AEE actions are subject to environmental analysis and a decision as to whether to prepare an EIS or FONSI.

a. Rules, regulations, orders, advisories, or directives which may result in significant impact on the human environment.

b. Statements of Policy, the execution of which could result in a significant impact on the human environment.

5. *Categorically Excluded Actions.* The following are excluded actions for the reasons given:

a. All FAA actions to insure compliance with the EPA aircraft emissions standards are excluded since the FAA is mandated by law to issue compliance regulations and EPA has performed all required environmental analyses prior to the issuance of their aircraft emissions standards.

6. *Timing and Length of Environmental Procedures.* Environmental assessments shall be initiated when AEE proposes or receives a proposed action which may have environmental consequences. Assessments shall be completed in a timely manner. Length of assessments should be as stated in CEQ 1502.7.

7. *Actions Subject to Appeal Rights.*

a. In any action to amend, modify, suspend, or revoke a certificate in which violation of aircraft noise or sonic boom standards or regulations is at issue, the certificate holder has appeal rights, as contained in section 609 of the FA Act of 1958, as amended.

b. In any appeal to the National Transportation Safety Board, the Board may amend, modify, or reverse the order if it finds that control or abatement of aircraft noise or sonic boom and the public health and welfare do not require the affirmation of such order, or that such order is not consistent with safety in air commerce or air transportation.

[FR Doc. 80-445 Filed 1-9-80; 8:45 am]
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