

down, or to the side, and must cover about 50% of the photo area;

(iv) The photograph must be taken with the person in front of a neutral, light-colored background;

(v) The alien's face must be in focus;

(vi) The person in the photograph shall not wear sunglasses or other paraphernalia which detracts from the face;

(vii) Photos with the alien wearing head coverings or hats are only acceptable due to religious beliefs, and even then, may not obscure any portion of the face of the applicant. Photos of applicants wearing tribal, military, airline or other headwear not specifically religious in nature will not be accepted;

(viii) Photographs may be either color or black and white.

(4) \* \* \*

(ii) *Form of mailing.* Petitions for consideration under this section shall be submitted by normal surface or air mail only. Petitions submitted by hand, telegram, FAX, or by any means requiring any form of special handling or acknowledgement of receipt such as express or priority mail, second day airmail, fax, hand or messenger delivery) will not be processed. The petitioner shall type or print legibly, using the Roman alphabet, on the upper left-hand corner of the envelope in which the petition is mailed his or her full name and mailing address, and the name of the country of which the petitioner is a native, as shown on the petition itself. Envelopes shall be between 6" and 10" (15 cm to 25 cm) in length and between 3 1/2" and 4 1/2" (9 cm to 11 cm) in width. Envelopes not bearing this information and/or not conforming to the restrictions as to size shall not be processed for consideration.

\* \* \* \* \*

Dated: July 31, 2002.

**George Lannon,**

*Acting Assistant Secretary for Consular Affairs, Department of State.*

[FR Doc. 02-20211 Filed 8-8-02; 8:45 am]

BILLING CODE 4710-06-P

## DEPARTMENT OF JUSTICE

### 28 CFR Part 16

[AAG/A Order No. 279-2002]

### Privacy Act of 1974; Implementation

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Department of Justice, Bureau of Prisons ("Bureau"), is exempting a Privacy Act system of

records from the following subsections of the Privacy Act: (e)(1) and (e)(5), pursuant to 5 U.S.C. 552a(j). The system of records to be exempted is the "Inmate Central Records System, Justice/BOP-005". This system continues to be exempted from the subsections of the Privacy Act as previously promulgated.

The additional exemptions are necessary to preclude the compromise of institution security; to better ensure the safety of inmates, Bureau personnel and the public; to better protect third party privacy; to protect law enforcement and investigatory information; and/or to otherwise ensure the effective performance of the Bureau's law enforcement functions.

**EFFECTIVE DATE:** This final rule is effective August 9, 2002.

**FOR FURTHER INFORMATION CONTACT:**  
Mary Cahill, (202) 307-1823.

**SUPPLEMENTARY INFORMATION:** On May 9, 2002 (67 FR 31166) a proposed rule was published in the **Federal Register** with an invitation to comment. No comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, this order will not have a significant impact on a substantial number of small entities.

### List of Subjects in 28 CFR Part 16

Administrative practices and procedure, Freedom of Information, Sunshine Act, Privacy.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR part 16 is amended as follows.

### PART 16—[AMENDED]

1. The authority citation for Part 16 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g) and 553; 18 U.S.C. 4203 (a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717 and 9701.

2. Paragraphs (j) and (k) are added to § 16.97 to read as follows:

#### § 16.97 Exemption of Federal Bureau of Prisons Systems—limited access.

\* \* \* \* \*

(j) The following system of records is exempted pursuant to 5 U.S.C. 552a(j) from subsections (e)(1) and (e)(5): Bureau of Prisons Inmate Central Records System, (Justice/BOP-005).

(k) These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j). Where compliance

would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, e.g. public source materials, or those supplied by third parties, the applicable exemption may be waived, either partially or totally, by the Bureau. Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (e)(1) to the extent that the Bureau may collect information that may be relevant to the law enforcement operations of other agencies. In the interests of overall, effective law enforcement, such information should be retained and made available to those agencies with relevant responsibilities.

(2) From subsection (e)(5) because in the collection and maintenance of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely and complete. Data which may seem unrelated, irrelevant or incomplete when collected may take on added meaning or significance during the course of an investigation or with the passage of time, and could be relevant to future law enforcement decisions. In addition, because many of these records come from the courts and other state and local criminal justice agencies, it is administratively impossible for them and the Bureau to ensure compliance with this provision. The restrictions of subsection (e)(5) would restrict and delay trained correctional managers from timely exercising their judgment in managing the inmate population and providing for the safety and security of the prisons and the public.

\* \* \* \* \*

Dated: July 31, 2002.

**Robert F. Diegelman,**

*Acting Assistant Attorney General for Administration.*

[FR Doc. 02-20208 Filed 8-8-02; 8:45 am]

BILLING CODE 4410-05-P

## DEPARTMENT OF JUSTICE

### 28 CFR Part 16

[AAG/A Order No. 280-2002]

### Privacy Act of 1974; Implementation

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Department of Justice, Bureau of Prisons ("Bureau"), is exempting a Privacy Act system of

records from the following subsections of the Privacy Act: (e)(1) and (e)(5), pursuant to 5 U.S.C. 552a(j). The system of records to be exempted is the "Inmate Trust Fund Accounts and Commissary Record System, Justice/BOP-006". This system continues to be exempted from the subsections of the Privacy Act as previously promulgated.

The additional exemptions are necessary to preclude the compromise of institution security; to ensure the safety of inmates, Bureau personnel and the public; to protect third party privacy; to protect law enforcement and investigatory information; and/or to otherwise ensure the effective performance of the Bureau's law enforcement functions.

**EFFECTIVE DATE:** This final rule is effective August 9, 2002.

**FOR FURTHER INFORMATION CONTACT:**  
Mary Cahill, (202) 307-1823.

**SUPPLEMENTARY INFORMATION:** On March 15, 2002 (67 FR 11631) a proposed rule was published in the **Federal Register** with an invitation to comment. No comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, this order will not have a significant impact on a substantial number of small entities.

#### List of Subjects in 28 CFR Part 16

Administrative practices and procedure, Freedom of Information, Sunshine Act, Privacy.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR part 16 is amended as follows.

#### PART 16—[AMENDED]

1. The authority citation for Part 16 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g) and 553; 18 U.S.C. 4203 (a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717 and 9701.

2. Paragraphs (l) and (m) are added to § 16.97 to read as follows:

#### § 16.97 Exemption of Federal Bureau of Prisons Systems—limited access.

\* \* \* \* \*

(l) The following system of records is exempted pursuant to 5 U.S.C. 552a(j) from subsections (e)(1) and (e)(5): Bureau of Prisons Inmate Trust Fund Accounts and Commissary Record System, (Justice/BOP-006).

(m) These exemptions apply only to the extent that information in this

system is subject to exemption pursuant to 5 U.S.C. 552a(j). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, e.g. public source materials, or those supplied by third parties, the applicable exemption may be waived, either partially or totally, by the Bureau. Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (e)(1) to the extent that the Bureau may collect information that may be relevant to the law enforcement operations of other agencies. In the interests of overall, effective law enforcement, such information should be retained and made available to those agencies with relevant responsibilities.

(2) From subsection (e)(5) because in the collection and maintenance of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely and complete. Data which may seem unrelated, irrelevant or incomplete when collected may take on added meaning or significance as an investigation progresses or with the passage of time, and could be relevant to future law enforcement decisions. In addition, amendment of the records may interfere with law enforcement operations and would impose an impossible administrative burden by requiring that law enforcement information be continuously reexamined, even where the information may have been collected from the record subject or other criminal justice agencies. The restrictions of subsection (e)(5) would restrict and delay trained correctional managers from timely exercising their judgment in managing the inmate population and providing for the safety and security of the prisons and the public.

\* \* \* \* \*

Dated: July 31, 2002.

**Robert F. Diegeman,**  
Acting Assistant Attorney General for Administration.

[FR Doc. 02-20207 Filed 8-8-02; 8:45 am]

BILLING CODE 4410-05-P

#### DEPARTMENT OF JUSTICE

#### 28 CFR Part 16

[AAG/A Order No. 281-2002]

#### Privacy Act of 1974; Implementation

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Department of Justice, Bureau of Prisons ("Bureau"), is exempting a Privacy Act system of records from the following subsections of the Privacy Act: (e)(1) and (e)(5), pursuant to 5 U.S.C. 552a(j). The system of records to be exempted is the "Inmate Physical and Mental Health Records System, Justice/BOP-007". This system continues to be exempted from the subsections of the Privacy Act as previously promulgated.

The additional exemptions are necessary to preclude the compromise of institution security; to better ensure the safety of inmates, Bureau personnel and the public; to better protect third party privacy; to protect law enforcement and investigatory information; and/or to otherwise ensure the effective performance of the Bureau's law enforcement functions.

**EFFECTIVE DATE:** This final rule is effective August 9, 2002.

**FOR FURTHER INFORMATION CONTACT:**  
Mary Cahill, (202) 307-1823.

**SUPPLEMENTARY INFORMATION:** On March 15, 2002 (67 FR 11631) a proposed rule was published in the **Federal Register** with an invitation to comment. No comments were received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, this order will not have a significant impact on a substantial number of small entities.

#### List of Subjects in 28 CFR Part 16

Administrative practices and procedure, Freedom of Information, Sunshine Act, Privacy.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, 28 CFR part 16 is amended as follows.

#### PART 16—[AMENDED]

1. The authority citation for Part 16 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g) and 553; 18 U.S.C. 4203 (a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717 and 9701.