

1877(h)(4) of the Social Security Act) meet the qualifications for waivers set forth under the new law. Use of this form will enable physicians to know they have provided all information needed to determine whether practitioners are eligible for a waiver. However, there is no prohibition on use of other means to provide requisite information. The Secretary will convey notification information and determinations to the Drug Enforcement Administration (DEA), which will assign an identification number to qualifying practitioners; this number will be included in the practitioner's registration under 21 U.S.C. 823(f).

Practitioners may use the form for two types of notification: (a) New, and (b) immediate. Under "new" notifications, practitioners may make their initial waiver requests to SAMHSA. "Immediate" notifications inform SAMHSA and the Attorney General of a practitioner's intent to prescribe immediately to facilitate the treatment

of an individual patient under 21 U.S.C. 823(g)(2)(E)(ii).

The form collects data on the following items: practitioner name; state medical license number and DEA registration number; address of primary location, telephone and fax numbers; e-mail address; name and address of group practice; group practice employer identification number; names and DEA registration numbers of group practitioners; purpose of notification (new or immediate); certification of qualifying criteria for treatment and management of opiate-dependent patients; certification of capacity to refer patients for appropriate counseling and other appropriate ancillary services; certification of maximum patient load, certification to use only those drug products that meet the criteria in the law. The form also notifies practitioners of Privacy Act considerations, and permits practitioners to expressly consent to disclose limited information to the SAMHSA Substance Abuse Treatment Facility Locator.

At present, there are no narcotic drugs or combinations for use under these notifications; however, SAMHSA believes that it is appropriate to develop a notification system to implement DATA in anticipation of narcotic treatment medications becoming available in the very near future. Therefore, SAMHSA recently obtained emergency OMB approval of form SMA 167 so that physicians will have it available to use if they wish to be assured that all required information is provided on their waiver submission and so that the review of submissions may be facilitated by use of a standard format for provision of the required information. Respondents may submit the form electronically, through a dedicated Web page that SAMHSA has established for the purpose, as well as via U.S. mail.

The following table summarizes the estimated annual burden for the use of this form.

Purpose of submission	Number of respondents	Responses per respondent	Burden per response (Hr.)	Total burden (Hrs.)
Initial Application for Waiver	1,200	1	.083	100
Notification to Prescribe Immediately	33	1	.083	3
Total	1,200	103

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Allison Herron Eydt, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: September 12, 2002.

Richard Kopanda,

Executive Officer, SAMHSA.

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974, as Amended; Amendment of an Existing System of Records

AGENCY: Department of the Interior.

ACTION: Proposed amendment of an existing system of records.

SUMMARY: The Department of Interior (DOI) is issuing public notice of its intent to amend a Departmentwide

Privacy Act (PA) system of records in its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a). DOI-71, "Freedom of Information Request Files System—Interior, is being amended due to the fact that the Department is consolidating data from systems (both paper and electronic) maintained by individual bureaus and offices within DOI into a centralized electronic database. The new electronic Freedom of Information Act tracking system (EFTS) will contain information on Freedom of Information Act (FOIA) and PA requesters and their requests for records or information, appeals, and related litigation. All of the fields in the PA system of records notice, DOI-71, have been revised. This includes changing the name of the system to "DOI-71: Electronic FOIA Tracking System and FOIA Case Files—Interior," DOI-71.

EFFECTIVE DATE: 5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment on the agency's intended use of the information in the system of records. The Office of Management and Budget, in its Circular A-130, requires an

additional 10-day period (for a total of 40 days) in which to make these comments. Any persons interested in commenting on this proposed amendment may do so by submitting comments in writing to the Departmental Privacy Act Officer, U.S. Department of the Interior, Office of the Chief Information Officer, Mail Stop (MS)-5312—Main Interior Building (MIB), 1849 C Street NW., Washington, DC 20240, or by e-mail to *Marilyn Legnini@ios.doi.gov*. Comments received within 40 days of publication in the **Federal Register** will be considered. The system will be effective as proposed at the end of the comment period unless comments are received which would require a contrary determination. The Department will publish a revised notice if changes are made based upon a review of comments received.

FOR FURTHER INFORMATION CONTACT: Alexandra Mallus, Office of the Chief Information Officer, Office of the Secretary, by phone at 202-208-5342, by email at *Alexandra_Mallus@ios.doi.gov* or by

mail at MS-5312-MIB, 1849 C. St. NW., Washington, DC 20240.

SUPPLEMENTARY INFORMATION:

SUPPLEMENTARY INFORMATION AND PURPOSE: The Interior EFTS will contain information on individuals for the purposes of managing and processing FOIA and PA requests. This system will: (1) Enable the Department to administer the program more efficiently while ensuring requests are responded to in a more timely fashion; (2) support action on FOIA requests, appeals, and litigation; (3) ensure documents are released in a more consistent manner; (4) assist in eliminating the duplication of effort that currently exists; (5) gather information for management and reporting purposes, improving the Department's reporting capability and providing for more efficient use of manpower; and (6) improve customer service.

A copy of the system notice for DOI-71, Electronic FOIA Tracking System and FOIA Case Files—Interior, follows:

Dated: September 13, 2002.

Marilyn A. Legnini,

Privacy Act Officer, Department of Interior.

INTERIOR/DOI-71

SYSTEM NAME:

Electronic FOIA Tracking System and FOIA Case Files—Interior, DOI-71.

SECURITY CLASSIFICATION:

Not classified.

SYSTEM LOCATION:

(1) The electronic Freedom of Information Act tracking system (EFTS) database data and the application for the EFTS are maintained on hardware by the National Business Center (NBC), U.S. Department of the Interior (DOI), Washington, DC 20240.

(2) Records in this system (paper or electronic) are located in the offices of Bureau and Office Freedom of Information Act (FOIA) Officers and Coordinators. (For a list of DOI addresses, see the Appendix or DOI's FOIA web site at <http://www.doi.gov/foia/contacts.html>.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or their representatives who have submitted FOIA/Privacy Act (PA) requests for records or information and administrative appeals, or have litigation pending with DOI or another Federal agency; individuals whose requests or records have been referred to the Department by other agencies; individuals who are the subject of such requests, appeals, and litigation; and/or the DOI personnel assigned to handle such requests, appeals, and litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records created or compiled in response to FOIA or PA requests for records or information, administrative appeals, and related litigation and includes: the original requests and administrative appeals; responses to such requests and appeals; all related memoranda, correspondence, notes, and other related or supported documentation, and in some instances copies of requested records and records under appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552 and 5 U.S.C. 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary purpose of the EFTS and FOIA case files, which are maintained both electronically and in paper format, is to more efficiently manage DOI's FOIA program. This system:

- (1) Enables the Department to administer the program more efficiently while ensuring requests are responded to in a more timely fashion;
- (2) Supports action on FOIA requests, appeals, and litigation;
- (3) Ensures documents are released in a more consistent manner;
- (4) Assists in eliminating the duplication of effort that currently exists;
- (5) Gathers information for management and reporting purposes, improving the Department's reporting capability and providing for more efficient use of manpower; and
- (6) Improves customer service.

Disclosures outside the DOI may be made:

- (1) To an expert, consultant, or contractor (including employees of the contractor) of the Department that performs, on the Department's behalf, services requiring access to these records.
- (2) To other Federal, State, and local agencies having a subject matter interest in a request or an appeal or a decision thereon.
- (3) To another Federal agency to assist that agency in responding to an inquiry by the individual to whom that record pertains.
- (4)(a) To any of the following entities or individuals:
 - (i) The Department of Justice (DOJ);
 - (ii) A court, adjudicative or other administrative body;
 - (iii) A party in litigation before a court or adjudicative or administrative body;
 - (iv) The Department or any component of the Department;
 - (v) Any Department employee acting in his or her official capacity; or

(vi) Any Departmental employee acting in his or her individual capacity if the Department or the DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) The Department or any component of the Department;

(B) Any Department employee acting in his or her official capacity;

(C) Any Departmental employee acting in his or her individual capacity if the Department or the DOJ has agreed to represent that employee or pay for private representation of the employee;

(D) The United States, when the DOJ determines that the Department is likely to be affected by the proceeding; and

(ii) The Department deems the disclosure to be:

(A) relevant and necessary to the proceeding; and

(B) Compatible with the purposes for which the records were compiled.

(5) To appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license, when the Department becomes aware of a violation or potential violation of a statute, rule, regulation, order or license.

(6) To a congressional office in response to an inquiry an individual covered by the system has made to the congressional office about him or herself.

(7) To a debt collection agency for the purpose of collecting outstanding debts owed to the Department for fees associated with processing FOIA/PA requests.

(8) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files, in support of the functions for which the records were collected and maintained.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)12, records can be disclosed to consumer reporting agencies as they are defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic media and in paper files.

RETRIEVABILITY:

Information can be retrieved by specific data elements in the system including: the FOIA number; the name of the requester and/or his/her organizational affiliation; subject; etc. Paper records are normally retrieved by case number or by the name of the person making the request.

SAFEGUARDS:

Access to records in the system is limited to authorized personnel whose official duties require such access. Paper records are maintained in locked metal file cabinets and/or in secured rooms. Electronic records are maintained in accordance with the Office of Management and Budget and Departmental guidelines reflecting the implementation of the Computer Security Act of 1987 (40 U.S.C. 759). Electronic data is protected through user identification, passwords, database permissions and software controls. Such security measures establish different access levels for different types of users.

RETENTION AND DISPOSAL:

Records in this system are covered by General Records Schedules 14 and 20. Bureaus and offices also follow guidance on permanent and temporary records disposition issued by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESSES:

(1) The Departmental FOIA Officer, Office of the Chief Information Officer, U.S. Department of the Interior, 1849 C Street, NW., MS-5312 MIB, Washington, DC 20240 has overall responsibility for the policies and procedures used to operate the system.

(2) DOI FOIA Officers and Coordinators in headquarters and in field offices have responsibility for the data input into and maintained on the EFTS for their respective organizations along with any paper records. To obtain a current list of the FOIA Officers and Coordinators and their addresses, see <http://www.doi.gov/foia/contacts.html> or the Appendix.

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of records in the EFTS or inquiries regarding the existence of paper records should be sent to the FOIA Officer or Coordinator of the Bureau or Office that maintains the FOIA records (see <http://www.doi.gov/foia/contacts.html> or the Appendix). All inquiries must be in writing, signed by the requester, and meet the criteria of 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

To request access to records, follow the procedures in the "Notification procedures" section, above. The request must meet the requirements of 43 CFR 2.63. The request envelope and letter should be clearly marked either "FREEDOM OF INFORMATION ACT REQUEST FOR ACCESS" or "PRIVACY ACT REQUEST FOR ACCESS."

CONTESTING RECORD PROCEDURES:

To request an amendment of a record, follow the procedures in the "Notification procedures" section, above. The request must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Information gathered in this system is submitted by individuals, agencies, or corporate entities filing FOIA/PA requests and agency employees processing these requests. Information also is taken from the following PA system of records: Freedom of Information Act Appeal Files—Interior, DOI-69; and Privacy Act Files—Interior, DOI-57.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

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BILLING CODE 4310-RK-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Endangered and Threatened Species Permit Applications**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

DATES: Written comments on these permit applications must be received within 30 days of the date of publication.

ADDRESSES: Written data or comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103; (505) 248-6649; Fax (505) 248-6788. Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, 500 Gold

Ave. SW, Room 4102, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT:

Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request to the address above for a copy of such documents within 30 days of the date of publication of this notice.

SUPPLEMENTARY INFORMATION:**Permit No. TE-057946**

Applicant: USDA Natural Resource Conservation Service, Flagstaff, Arizona.

Applicant requests a permit for recovery purposes to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona, California, Nevada, New Mexico, and Utah.

Permit No. TE-802956

Applicant: Walcoff & Associates, White Sands Missile Range, New Mexico.

Applicant requests an amendment to an existing permit to allow presence/absence surveys within White Sands Missile Range, New Mexico for the following species: southwestern willow flycatcher (*Empidonax traillii extimus*), black-footed ferret (*Mustela nigripes*), and whooping crane (*Grus americana*).

Permit No. TE-820083

Applicant: Oklahoma Cooperative Fish & Wildlife Rescue Unit, Stillwater, Oklahoma.

Applicant requests an amendment to an existing permit to allow collection of Clear Creek gambusia (*Gambusia heterchir*) within Menard County, Texas.

Permit No. TE-841359

Applicant: USDA Forest Service, Gila National Forests, Silver City, New Mexico.

Applicant requests an amendment to an existing permit to allow monitoring surveys for Gila trout (*Oncorhynchus gilae*) within the Gila National Forest. Methodology may include use of seines, dip nets, and electrofishing.