

Dated: April 1, 2003.

**Theophilus R. Brainerd,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 03-8394 Filed 4-4-03; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032403B]

#### Marine Mammals; File No. 1003-1665

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Receipt of application for amendment.

**SUMMARY:** Notice is hereby given that Dr. Jennifer Moss Burns, University of Alaska Anchorage, Department of Biological Sciences, College of Arts and Sciences, 3211 Providence Drive, Anchorage, AK 99508, has requested an amendment to scientific research Permit No. 1003-1665-00.

**DATES:** Written or telefaxed comments must be received on or before May 7, 2003.

**ADDRESSES:** The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301)713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or other electronic media.

#### FOR FURTHER INFORMATION CONTACT:

Tammy Adams or Amy Sloan,  
(301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 1003-1665-00, issued on April 12, 2002 (67 FR 19167) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 1003-1665-00 authorizes the permit holder to take up to 40 Pacific harbor seals (*Phoca vitulina richardsi*) per year in Southeast Alaska by capture, blood and tissue sampling, and attachment of scientific instruments, and up to 500 harbor seals per year by disturbance incidental to capture, scat collection, and ground and aerial surveys. The purpose of the research is to study the physical factors (e.g., ice and water conditions, seasons) that influence seal habitat use and to monitor seal foraging behavior and prey selection. The permit holder requests authorization to increase the number of takes by disturbance incidental to capture and surveys to 2000 per year. This request is based on observations from the previous year's surveys during which a greater than anticipated abundance of seals was documented.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 31, 2003.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 03-8397 Filed 4-4-03; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Privacy Act of 1974; System of Records

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Notice to alter systems of records.

**SUMMARY:** The Department of the Air Force is proposing to alter two existing systems of records notices in its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The alterations consist of adding exemptions to the existing systems of records F033 AF A, entitled 'Information Requests-Freedom of Information Act' and F033 AF B, entitled 'Privacy Act Request File'.

The exemptions are needed because during the course of a Freedom of Information Act (FOIA) and Privacy Act action, exempt materials from other systems of records may in turn become part of the case records in these systems. To the extent that copies of exempt records from those 'other' systems of records are entered into the Freedom of Information Act and/or Privacy Act case records, the Department of the Air Force hereby claims the same exemptions for the records from those 'other' systems that are entered into these systems, as claimed for the original primary systems of records which they are a part. Therefore, the Air Force is proposing to add exemptions 5 U.S.C. 552a(j)(2), (k)(1) through (k)(7) to these two existing systems of records.

**DATES:** The actions will be effective on May 7, 2003, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to the Air Force FOIA/Privacy Manager, AF-CIO/P, 1155 Air Force Pentagon, Washington, DC 20330-1155.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Anne P. Rollins at (703) 601-4043.

**SUPPLEMENTARY INFORMATION:** The Department of the Air Force's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 522a(r) of the Privacy Act of 1974, as amended, was submitted on March 28, 2003, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 31, 2003.

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

**F033 AF CIC B**

**SYSTEM NAME:**

Information Requests-Freedom of Information Act (June 11, 1997, 62 FR 31793).

**CHANGES:**

**SYSTEM IDENTIFIER:**

Replace entry with 'F033 AF A'.

\* \* \* \* \*

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Add to end of entry 'individuals whose requests and/or records have been processed under FOIA and referred by other Federal agencies; and attorneys representing individuals submitting such requests.'

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Replace entry with 'Records created or compiled in response to FOIA requests, *i.e.*, original requests; responses to such requests; all related memoranda, correspondence, notes, and other related or supporting documentation; and copies of requested records.'

\* \* \* \* \*

**PURPOSE(S):**

Replace entry with 'To process FOIA requests and to assist the Department of the Air Force in carrying out responsibilities under the FOIA.'

\* \* \* \* \*

**RECORD SOURCE CATEGORY:**

Replace entry with 'Those individuals who submit initial requests, the agency records searched in the process of responding to such requests; Air Force personnel assigned to handle such requests; other agencies or entities that have referred requests concerning Department of the Air Force records, or that have consulted with the Department of the Air Force regarding the handling of particular requests; and submitters of records or information that have provided assistance to the Department of the Air Force in making FOIA access determinations.'

**EXEMPTION(S) CLAIMED FOR THE SYSTEM:**

Replace entry with 'During the course of a FOIA action, exempt materials from other systems of records may in turn become part of the case records in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this FOIA case record, Air Force hereby

claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary systems of records which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 806b. For additional information contact the system manager.'

\* \* \* \* \*

**F033 AF A**

**SYSTEM NAME:**

Information Requests-Freedom of Information Act.

**SYSTEM LOCATION:**

Air Force installations and headquarters of combatant commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All persons who have requested documents under the provisions of the Freedom of Information Act (FOIA); individuals whose requests and/or records have been processed under FOIA and referred by other Federal agencies; and attorneys representing individuals submitting such requests.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records created or compiled in response to FOIA requests, *i.e.*, original requests; responses to such requests; all related memoranda, correspondence, notes, and other related or supporting documentation; and copies of requested records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 552, The Freedom of Information Act as implemented by Air Force Supplement to DoD Regulation 5400.7; and 10 U.S.C. 8013.

**PURPOSE(S):**

To process FOIA requests and to assist the Department of the Air Force in carrying out responsibilities under the FOIA.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

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

**STORAGE:**

Maintained in file folders, in computers and on computer output products.

**RETRIEVABILITY:**

Retrieved by name.

**SAFEGUARDS:**

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets. Those in computer storage devices are protected by computer system software.

**RETENTION AND DISPOSAL:**

Released records are retained in office files for two years after annual cut-off. Denied records are retained in office files for six years then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer records are destroyed by erasing, deleting or overwriting.

**SYSTEM MANAGER(S) AND ADDRESS:**

FOIA managers at Air Force installations, bases, units, organizations, and offices. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the appropriate FOIA office. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

**RECORD ACCESS PROCEDURES:**

Individuals seeking to access records about themselves contained in this system of records should address written inquiries to or visit the appropriate FOIA office. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

**CONTESTING RECORD PROCEDURES:**

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction

37-132; 32 CFR part 806b; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Those individuals who submit initial requests, the agency records searched in the process of responding to such requests; Air Force personnel assigned to handle such requests; other agencies or entities that have referred requests concerning Department of the Air Force records, or that have consulted with the Department of the Air Force regarding the handling of particular requests; and submitters of records or information that have provided assistance to the Department of the Air Force in making FOIA access determinations.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

During the course of a FOIA action, exempt materials from other systems of records may in turn become part of the case records in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this FOIA case record, Air Force hereby claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary systems of records which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c), and (e) and published in 32 CFR part 806b. For additional information contact the system manager.

**F033 AF CIC B**

**SYSTEM NAME:**

Privacy Act Request File (June 11, 1997, 62 FR 31793).

**CHANGES:**

**SYSTEM IDENTIFIER:**

Replace entry with 'F033 AF B'.  
\* \* \* \* \*

**PURPOSE(S):**

Delete 'to prepare legal opinions and interpretations for system managers and the Secretary of the Air Force' and add 'to compile information for reports, and to ensure timely response to requesters.'  
\* \* \* \* \*

**STORAGE:**

Delete entry and replace with 'Maintained in file folders and on computers and computer output products.'  
\* \* \* \* \*

**SAFEGUARDS:**

Add to entry 'Records in computer storage devices are protected by computer system software.'

**RETENTION AND DISPOSAL:**

Replace entry with 'Granted access requests; responses to requests for non-existent records, inadequate descriptions, and failure to pay agency fees that are not appealed, are destroyed 2 years after date of reply; denied access requests not appealed are destroyed 5 years after date of reply; denied access requests appealed, and requests to amend are destroyed with the approved disposition instructions of the related subject individual's record, 4 years after final agency determination, or 3 years after final adjudication by courts whichever is later.'  
\* \* \* \* \*

**EXEMPTION(S) CLAIMED FOR THE SYSTEM:**

Replace entry with 'During the course of a Privacy Act (PA) action, exempt materials from other systems of records may become part of the case records in this system of records. To the extent that copies of exempt records from those 'other' systems of records are entered into these PA case records, the Department of the Air Force hereby claims the same exemptions for the records as they have in the original primary systems of records which they are a part.

Department of the Air Force exemption rules have been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) published in 32 CFR part 806b. For additional information contact the system manager.'  
\* \* \* \* \*

**F033 AF B**

**SYSTEM NAME:**

Privacy Act Request File.

**SYSTEM LOCATION:**

At all levels having responsibility for systems of records under the Privacy Act. Includes Headquarters United States Air Force staff agencies; major commands; field operating agencies; installations and activities, and headquarters of combatant commands for which Air Force is Executive Agent. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All persons who request access to, or amendment of records about themselves under the provisions of the Privacy Act of 1974 (5 U.S.C. 552a).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Letters, memoranda, legal opinions, messages, and miscellaneous documents relating to an individual's request for access to or amendment of records concerning that person, including letters of denial, appeals, statements of disagreements, and related documents accumulated in processing requests received under the Privacy Act of 1974.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 8013, Secretary of the Air Force; 5 U.S.C. 552a, The Privacy Act of 1974; and Air Force Instruction 33-332, Air Force Privacy Act Program.

**PURPOSE(S):**

To record, process and coordinate individual requests for access to, or amendment of, personal records, and appeals on denials of requests for access or amendments to personal records; and to compile information for reports, and to ensure timely response to requesters.

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

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

May be disclosed to the Office of Management and Budget or other Government agencies having a direct interest in monitoring or evaluating compliance with the provisions of the Privacy Act, including the preparation of special studies or reports on the status of actions taken to comply with the Act, the results of those efforts, any problems encountered and recommendations for any changes in legislation, policies, or procedures.

The DoD 'Blanket Routine Uses' published at the beginning of the Air Force's compilation of record system notices apply to this system.

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

**STORAGE:**

Maintained in file folders and on computers and computer output products.

**RETRIEVABILITY:**

Retrieved by name of requester.

**SAFEGUARDS:**

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties and who are properly screened

and cleared for need-to-know. Records are stored in locked cabinets or rooms. Records in computer storage devices are protected by computer system software.

#### RETENTION AND DISPOSAL:

Granted access requests; responses to requests for non-existent records, inadequate descriptions, and failure to pay agency fees that are not appealed, are destroyed 2 years after date of reply; denied access requests not appealed are destroyed 5 years after date of reply; denied access requests appealed, and requests to amend are destroyed with the approved disposition instructions of the related subject individual's record, 4 years after final agency determination, or 3 years after final adjudication by courts whichever is later.

#### SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act managers at installations, bases, units, organizations, and offices. Official mailing addresses are published as an appendix to the Air Force's compilation of record systems notices.

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the appropriate system manager.

Written requests should include the person's full name, and other personal information which could be verified from the person's file.

For personal visits, the individual should present a valid identification card or driver's license and some verbal information which could be verified from the person's case file. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

#### RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system of records should address written inquiries to the appropriate system manager. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Written requests should include the person's full name, and other personal information which could be verified from the person's file.

For personal visits, the individual should present a valid identification card or driver's license and some verbal information which could be verified from the person's case file. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

#### CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37-132; 32 CFR part 806b; or may be obtained from the system manager.

#### RECORD SOURCE CATEGORIES:

Those individuals who submit initial requests, the agency records searched in the process of responding to such requests; Air Force personnel assigned to handle such requests; other agencies or entities that have referred requests concerning Department of the Air Force records, or that have consulted with the Department of the Air Force regarding the handling of particular requests; and submitters of records or information that have provided assistance to the Department of the Air Force in making FOIA access determinations.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a Privacy Act (PA) action, exempt materials from other systems of records may become part of the case records in this system of records. To the extent that copies of exempt records from those 'other' systems of records are entered into these PA case records, the Department of the Air Force hereby claims the same exemptions for the records as they have in the original primary systems of records which they are a part.

Department of the Air Force exemption rules have been promulgated in accordance with requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) published in 32 CFR part 806b. For additional information contact the system manager.

[FR Doc. 03-8215 Filed 4-4-03; 8:45 am]

BILLING CODE 5001-08-P

## DEPARTMENT OF EDUCATION

### Elementary and Secondary Education Act; Implementation

**AGENCY:** Office of Safe and Drug-Free Schools, Department of Education.

**ACTION:** Notice of proposed deadlines for final implementation.

The Deputy Under Secretary for Safe and Drug-Free Schools proposes deadline dates for final implementation of requirements under the Unsafe School Choice Option (USCO), under section 9532 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001. This notice proposes deadlines by which each State must identify persistently dangerous

schools, as well as offer students in those schools and students who are victims of violent criminal offenses while on school property the opportunity to transfer to a safe school.

**DATES:** We must receive your comments on or before May 7, 2003.

**ADDRESSES:** Address all comments about this notice to William Modzeleski, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E314, Washington, DC 20202-6123. If you prefer to send your comments through the Internet, use the following address: [safeschl@ed.gov](mailto:safeschl@ed.gov). Please specify "USCO Comments" in the subject line of your electronic message.

If you want to comment on the information collection requirements, you must send your comments to the Department representative named in that section.

#### FOR FURTHER INFORMATION CONTACT:

Kristen Hayes, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3E340, Washington, DC 20202-6123. Telephone: (202) 708-9431. Or via Internet: [Kristen.Hayes@ed.gov](mailto:Kristen.Hayes@ed.gov).

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

#### SUPPLEMENTARY INFORMATION:

##### Invitation to Comment

We invite you to submit comments regarding this notice of proposed deadlines. We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from this notice. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice of proposed deadlines in Room 3E314, FB6, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.