

individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) will not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of specificity or lack of compliance with applicable regulations.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

Records are obtained from Federal, State and local law enforcement and criminal justice agencies (e.g., investigators, prosecutors, correctional institutions, police departments, and inspectors general).

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to exemption 5 U.S.C. 552a(j)(2) of the Privacy Act, portions of this system are exempt from subsections (c)(3) and (4); (d); (e)(1), (2), (3), (4)(G), (4)(H), (5) and (8); (f); and (g) of the Privacy Act. In addition, the system has been exempted from subsections (c)(3), (d), and (e)(1), (4)(G), (4)(H), and (f) 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** as additions to Title 28, Code of Federal Regulations (28 CFR 16.99). In addition, to the extent a record contains information from other exempt systems of records, ICE will rely on the exemptions claimed for those systems.

Dated: November 28, 2008.

**Hugo Teufel III,**

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-29057 Filed 12-8-08; 8:45 am]

BILLING CODE 4410-10-P

**DEPARTMENT OF HOMELAND SECURITY**

**Office of the Secretary**

[Docket No. DHS-2008-0160]

**Privacy Act of 1974; Science & Technology Directorate-001 Research, Development, Test, and Evaluation Records System of Records**

**AGENCY:** Privacy Office, DHS.

**ACTION:** Notice of Privacy Act system of records.

**SUMMARY:** Pursuant to the Privacy Act of 1974, the Department of Homeland

Security proposes to add a new system of records titled Research, Development, Test, and Evaluation Records. This system maintains records collected in support of, or during the conduct of, Science & Technology-funded research, development, test, and evaluation activities. This new system will be added to the Department's inventory of record systems.

**DATES:** Written comments must be submitted on or before January 8, 2009. This new system will be effective January 8, 2009.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2008-0160 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 1-866-466-5370.

- *Mail:* Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

- *Instructions:* All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change and may be read at <http://www.regulations.gov>, including any personal information provided.

- *Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For system related questions please contact the Science & Technology Directorate's Regulatory Compliance Office at [regulatorycompliance@dhs.gov](mailto:regulatorycompliance@dhs.gov). For privacy issues, please contact: Hugo Teufel III, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

An integral part of the Department of Homeland Security (DHS) Science & Technology Directorate's (S&T) mission is to conduct research, development, testing, and evaluation (RDT&E activities) on topics and technologies related to improving homeland security and combating terrorism. Some RDT&E activities involve the collection of personally identifiable information. This system of records notice covers records collected in support of, or during the conduct of, DHS/S&T-funded RDT&E activities, where those records are retrieved by personal identifier.

As a general rule, the information collected will be used by DHS/S&T solely for the purposes of RDT&E activities. The information collected

will not be used for law enforcement, intelligence, or any purpose other than RDT&E. The information collected will never be used in operations and no operational decision will be based in any part on the information collected. These limitations on the use of the information collected will apply even in DHS/S&T-funded RDT&E activities in which law enforcement and/or intelligence personnel are directly involved in the activity. A different SORN, a SORN other than this SORN, is required to address any DHS/S&T-funded RDT&E activities from which information collected would be used for any purpose other than RDT&E activities.

The only exception to the above general rule limiting the use of collected information to RDT&E activities is if, during a human subject testing activity, the individual provides information that indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations. Only in that limited situation, the information collected may be referred to Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, pursuant to Routine Use G, below.

Pursuant to the Privacy Act of 1974, the Department of Homeland Security proposes to add a new system of records titled Research, Development, Test, and Evaluation Records. This system maintains records collected in support of, or during the conduct, of Science & Technology-funded research, development, test, and evaluation activities. This new system will be added to the Department's inventory of record systems.

**II. The Privacy Act**

The Privacy Act embodies fair information principles in a statutory framework governing the means by which the United States Government collects, maintains, uses and disseminates individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other particular assigned to an individual. In the Privacy Act, an individual is defined to encompass United States citizens and legal permanent residents (LPRs). As a matter of policy, DHS extends administrative Privacy Act protections

to all individuals, including aliens who are not LPRs, on whom a system of records maintain information. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DHS by complying with DHS Privacy Act regulations, 6 CFR Part 5.

The Privacy Act requires each agency to publish in the **Federal Register** a description denoting the type and character of each system of records that the agency maintains, and the routine uses that are contained in each system to make agency recordkeeping practices transparent, to notify individuals regarding the uses of their records, and to assist the individual to more easily find such files within the agency. Below is a description of the Research, Development, Test, and Evaluation Records System of records.

In accordance with 5 U.S.C. 552a(r), a report on this system has been sent to Congress and to the Office of Management and Budget.

#### SYSTEM OF RECORDS:

##### DHS/S&T-001

#### SYSTEM NAME:

Science & Technology Directorate Research, Development, Test, and Evaluation Records.

#### SYSTEM LOCATION:

Records are maintained at the S&T Headquarters in Washington, D.C., in S&T field offices, and at public or private institutions, including the National Labs, conducting research funded by S&T.

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

Categories of individuals covered by this notice include voluntary participants in S&T-funded human subjects research (all S&T-funded human subjects research is conducted in accordance with 45 CFR 46 and is reviewed by a certified Institutional Review Board); individuals whose names may appear in publicly available documents (e.g., newspapers and academic articles) about terrorism, terrorist events, violent groups, or other topics related to terrorism research; individuals whose image, biometrics, physiological features, or other information may be intentionally (with notice to and consent by the individual) or incidentally captured during testing of S&T technologies; and subject matter experts who publish articles related to terrorism or biomedical and life sciences research; and subject matter experts who voluntarily consent to be included in a database of experts.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

S&T RDT&E Records will vary according to the specific project. The information may include an individual's:

- Individual's name;
- Age;
- Gender;
- Contact information;
- Birthplace;
- Ethnicity;
- Level of education;
- Occupation;
- Institutional or organizational affiliation;
- Publication record, such as article and publication titles, dates and sources;
- Medical history;
- Lifestyle information (e.g., caffeine or tobacco use);
- Publicly available reports of criminal history;
- Video or still images;
- Other images (e.g., infrared thermography, terahertz, millimeter wave);
- Audio recordings;
- Fingerprints or other biometric information; and
- Physiological measurements collected using sensors (e.g., heart rate, breathing pattern, and electrodermal activity).

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; the Federal Records Act, 44 U.S.C. 3101; The Homeland Security Act of 2002 [Pub. L. 1007-296, § 302(4)] as codified in Section 182(b) Title 6 Chapter I Subchapter III of the United States Code (6 U.S.C. 182(b)), authorizes the Science and Technology Directorate to conduct "basic and applied research, development, demonstration, testing, and evaluation activities that are relevant to any or all elements of the Department, through both intramural and extramural programs." In exercising its responsibility under the Homeland Security Act, S&T is authorized to collect information, as appropriate, to support research and development related to improving the security of the homeland. Where research includes human subjects, S&T complies with the provisions of DHS Management Directive 026-04, "Protection of Human Subjects", which adopts the regulations set forth in 45 Code of Federal Regulations 46 and establishes Departmental policy for the protection of human subjects in research.

#### PURPOSE(S):

The purposes of S&T's RDT&E records are to:

- Understand the motivations and behaviors of terrorists, individuals that

engage in violent or criminal activities, terrorist groups, and groups that engage in violent or criminal activities.

- Understand terrorist incidents and the phenomenon of terrorist and identify trends and patterns in terrorist activities.
  - Collect and maintain searchable records of individuals (such as subject matter experts on chemical weapons) and/or their characteristics and professional accomplishments, organized according to categories useful for the conduct of research, including research to determine the efficacy and utility of new or enhanced technologies intended for eventual transition to and use by S&T's customers.
    - Evaluate the performance and utility to the future customer of an experimental homeland security technology or product in a laboratory or "real-world" setting.
      - Test the accuracy of a research hypothesis. (For example, S&T might hypothesize that an individual's behavior changes in a detectable manner when he or she is being deceitful, and then design a research experiment to test that hypothesis.)
        - Answer a research question. (For example, "Can an experimental screening technology distinguish between threat objects and non-threat objects?")
          - Conduct testing and evaluation of an experimental technology at the request of or on behalf of a customer.
            - Conduct research and development to solve a technical problem for a customer.

#### 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, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3):

A. To the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee of DHS in his/her official capacity;
3. Any employee of DHS in his/her individual capacity where DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS

determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other Federal Government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. The Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) or harm to the individual who relies upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate Federal, State, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which

includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

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

**STORAGE:**

RDT&E records maintained in hard copy are stored in a locked file cabinet or safe. Electronic records are stored in computer files that require a password for access and are protected by a firewall.

**RETRIEVABILITY:**

In most cases, S&T RDT&E is focused on evaluating the performance of a given experimental technology or system. Thus, only the aggregated performance data (e.g., the technology has a 5 percent false positive rate, or the technology is accurate 92 percent of the time) is important and relevant to S&T. For this reason, S&T RDT&E records are not as a matter of course retrieved by name or other identifier assigned to the individual. However, S&T may need to access RDT&E records by name or other identifier in order to make corrections to an individual's record, resolve an anomaly related to a specific individual's record, and/or link disparate pieces of information related to an individual. For example, if an individual informed a researcher that he or she had inadvertently provided incorrect information regarding his or her medical history, the researcher would retrieve that individual's record using the research identifier in order to correct the erroneous data.

**SAFEGUARDS:**

All RDT&E records are protected by employing a multi-layer security approach to prevent unauthorized access to sensitive data through appropriate administrative, physical, and technical safeguards. Protective strategies such as implementing physical access controls at DHS facilities; ensuring confidentiality of communications using tools such as encryption, authentication of sending parties, and compartmentalizing databases; and employing auditing software and personnel screening to ensure that all personnel with access to data are screened through background investigations commensurate with the level of access required to perform their duties.

S&T RDT&E records are also monitored for changes to the source

data. The system manager has the capability to maintain system back-ups for the purpose of supporting continuity of operations and the discrete need to isolate and copy specific data transactions for the purpose of conducting privacy or security incident investigations. S&T RDT&E records are secured in full compliance with the requirements of DHS IT Security Program Handbook. This handbook establishes a comprehensive information security program.

**RETENTION AND DISPOSAL:**

All records will be maintained in accordance with the NARA-approved retention schedule. All existing S&T RDT&E records fall under General Records System 20, which covers the disposition of Electronic files or records created solely to test system performance, as well as hard-copy printouts and related documentation for the electronic files/records. According to General Records System 20, records should be "delete[d]/destroy[ed] when the agency determines that they are no longer needed for administrative, legal, audit, or other operational purposes." Electronic records will be deleted from all computers, storage devices, and networks, and paper records will be shredded.

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

S&T Regulatory Compliance Office, Mail Stop: 2100, Department of Homeland Security, 245 Murray Lane, SW., Washington, DC 20528.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to S&T FOIA Coordinator, Mail Stop: 2100, Department of Homeland Security, 245 Murray Lane, SW., Washington, DC 20528, Specific FOIA contact information can be found at <http://www.dhs.gov/foia> under "contacts."

When seeking records about yourself from this system of records or any other S&T system of records your request must conform with the Privacy Act regulations set forth in 6 CFR Part 5. You must first verify your identity, meaning that you must provide your full name, current address and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from

the Director, Disclosure and FOIA, <http://www.dhs.gov> or 1-866-431-0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you,
- Specify when you believe the records would have been created,
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the S&T may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

#### RECORD ACCESS PROCEDURES:

See "Notification procedure" above.

#### CONTESTING RECORD PROCEDURES:

See "Notification procedure" above.

#### RECORD SOURCE CATEGORIES:

S&T RDT&E records include: (1) Records collected directly from the individual; (2) publicly available documents (e.g., articles from newspapers and academic journals); (3) records collected from the individual using sensors (e.g., a heart rate monitor) or technologies (e.g., cameras, audio recorders, infrared thermography or other images, or biometric devices).

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: December 1, 2008.

#### Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. E8-29059 Filed 12-8-08; 8:45 am]

BILLING CODE 4410-10-P

### INTER-AMERICAN FOUNDATION BOARD MEETING

#### Sunshine Act Meetings

**TIME AND DATE:** December 15, 2008, 9 a.m.-2 p.m.

**PLACE:** 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

- Approval of the Minutes of the July 28, 2008, Meeting of the Board of Directors
- President's Report
- Program Presentation: Regional Challenges
- Congressional Affairs
- Board Trip for 2009

#### • Advisory Council PORTIONS TO BE OPEN TO THE PUBLIC:

- Approval of the Minutes of the July 28, 2008, Meeting of the Board of Directors
- President's Report
- Program Presentation: Regional Challenges
- Congressional Affairs
- Board Trip for 2009
- Advisory Council

**CONTACT PERSON FOR MORE INFORMATION:** Jennifer Hodges Reynolds, General Counsel, (703) 306-4301.

Dated: December 2, 2008.

**Jennifer Hodges Reynolds,**  
General Counsel.

[FR Doc. E8-29199 Filed 12-5-08; 4:15 pm]

BILLING CODE 7025-01-P

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

[FWS-R4-R-2008-N0244; 40136-1265-0000-S3]

#### Archie Carr National Wildlife Refuge, Brevard and Indian River Counties, FL

**AGENCY:** Fish and Wildlife Service, Department of the Interior.

**ACTION:** Notice of availability: final comprehensive conservation plan and finding of no significant impact.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the availability of our final comprehensive conservation plan (CCP) and finding of no significant impact (FONSI) for Archie Carr National Wildlife Refuge (NWR). In the CCP, we describe how we will manage Archie Carr NWR for the next 15 years.

**ADDRESSES:** A copy of the CCP may be obtained by writing to the refuge at: P.O. Box 2683, Titusville, FL 32781-2683. The CCP may also be accessed and downloaded from the Service's Internet Site: <http://southeast.fws.gov/planning>.  
**FOR FURTHER INFORMATION CONTACT:** Cheri Ehrhardt; Telephone: 321/861-2368.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

With this notice, we finalize the CCP process for Archie Carr NWR. We started this process through a notice of intent in the **Federal Register** on April 24, 2000 (65 FR 21784). For additional information regarding the process, see that notice. We released the draft comprehensive conservation plan and environmental assessment (Draft CCP/EA) to the public, announcing and

requesting comments in a notice of availability in the **Federal Register** on June 26, 2008 (73 FR 36347).

Established in 1991, Archie Carr NWR is located approximately 15 miles northeast of Vero Beach, Florida, in Brevard and Indian River Counties. The 258-acre refuge includes a diversity of habitats consisting of beaches, dunes, coastal strand, maritime hammock, and mangroves. Refuge and partner beaches support the highest nesting concentrations of federally protected loggerhead and green sea turtles in the United States. Furthermore, several other state- and federal-listed species are found in the coastal and other barrier island habitats supported by the refuge. The refuge protects several historical and archaeological sites and, through working with the partners, provides a range of visitor services.

We announce our decision and the availability of the CCP and FONSI for Archie Carr NWR in accordance with National Environmental Policy Act (NEPA) [40 CFR 1506.6(b)] requirements. We completed a thorough analysis of impacts on the human environment, which we included in the Draft CCP/EA.

The CCP will guide us in managing and administering Archie Carr NWR for the next 15 years. Alternative B, as we described in the CCP, is the foundation for the CCP.

#### Background

The National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee) (Improvement Act), which amended the National Wildlife Refuge System Administration Act of 1966, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System, consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Improvement Act.

#### Comments

We solicited comments on the Draft CCP/EA for Archie Carr NWR from June