

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

Records are stored electronically at a TSA secure facility. The records are stored on magnetic disc, tape, digital media, CD-ROM, and may also be retained in hard copy format in secure file folders.

**RETRIEVABILITY:**

Data are retrievable by the individual's name or other identifier, as well as non-identifying information, such as flight number.

**SAFEGUARDS:**

Information in this system is safeguarded in accordance with applicable rules and policies, including any applicable DHS automated systems security and access policies. The computer system from which records could be accessed is policy and security based, meaning access is limited to those individuals who require it to perform their official duties. The system also maintains a real-time auditing function of individuals who access the system. Classified information is appropriately stored in a secured facility, and secured databases and containers and in accordance with other applicable requirements, including those pertaining to classified information.

**RETENTION AND DISPOSAL:**

A request is pending for NARA approval for the retention and disposal of records in this system. For U.S. persons, (*i.e.*, citizens and lawful permanent resident aliens), records will be deleted within a set number of days after the safe completion of the travel to which the record relates. The duration of data retention for other persons is still under consideration. Factors to be considered in determining data retention for those persons will include the extent of information required to accurately authenticate passenger identity and the amount of data available from commercial data on non-U.S. persons, relative to U.S. persons. Existing records obtained from other government agencies, including intelligence information, watch lists, and other data, will be retained for three years, or until superseded.

Passenger data used for purposes of system development and testing will be deleted upon completion of the test phase.

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

Director, CAPPs II, TSA, PO Box 597, Annapolis Junction, MD 20701-0597.

**NOTIFICATION PROCEDURES:**

Pursuant to 5 U.S.C. 552a(k), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

Although the system is exempt from record access procedures pursuant to 5 U.S.C. 552a(k), DHS has determined that all persons may request access to records containing information they provided by sending a written request to the CAPPs II Passenger Advocate (P.O. Box 597, Annapolis Junction, MD 20701-0597). To the greatest extent possible and consistent with national security requirements, such access will be granted. In the case of air passengers, this data is contained in the PNR. Individuals requesting access must comply with the Department of Homeland Security Privacy Act regulations on verification of identity (6 CFR 5.21(d)). Individuals must submit their full name, current address, and date and place of birth. You must sign your request and your signature must either be notarized or submitted by you under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. As noted above, however, in order to protect passenger privacy, PNR data is not retained for any significant time in this system. Accordingly, in most cases, the response to a record access request will very likely be that no record of the passenger exists in the system.

**CONTESTING RECORD PROCEDURES:**

A passenger who, having accessed his or her records in this system, wishes to contest or seek amendment of those records should direct a written request to the CAPPs II Passenger Advocate, at P.O. Box 597, Annapolis Junction, MD, 20701-0597. The request should include the requestor's full name, current address and date of birth, as well as a copy of the record in question, and a detailed explanation of the change sought. If the matter cannot be resolved by the CAPPs II Passenger Advocate, further appeal for resolution may be made to the DHS Privacy Office. While non-U.S. persons are not covered by the Privacy Act, such persons will still be afforded the same access and redress remedies. These remedies for all persons will more fully detailed in the CAPPs II privacy policy, which will be published before the system becomes fully operational.

**RECORD SOURCE CATEGORIES:**

Pursuant to 5 U.S.C. 552a(k), this system is exempt from publishing the categories of sources of records.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Portions of this system are exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) pursuant to 5 U.S.C. 552a(k)(1) and (k)(2).

Issued in Washington, DC, on July 22, 2003.

**Tom Ridge,**

*Secretary, U.S. Department of Homeland Security.*

[FR Doc. 03-19574 Filed 7-31-03; 8:45 am]

**BILLING CODE 4910-62-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****Receipt of Application of Endangered Species Recovery Permits**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** We announce our receipt of an application to conduct certain activities pertaining to scientific research and enhancement of survival of endangered species.

**DATES:** Written comments on this request for a permit must be received September 2, 2003.

**ADDRESSES:** Written data or comments should be submitted to the Assistant Regional Director-Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225-0486; telephone 303-236-7400, facsimile 303-236-0027.

**FOR FURTHER INFORMATION CONTACT:** Documents and other information submitted with this application 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 for a copy of such documents within 20 days of the date of publication of this notice to the address above; telephone 303-236-7400.

**SUPPLEMENTARY INFORMATION:** The following applicant has requested issuance of a scientific research and enhancement of survival 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.*).

**TE-050706**

*Applicant:* David Young, Western Ecosystems Technology, Inc., Cheyenne, Wyoming

The applicant requests a permit to take American burying beetles (*Nicrophorus americanus*) in conjunction with recovery activities throughout the species' range for the purpose of enhancing its survival and recovery.

Dated: July 11, 2003.

**Ralph O. Morgenweck,**

*Regional Director, Denver, Colorado.*

[FR Doc. 03-19582 Filed 7-31-03; 8:45 am]

**BILLING CODE 4310-55-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Endangered and Threatened Wildlife and Plants; 5-Year Review of the Delta Smelt**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of review.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce a 5-year review of the delta smelt (*Hypomesus transpacificus*) under section 4(c)(2)(A) of the Endangered Species Act of 1973 (Act) (16 U.S.C. 1531 *et seq.*). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants (List) is accurate.

The 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of any new information (best scientific and commercial data) on the delta smelt since its original listing as a threatened species in 1993. If the present classification of this species is not consistent with the best scientific and commercial information available, we

may, at the conclusion of this review, initiate a separate action to propose changes to the List accordingly.

**DATES:** To allow us adequate time to conduct this review, we must receive your information no later than September 30, 2003.

**ADDRESSES:** Submit information to the Field Office Supervisor, Attention: Delta Smelt 5-year Review, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, California 95825-1846. Information received in response to this notice and review results will be available for public inspection by appointment, during normal business hours, at the above address. New information regarding the delta smelt may be sent electronically to [Lawrence\\_Host@fws.gov](mailto:Lawrence_Host@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** For the delta smelt, contact Harry McQuillen or Larry Host at the above address, or at 916/414-6547.

**SUPPLEMENTARY INFORMATION:**

**Why Is a 5-Year Review Conducted?**

Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every 5 years. We are then, under section 4(c)(2)(B) and the provisions of subsections (a) and (b), to determine, on the basis of such a review, whether or not any species should be removed from the List (delisted), or reclassified from endangered to threatened, or threatened to endangered. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the delta smelt.

**Why Is the Review Being Conducted for the Delta Smelt at This Time?**

Conducting a 5-year review for the delta smelt at this time was agreed to in connection with the settlement of two lawsuits, *California Farm Bureau Federation et al. v. U.S. Department of the Interior et al.*, Case No. 1:02CV02328

(D.D.C., Nov. 22, 2002) and *San Luis & Delta Mendota Water Authority et al. v. U.S. Department of the Interior et al.*, Case No. CIV-F-02-6461 REC. D.B. (E.D. Cal., Nov. 22, 2002). The settlement agreement was signed by the DC district court on June 13, 2003, and by the federal district court in Fresno, California on June 19, 2003.

**What Information Is Considered in the Review?**

The 5-year review considers all new information available at the time of the review. This review will consider the best scientific and commercial data that has become available since the current listing determination or most recent status review, such as:

A. Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions including, but not limited to, amount, distribution, and suitability;

C. Conservation measures that have been implemented that benefit the species;

D. Threat status and trends (*see* five factors under heading "How do we determine whether a species is endangered or threatened?"); and

E. Other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

**How Is the Delta Smelt Currently Listed?**

The List is found in 50 CFR 17.11 (wildlife) and 17.12 (plants). Amendments to the List through final rules are published in the **Federal Register**. The List is also available on our Internet site at <http://endangered.fws.gov/wildlife.html#Species>. In Table 1 below, we provide a summary of the listing information for the delta smelt.

TABLE 1.—SUMMARY OF THE LISTING INFORMATION FOR THE DELTA SMELT

Common name	Scientific name	Status	Where listed	Final listing rule
delta smelt .....	<i>Hypomesus transpacificus</i> .....	Threatened .....	U.S.A. (CA) .....	58 FR 12863 (05-MAR-93).

**Definitions Related to This Notice**

The following definitions are provided to assist those persons who contemplate submitting information regarding the species being reviewed:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future