

§ 802.14 and have been reorganized and amended to better address the technical requirements for accessing and reviewing records. Section 802.15, which covers the denial of a request, and § 802.16, which explains how the requester may appeal the denial, have similarly been adjusted (for example, appeals based upon an adverse determination of the requester's category or for fee waiver apply to FOIA only and have accordingly been removed from the final rule). Section 802.17 explains how CSOSA or PSA handle requests for documents which relate to or were created by another agency.

Section 802.18 explains how you may request to correct or amend a record about you which the Agency maintains. Section 802.19 contains procedures for appealing a denial to correct or amend your record. Section 802.19 now specifies that the system manager is responsible for granting or denying requests for corrections of records.

Section 802.20 contains the procedures for accounting for disclosures, and § 802.21 notes your appeal rights for a denial of a request for an accounting. Section 802.20 has been amended to clarify that disclosures made under the FOIA are exempt from accounting and that no accounting will be provided to the record subject for disclosures made to law enforcement agencies. Fees for Privacy Act requests are described in § 802.22 and have been reworded slightly for the sake of clarity. Section 802.23 explains the Agency's policy on the use and disclosure of social security numbers.

#### *Subpoenas or Other Legal Demands for Testimony or Production or Disclosure of Records or Other Information*

Subpart D contains procedures for the production of records in response to subpoenas or demands of courts or other authorities in connection with a proceeding to which the Agency is not a party. These regulations establish a systematic means by which the Agency can evaluate requests for production of official agency information. The regulations are intended to: (1) Conserve Agency employee's time for conducting official business, (2) minimize the possibility of involving the Agency in controversial issues that are not related to the mission of the Agency, (3) prevent the possibility that the public will misconstrue variances between personal opinions of Agency employees and Agency policy, (4) avoid spending the government's time and money for private purposes, (5) preserve the integrity of the administrative process, and (6) protect confidential, sensitive

information and the deliberative process of the Agency. In adopting these provisions as final, CSOSA is clarifying the provisions in § 802.27(d) to refer to these reasons when considering factors pertinent to whether a demand should be complied with.

#### *Exemption of Record Systems*

The Privacy Act permits specific systems of records to be exempt from some of its requirements. Subpart E identifies these exemptions and explains the basis for making the exemptions. CSOSA exemptions are contained in § 802.28; PSA exemptions are contained in § 802.29. The CSOSA exemption for Employment Profile, previously identified as CSOSA-14, has been removed as that system of record is no longer in use. The full text of CSOSA and PSA systems of records appeared in a separate notice document in the March 15, 2002 **Federal Register** (67 FR 11816).

#### **Disposition of Public Comment**

CSOSA did not receive any comments on the proposed rule. CSOSA accordingly is adopting the proposed provisions as a final rule without further change other than the technical amendments to the Privacy Act procedures and the clarification to § 802.27(d) noted above.

#### **Matters of Regulatory Procedure**

##### *Administrative Procedure Act*

In accordance with the Administrative Procedure Act, CSOSA published a proposed rule on this subject in the **Federal Register**. This final rule will become effective as noted above.

##### *Executive Order 12866*

This proposed rule has been determined to be significant under Executive Order 12866 and has been reviewed by the Office of Management and Budget (OMB).

##### *Executive Order 13132*

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the Director of CSOSA has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

##### *Regulatory Flexibility Act*

The Director of CSOSA, in accordance with the Regulatory Flexibility Act (5

U.S.C. 605(b)), has reviewed this rule and by approving it certifies that this rule will not have a significant economic impact upon a substantial number of small entities. This rule pertains to agency management, and its economic impact is limited to the agency's appropriated funds.

##### *Unfunded Mandates Reform Act of 1995*

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, the Director of CSOSA has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

##### *Small Business Regulatory Enforcement Fairness Act of 1996*

This rule is not a major rule as defined by sec. 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

##### *Plain Language Instructions*

If you have suggestions on how to improve the clarity of these regulations, write, e-mail, or call the Records Manager (Roy Nanovic) at the address or telephone number given above in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** captions.

##### **List of Subjects in 28 CFR Part 802**

Freedom of information; Privacy; Probation and parole.

**Paul A. Quander, Jr.,**  
*Director.*

■ Accordingly, we amend chapter VIII, Title 28 of the Code of Federal Regulations by adding a new part 802 as set forth below.

## **PART 802—DISCLOSURE OF RECORDS**

### **Subpart A—General**

Sec.  
802.1 Introduction.

### **Subpart B—Freedom of Information Act.**

802.2 Purpose and scope.  
802.3 Guidelines for disclosure.  
802.4 Definitions.