

(2) When:

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

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

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

(iii) 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;

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

(B) The Department deems the disclosure to be:

(i) Relevant and necessary to the proceeding; and

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

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

STORAGE:

Information in this system of records is maintained in electronic format on a system hard drive.

RETRIEVABILITY:

This specific system has the capability of performing searches through email archive information identified in the "Category of records" section above using any word or number criteria. This capability makes it unique from other email archive systems that are maintained by Interior bureaus/offices, and therefore, this system becomes subject to Privacy Act requirements.

SAFEGUARDS:

The contractor maintaining this system must follow the requirements under 5 U.S.C. 552a(e)(10) and 43 CFR 2.51 for security standards. A security plan was developed to prevent unauthorized access to the system. The plan addresses application security, administration/user security, and application agreements. Access to the system is limited to authorized personnel whose official duties require such access. The EEAS system will be maintained at the Government contractor's facility at a secured data center.

RETENTION AND DISPOSAL:

Records in this system will be retained indefinitely pending completion of *Cobell et al. v. Norton, et al.*, U.S.D.C. D.C., No. 1:96CV01285 or until the Court orders the Department to retain/dispose of these records differently.

SYSTEM MANAGER(S) AND ADDRESS:

The Technology Services Division, Administrative Operations Directorate, National Business Center, Department of the Interior, MS-1540-MIB, 1849 C St. NW., Washington, DC 20240.

NOTIFICATION PROCEDURES:

To determine whether your records are in this Privacy Act system of records, contact the Privacy Act Officer at the bureau/office from which your email message was sent or where it was received (see list of participating bureau/offices identified in the "Categories of individuals" section above). Interior bureaus/offices are listed at the Department of the Interior Web site at <http://www.doi.gov>. The request must meet the requirements of 43 CFR 2.60. Provide the following information with your request:

(a) Proof of your identity;

(b) List of all the names by which you have been known, such as maiden name or alias;

(c) Your Social Security Number;

(d) Your mailing address;

(e) Time period(s) that records pertaining to you may have been created or maintained, to the extent known by you (See 43 CFR 2.60(b)(3)); and

(f) Specific description or identification of the records you are requesting (including whether you are asking for a copy of all of your records or only a specific part of them), and the maximum amount of money that you are willing to pay for their copying (See 43 CFR 2.63(b)(4)).

RECORD ACCESS PROCEDURES:

To request access to records, follow procedures in the "Notification procedure" section above. The request must meet the requirements of 43 CFR 2.63. Provide with your request the same information identified in the "Notification procedures" sections.

CONTESTING RECORD PROCEDURES:

To request an amendment of a record, send requests in writing to the contacts identified in the "Notification procedure" section above. The request must meet the requirements of 43 CFR 2.71.

RECORDS SOURCE CATEGORIES:

Some information maintained in the system is collected from mag-tapes provided by Interior bureau/office email backup systems from those installations identified in the "Categories of individuals" section above. This information is downloaded onto a hard drive managed by the contractor and stored digitally. Information from Interior bureau/office e-mail servers will

be captured in real time, transmitted electronically through secured networks, and captured and stored electronically into the EEAS.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List the Tri-State Area Flock of Trumpeter Swans as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the Fish and Wildlife Service (Service), announce a 90-day finding for a petition to list the Tri-State Area flock of trumpeter swans (*Cygnus buccinator*) as an endangered or threatened species under the Endangered Species Act of 1973. We find that the petition does not provide substantial information indicating that this flock is a Distinct Population Segment (DPS) that may warrant listing. We will not be initiating a further status review in response to the petition. However, we ask the public to submit to us any new information that becomes available concerning the status of or threats to this flock of trumpeter swans. This information will help us monitor and manage this species.

DATES: The finding announced in this document was made on January 15, 2003. You may submit new information concerning this species for our consideration at any time.

ADDRESSES: Submit information, data, or comments concerning this petition to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486, DFC, Denver, CO 80225-0486. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours, at the above address, and on our website at: <http://www.r6.fws.gov/birds/trumpeterswan/>.

FOR FURTHER INFORMATION CONTACT: Chuck Davis, Endangered Species Listing Coordinator, at the above address, or by telephone at 303-236-7400, extension 235, or by email at chuck_davis@fws.gov.

SUPPLEMENTARY INFORMATION: