

www.fws.gov/r5cbfo or by written or telephone request to John Wolflin, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, Maryland 21401, 410-573-4573.

FOR FURTHER INFORMATION CONTACT: John Wolflin at the above Service Office, Annapolis, Maryland.

SUPPLEMENTARY INFORMATION: On May 13, 1999, the Service issued an ITP for incidental "take" of the Delmarva fox squirrel. The ITP was issued pursuant to Section 10 of the Endangered Species Act (ESA), § 10(a)(2)(B), 16 U.S.C. 1539(a)(2)(B), and its implementing regulations at 50 CFR 17.22(b)(1).

On September 7, 1999, a neighbor to the proposed development (Gerber) and Defenders of Wildlife filed suit in Federal district court alleging violations of the National Environmental Policy Act, the ESA and the Administrative Procedure Act related to issuance of the ITP for the Home Port on Winchester Creek Habitat Conservation Plan.

The District Court for the District of Columbia granted summary judgment on all counts in favor of the Service on May 15, 2001. *See Gerber v. Babbitt*, 146 F.Supp.2d 1 (D. D.C. 2001). On appeal, the U.S. Court of Appeals for the D.C. Circuit remanded the matter to the District Court with instructions to remand to the agency to address two issues. *See id.* at 184. Specifically, the Court of Appeals held that the Service should have made a map of the mitigation area available during the public comment period and should have made an independent finding as to whether a possible project change identified in the record (the "Reduced Take Alternative") was practicable.

Pursuant to the remand, the Service conducted an independent analysis which was reflected in the draft document entitled "Draft—Assessment of Practicability of the Reduced Take Alternative on Remand." That document, in addition to the map, were made available for a 60-day public comment period starting May 9, 2003, (see 68 Fed. Reg. 25058). The Service received two comment letters, one from Mr. Gerber and one from Defenders of Wildlife. The Service has reviewed and considered those comments and has prepared a final decision document entitled "U.S. Fish and Wildlife Service's Decision Regarding the Incidental Take Permit (TE006310) to Maureen D. Waterman Following Remand" which includes the Service's responses to the comments received and is now available for public review at the address listed above.

Author

The primary author of this notice is Glenn Smith, Assistant Coordinator, Division of Endangered Species, Northeast Region, U.S. Fish and Wildlife Service.

Authority: The authority for this action is Section 10 of the Endangered Species Act (ESA), § 10(a)(2)(B), 16 U.S.C. 1539(a)(2)(B), and its implementing regulations at 50 CFR 17.22(b)(1).

Dated: August 28, 2003.

Richard O. Bennett,

Acting Regional Director, Region 5, Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Privacy Act of 1974, As Amended; Revision of a System of Records

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: The Department of the Interior (DOI) is issuing public notice of its intent to revise a system of records in its current inventory, Permits System—Interior, FWS-21, subject to the Privacy Act of 1974. This action is necessary to meet the requirements of the Privacy Act to publish a notice in the **Federal Register** of amended systems of records. A notice on this system of records was previously published in the **Federal Register** on December 6, 1983, (48 FR 54719). The agency is updating information on the system and adding new information on categories of records, purposes, routine uses, and procedures.

DATES: Comments on this revised system of records must be received on or before October 14, 2003.

ADDRESSES: Address all comments on this revised system of records to U.S. Fish and Wildlife Service, Privacy Act Officer, Mail Stop 222, Arlington Square Building, 4401 North Fairfax Drive, Arlington, Virginia 22203, or by email at Johnny_Hunt@fws.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Johnny R. Hunt, Service Privacy Act Officer, U.S. Fish and Wildlife Service, telephone: (703) 358-1730, or fax: (703) 358-2269.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service's (FWS) permit programs collect information to establish and verify an applicant's eligibility for a permit to conduct

certain activities with wildlife and plants under various Federal wildlife laws and treaties. These include the Bald and Golden Eagle Protection Act, Convention on International Trade in Endangered Species of Wild Fauna and Flora, Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Lacey Act, and Wild Bird Conservation Act. Information includes name, address, date of birth, Social Security Number, occupation, home and work phone numbers, facsimile number, and email address. The system no longer includes height, weight, or color of hair and eyes of applicants for applications received after 1997. The system also contains information on locations, types, and purposes of the proposed activity, qualifications of the applicant (such as education and experience), and tribal affiliation for eagle permits for Native American religious purposes. Other documents reflect the general administrative processing and review of an application, and the monitoring of activities under the issued permit. We propose to add new information on locations of records, categories of records, authority under the Wild Bird Conservation Act, purposes, procedures, current system managers, and record source categories, and we clarify when records would be released to the Department of Justice. We also propose to modify routine uses to include subject matter experts that provide advice on the issuance of permits; Federal, State, local or foreign wildlife and plant agencies for the exchange of permitting information; registrants involved in the breeding of endangered or threatened species under Captive-bred Wildlife registrations; appropriate authorities and others who need to know who is permitted to receive and rehabilitate sick, orphaned, and injured migratory birds; appropriate agencies when we need to monitor activities conducted under a permit or evaluate regulated trade and use; a congressional office in response to an inquiry an individual has made; the General Accounting Office or Congress when the information is required for the evaluation of the permit programs; and contractors, experts or consultations to accomplish a FWS function related to this system. The expanded routine uses do not require new information to be collected.

The Privacy Act (5 U.S.C. 552a(e)(11)) requires that the public be provided a 30-day period in which to comment on the intended use of the information in the system of records. The Office of Management and Budget (OMB), in Circular A-130, requires an additional