

## Preliminary Determinations

NMFS has preliminarily determined that the impact of construction of the Neptune Port Project may result, at worst, in a temporary modification in behavior of small numbers of certain species of marine mammals that may be in close proximity to the Neptune LNG facility and associated pipeline during its construction. These activities are expected to result in some local short-term displacement, resulting in no more than a negligible impact on the affected species or stocks of marine mammals. The provision requiring that the activity not have an unmitigable adverse impact on the availability of the affected species or stock for subsistence use does not apply for this proposed action.

This preliminary determination is supported by measures described earlier in this document under "Marine Mammal Mitigation, Monitoring, and Reporting" and MARAD's Record of Decision (and NMFS' Biological Opinion on this action). As a result of the described mitigation measures, no take by injury or death is requested, anticipated, or proposed to be authorized, and the potential for temporary or permanent hearing impairment is very unlikely due to the relatively low noise levels (and consequently small zone of impact). The likelihood of such effects would be avoided through the incorporation of the proposed shut-down mitigation measures mentioned in this document. While the number of marine mammals that may be harassed will depend on the distribution and abundance of marine mammals in the vicinity of the Port construction, the estimated number of marine mammals to be harassed is small.

## Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Neptune for the taking (by Level B harassment only) during construction of the Neptune Port provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: February 12, 2008.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[DoD-2008-OS-0008]

### Privacy Act of 1974; System of Records

**AGENCY:** Office of the Secretary, DoD.

**ACTION:** Notice to reinstate two systems of records.

**SUMMARY:** The Office of the Secretary of Defense is reinstating and transferring two systems of records notices, that were inadvertently deleted, to its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

**DATES:** This proposed action will be effective without further notice on March 20, 2008 unless comments are received which result in a contrary determination.

**ADDRESSES:** Send comments to the OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cindy Allard at (703) 588-2386.

**SUPPLEMENTARY INFORMATION:** On February 11, 2008 (73 FR 7720) the DoD published a system of records notice which deleted two systems of records. This notice is to reinstate and transfer from the Defense Logistics Agency (DLA) to Office of the Secretary of Defense (OSD) inventory of system of records.

The following two systems (DMDC 09 and DMDC 10) are reinstated and transferred.

Dated: February 12, 2008.

**L.M. Bynum,**

*Alternative OSD Federal Register Liaison  
Officer, Department of Defense.*

### DMDC 09

#### SYSTEM NAME:

Archival Purchase Card File

#### SYSTEM LOCATION:

Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

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

All DoD military members and civilian purchasing agents who have been issued credit purchase cards and/or granted approving authorization for the procurement of supplies, equipment, and services for official business.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes cardholder name, credit purchase card account number, billing address, work telephone number, and merchant data; approving official name, account number, work telephone number and addresses; and account processing and management information, including charge purchase card transactions, purchase and credit limitations, and card cancellation status indicator.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 2358, Research and Development Projects; and 10 U.S.C. 2784, Management of Credit Cards.

#### PURPOSE(S):

The purpose of the system of records is to provide a single central file of credit purchases within the Department of Defense to assess historical purchase card data.

For card recovery purposes, the system is used to identify former card holders who failed to properly turn in cards. Data from the system is also provided to the Defense Finance and Accounting Service for reporting credit purchase card transactions to appropriate authorities. Statistical data is used by management for planning, evaluation, and program administration purposes.

#### 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, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the OSD compilation of systems of records notices apply to this system.

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

##### STORAGE:

Electronic storage media.

##### RETRIEVABILITY:

Retrieved by name or credit purchase card account number.

##### SAFEGUARDS:

Access to personal information is restricted to those who require access to the records in the performance of their official duties. Access to personal information is further restricted by the

use of passwords which are changed periodically. Physical entry is restricted by the use of locks, guards, and administrative procedures. Employees are warned through screen log-on protocols and periodic briefings of the consequences of improper access or use.

**RETENTION AND DISPOSAL:**

Records are deleted 6 years and 3 months after final payment or when no longer needed, whichever is later.

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

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

Written requests should contain the full name, Social Security Number (SSN), date of birth, and current address and telephone number of the individual.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

Written requests should contain the full name, Social Security Number (SSN), date of birth, and current address and telephone number of the individual.

**CONTESTING RECORD PROCEDURES:**

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

**RECORD SOURCE CATEGORIES:**

The military services, the Defense components, financial institutions, merchants, and cardholders.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**DMDC 10**

**SYSTEM NAME:**

Defense Biometric Identification System (DBIDS)

**SYSTEM LOCATION:**

Defense Manpower Data Center, 400 Gigling Road, Seaside, CA 93955-6771. For a list of backup locations, contact the system manager.

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

Active duty, Reserve, and Guard personnel from the Armed Forces and their family members; retired Armed Forces personnel and their families; DoD and non-DoD employees and dependents, U.S. residents abroad, foreign nationals and corporate employees and dependents who have access to U.S. installations in the continental U.S. and overseas.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system includes personal data to include name, grade, Social Security Number, status, date and place of birth, weight, height, eye color, hair color, gender, passport number, country of citizenship, geographic and electronic home and work addresses and telephone numbers, marital status, fingerprints, photographs, iris scans, hand geometry template and identification card issue and expiration dates. The system also includes vehicle information such as manufacturer, model year, color and vehicle type, vehicle identification number (VIN), license plate type and number, decal number, current registration, automobile insurance data, and driver's license data. The system also contains data on government-issued and personal weapons such as type, serial number; manufacturer, caliber, firearm registration date, and storage location data to include unit, room, building, and phone number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 Departmental regulations; 10 U.S.C. 113, Secretary of Defense, Note at Public Law 106-65; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 18 U.S.C. 1029, Fraud and related activity in connection with access devices; 18 U.S.C. 1030, Fraud and related activity in connection with computers; 40 U.S.C. Chapter 25, Information technology management; 50 U.S.C. Chapter 23, Internal Security; Public Law 106-398, Government Information Security Act; Public Law 100-235, Computer Security Act of 1987; Public Law 99-474, Computer Fraud and Abuse Act; E.O. 12958, Classified National Security Information as amended by E.O. 13142 and 13292; E.O. 10450, Security Requirements for Government Employees; and E.O. 9397 (SSN).

**PURPOSE(S):**

To support DoD physical security and access control programs, the information assurance program, used for identity verification purposes, to record personal property registered with the Department, and for producing installation management reports.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a (b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the OSD compilation of systems of records notices apply to this system.

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

**STORAGE:**

Paper records in file folders and electronic storage media.

**RETRIEVABILITY:**

Retrieved primarily by name, Social Security Number (SSN), vehicle identifiers, or weapon identification data. However, data may also be retrieved by other data elements such as passport number, photograph, fingerprint data, and similar elements in the database.

**SAFEGUARDS:**

Computerized records are maintained in a controlled area accessible only to authorized personnel. Entry is restricted by the use of locks, guards, and administrative procedures. Access to personal information is limited to those who require the records in the performance of their official duties, and to the individuals who are the subjects of the record or their authorized representatives. Access to personal information is further restricted by the use of unique logon and passwords, which are changed periodically.

**RETENTION AND DISPOSAL:**

Disposition pending.

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

Director, Defense Manpower Data Center, 1600 Wilson Boulevard, Suite 400, Arlington VA 22209-2593.

Deputy Director, Defense Manpower Data Center, DoD Center Monterey Bay, 400 Gigling Road, Seaside, CA 93955-6771.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

Written requests should contain the full name, Social Security Number (SSN), date of birth, and current address and telephone number of the individual.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

Written requests should contain the full name, Social Security Number (SSN), date of birth, and current address and telephone number of the individual.

**CONTESTING RECORDS PROCEDURES:**

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the Privacy Act Officer, Office of Freedom of Information, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301-1155.

**RECORD SOURCE CATEGORIES:**

Data is collected from existing DoD databases, the Military Services, DoD Components, and from the individual.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

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**DEPARTMENT OF DEFENSE****Office of the Secretary****Renewal of Department of Defense Federal Advisory Committees**

**AGENCY:** DoD.

**ACTION:** Renewal of Federal Advisory Committee.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972, (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.65, the Department of Defense gives notice that it is renewing the charter for the Air University Board

of Visitors (hereafter referred to as the Board).

The Board is a discretionary federal advisory committee established by the Secretary of Defense to provide the Department of the Air Force independent advice and recommendations on matters pertaining to the educational, doctrinal, and research policies and activities of Air University. The Secretary of the Air Force or designated representative, on behalf of the Secretary of Defense, may act upon the Board's advice and recommendations.

The Board shall be composed of not more than 35 members, who are eminent authorities in the field of air power, defense, management, leadership and academia. Board members appointed by the Secretary of Defense, who are not federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. 3109. Board members shall be appointed on an annual basis by the Secretary of Defense, and they shall serve no more than nine years on the Board. The Board's Chairperson shall be elected by a vote of the Board membership and approved by the Air University Commander. The Secretary of the Air Force or designated representative may invite other distinguished federal officers or employees to serve as non-voting observers of the Board, and may appoint consultants, with special expertise, to assist the Board on an *ad hoc* basis.

Board members and consultants, if required, shall, with the exception of travel and per diem for official travel, serve without compensation. However, the Secretary of the Air Force, at his discretion, may authorize compensation to Board members and consultants in accordance with existing statutes, Executive Orders and regulations.

The Board shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, and other appropriate federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any federal

officers or employees who are not Board members.

**SUPPLEMENTARY INFORMATION:** The Board shall meet at the call of the Board's Designated Federal Officer, in consultation with the Board's chairperson. The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer or duly appointed Alternate Designated Federal Officer shall attend all committee meetings and subcommittee meetings.

Pursuant to 41 CFR 102-3.105(j) and 102-3.140, the public or interested organizations may submit written statements to the Air University Board of Visitors' membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Air University Board of Visitors.

All written statements shall be submitted to the Designated Federal Officer for the Air University Board of Visitors, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Air University Board of Visitors' Designated Federal Officer can be obtained from the GSA's FACA Database—<https://www.fido.gov/facadatabase/public.asp>.

The Designated Federal Officer, pursuant to 41 CFR 102-3.150, will announce planned meetings of the Air University Board of Visitors. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

**FOR FURTHER INFORMATION:** Contact Jim Freeman, Deputy Committee Management Officer for the Department of Defense, 703-601-2554, extension 128.

Dated: February 11, 2008.

**L.M. Bynum,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

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