

Dated: April 4, 1988.

Harry H. Flickinger,
Assistant Attorney General for
Administration.

JUSTICE/JMD-018

SYSTEM NAME:

Delegations of Procurement Authority,
Justice/JMD-018.

SYSTEM LOCATION:

Office of the Procurement Executive,
Department of Justice, Patrick Henry
Building, Room 6406, 601 D Street, NW,
Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED:

All Department of Justice procurement
personnel in the GS/GM 1102 and other
series who are actively engaged in the
acquisition process and who are or will
be designated as contracting officers, or
are authorized to obligate the
Government contractually.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual delegations of procurement
authority files will contain information
on the employees grade/series, job title,
employing bureau location, education,
procurement experience and
procurement training, type of delegation,
level of signatory authority, effective
date of entry into the program and
experience code.

**AUTHORITY FOR MAINTENANCE OF THE
SYSTEM:**

28 U.S.C. 507, 509 and 510; 41 U.S.C.
257; 5 U.S.C. 301; 28 CFR 0.75(d) and
0.75(j); and Executive Order 12352.

PURPOSE OF THE SYSTEM:

Individual delegations of procurement
authority files will be used to support a
newly established Contracting Officer
Standards Program which will serve as
a basis to establish Department-wide
training and experience standards for
issuing contracting officer delegations
and to ensure the standards are met. In
addition, the files will be used by the
Procurement Executive to manage and
enhance career development of the
Department's procurement work force.

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

(1) Records or information may be
disclosed as a routine use in a
proceeding before a court or
adjudicative body before which the
Department is authorized to appear
when any of the following is a party to
litigation or has an interest in litigation
and such records are determined by the
Department to be arguably relevant to
the litigation: The Department, or any of
the Department's components or its

subdivisions; any Department employee
in his or her official capacity, or in his or
her individual capacity where the
Department of Justice agrees to
represent the employee; or the United
States where the Department determines
that the litigation is likely to affect it or
any of the Department's components or
its subdivisions.

(2) Records or information permitted
to be released to the news media and
the public pursuant to 28 CFR 50.2 may
be made available unless it is
determined that release of the specific
information in the context of a particular
case would constitute an unwarranted
invasion of personal privacy.

(3) Records or information may be
disclosed as is necessary to respond to
congressional inquiries on behalf of
constituents.

(4) Records may be disclosed to the
National Archives and Records
Administration and to the General
Services Administration in records
management inspections conducted
under the authority of Title 44 U.S.C.
2904 and 2906.

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

STORAGE:

Originals of paper records are kept in
standard file cabinets. Duplicates of
original paper records will be stored
electronically in the Department's main
frame computer.

RETRIEVABILITY:

Records are retrieved by name of
employee.

SAFEGUARDS:

Paper records are stored in metal
filing cabinets and electronic records
are stored on the Department's main
frame computer. Access to the Patrick
Henry Building is protected by 24-hour
guard service and is restricted to
employees with official identification.
Access to records is restricted to
authorized personnel with official and
electronic identification.

RETENTION AND DISPOSAL:

Files are maintained until the
employee leaves the Department at
which time paper records are destroyed
and electronic records erased.

SYSTEM MANAGERS AND ADDRESS:

The system manager is the
Procurement Executive, Justice
Management Division, Department of
Justice, Patrick Henry Building, Room
6406, 601 D Street, NW., Washington,
D.C. 20530.

NOTIFICATION PROCEDURES:

Direct inquiries to the system manager
identified above, Attention: FOI/PA
Officer. Clearly mark the letter and
envelope "Freedom of Information/
Privacy Act Request."

RECORD ACCESS PROCEDURES:

Make all requests for access in writing
and clearly mark the letter and envelope
"Freedom of Information/Privacy Act
Request." Clearly indicate the name of
the requester, nature of the record
sought, approximate date(s) of the
record(s); and, provide the required
verification of identity (28 CFR 16.41(d)
Direct all requests to the system
manager identified above, attention
FOI/PA Officer; and, provide a return
address for transmitting the information.

CONTESTING RECORDS PROCEDURES

Direct all requests to contest or
amend information to the system
manager listed above. State clearly and
concisely the information being
contested, the reasons for contesting it,
and the proposed amendment to the
information sought. Clearly mark the
letter and envelope "Freedom of
Information/Privacy Act Request."

RECORD SOURCE CATEGORIES:

Information contained in the system is
collected from the individual, training
personnel, and general personnel
records.

**SYSTEMS EXEMPTED FROM CERTAIN
PROVISIONS OF THE ACT:**

None.

[FR Doc. 88-8605 Filed 4-19-88; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 12-88]

**Privacy Act of 1974; Amended System
of Records**

Pursuant to the provisions of the
Privacy Act of 1974, 5 U.S.C. 552a, notice
is given that the Office of the Pardon
Attorney (OPA), Department of Justice,
is amending a system of records entitled
"Executive Clemency Files (JUSTICE/
OPA-001)."

The OPA is amending the system
primarily to include two new routine
uses, identified below as "g" and "h,"
and to modify routine use "f." The
disclosure of records as described by
these routine uses will permit (1) the
formulation of informed comments and
recommendations by present and former
judicial and law enforcement authorities
regarding specific clemency applications;
(2) the execution of appropriate actions
by sentencing authorities subsequent to

Presidential clemency decisions, and (3) a sharing by Federal, State, local and foreign agencies of information which is necessary and relevant to Executive clemency review or other matters of law enforcement. Other factual and editorial changes also have been made to more accurately describe the system. Significant changes have been italicized for public convenience.

Title 5 U.S.C. 552a(e) (4) and (11) provide that the public be given a 30-day period in which to comment on new routine uses. Accordingly, please submit any comments by May 20, 1988, to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 6402, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

The system description, as amended, is reprinted below.

Dated: April 5, 1988.

Harry H. Flickinger,
Assistant Attorney General for
Administration.

JUSTICE/OPA-001

SYSTEM NAME:

Executive Clemency Files.

SYSTEM LOCATION:

Office of the Pardon Attorney (OPA), U.S. Department of Justice, Suite 490, Park Place Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have applied for or been granted Executive clemency.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the individual petitions for Executive clemency (Forms OPA-6 or OPA-13) and accompanying oath and character affidavits (Form OPA-11), investigatory material, evaluative reports, official and other correspondence, both solicited and unsolicited, and inter-agency and intra-agency correspondence and memoranda relating to individual petitions for clemency. The system includes Presidential Clemency Board files transferred to the OPA upon termination of the Board on September 15, 1975.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with the United States Constitution, Article II, Section 2; Executive Order of the President dated June 16, 1893; Order of the Attorney General No. 1011-83, 48 FR 22290 (1983), as codified in 28 CFR 1.1 et

seq.; Order of the Attorney General No. 1012-83, 48 FR 22290 (1983), as codified in 28 CFR 0.35 and 0.36; E.O. 11878 dated September 10, 1975; and 44 U.S.C. 3101.

PURPOSE OF THE SYSTEM:

Executive clemency files are maintained by the Attorney General or his designee to investigate each petition for Executive clemency, to review each petition and the information developed by the investigation and to determine whether, in his judgment, the request for clemency is of sufficient merit to warrant a recommendation for favorable action by the President. The information also is used by Federal parole authorities and other Department of Justice employees to assist them in the performance of their official duties.

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

Records in the system may be used as follows: (a) To provide information to the President and member of his staff to facilitate the consideration of the Attorney General's recommendation regarding each petition for Executive clemency; (b) to prepare notices to the public of the name of each grantee of clemency, date of Presidential action, nature of clemency granted, nature of grantee's offense, date and place of sentencing, description of sentence imposed, and names of character affiants and interested parties; to disclose similar information to that specified above with respect to clemency denials of general public interest if the disclosure does not constitute an unwarranted invasion of privacy; (c) to prepare bound and indexed volumes containing photocopies of the official warrant of clemency granted each recipient of clemency as a public and official record of Presidential action; (d) upon specific request, to advise the requester whether a named person has applied for, been granted or denied clemency, the date thereof, and the nature of the clemency granted or denied; (e) upon specific request, to make closed files available for historical research purposes when in the public interest and in conformity with Department of Justice policy; (f) to provide information which indicates a violation or apparent violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, State, local or foreign; or to provide information either in connection with the solicitation of information necessary and relevant to Executive clemency review or to assist these agencies, where appropriate, in performing their law enforcement

responsibilities in situations other than those involving a violation or apparent violation of law, e.g., state parole or clemency review; (g) to provide information to present and former law enforcement and judicial authorities to permit the formulation of comments and recommendations regarding individual clemency matters arising from cases with which they may be familiar; (h) to provide information to assist sentencing authorities in executing appropriate actions subsequent to Presidential clemency decisions; (i) to release information in a proceeding before a court or adjudicative body before which the OPA is authorized to appear when (1) one of the following is a party to or has an interest in the litigation: i. the OPA; ii. any employee of the OPA in his or her official capacity; iii. any employee of the OPA in his or her individual capacity where the Department of Justice has agreed to represent the employee; or, iv. the United States where the OPA determines that it is likely to be affected by the litigation; and (2) the records, or information derived therefrom, are determined by the OPA to be arguably relevant to the litigation; (j) to disseminate information to the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (k) to make information available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record; and (l) to make records available to the National Archives and Record Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2004 and 2006.

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

Information in the system is maintained in its original form (i.e., paper letters, notes and memoranda) and stored in locked file cabinets in the OPA and in the Federal Records Center in Suitland, Maryland.

RETRIEVABILITY:

Information is retrieved by using a name index to obtain the case file number assigned to each applicant for Executive clemency.

SAFEGUARDS:

Information contained in the system is protected in accordance with Department of Justice security regulations for Privacy Act systems of records. Files are maintained in the OPA or in the Federal Records Center, are not commingled with other Department of Justice records, and are made available only in accordance with the aforementioned routine uses. When not in the custody of an appropriate official, records are stored in a central file room protected by an intrusion alarm.

RETENTION AND DISPOSAL:

Records are stored in the OPA and closed cases generally are transferred to the Federal Records Center in Suitland, Maryland when five years old. Except for clemency reports which are furnished to the President in connection with clemency application, Presidential responses, warrants or other documents signifying the President's action in a clemency case, and cases which may be designated by the Pardon Attorney as having significant public interest, records are destroyed after 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Pardon Attorney, Office of the Pardon Attorney, Department of Justice, Suite 490, Park Place Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

NOTIFICATION PROCEDURE:

Address inquiries to the Pardon Attorney, Department of Justice, Suite 490, Park Place Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

RECORD ACCESS PROCEDURES:

While the Attorney General has exempted Executive Clemency files from the access provisions of the Privacy Act, requests for discretionary releases of records shall be made in writing to the system manager listed above with the envelope and letter clearly marked "Privacy Access Request." Include in the request the general subject matter of the document. Provide full name, current address, date and place of birth, signature (which must be notarized) and a return address for transmitting the information.

CONTESTING RECORD PROCEDURES:

While the Attorney General has exempted Executive Clemency files from the correction (contest and amendment) provisions of the Privacy Act, requests for the discretionary correction (contest and amendment) of records should be directed to the system manager listed above, stating clearly and concisely what information is being contested, the

reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information are the OPA staff, individual applicants for clemency and their representatives, Federal Bureau of Investigation or other official investigatory reports, Bureau of Prisons records, Armed Forces reports, probation of parole reports, and reports from individuals or non-Federal organizations, both solicited and unsolicited.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (d) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

[FR Doc. 88-8606 Filed 4-19-88; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 13-88]**Privacy Act of 1974; System of Records**

Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, the Office of the Pardon Attorney (OPA), Department of Justice, is publishing a system of records entitled "Miscellaneous Correspondence File (JUSTICE/OPA-002)."

The purpose of the system of records is to maintain, locate and track for a reasonable period of time all miscellaneous incoming and outgoing correspondence, permit the preparation of necessary responses, and to have available any information which may assist in formulating policy and/or considering potential candidates for Executive clemency.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment; and the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to review the system. However, the Department has requested a waiver of the 60-day requirement. Therefore, please submit any comments by May 20, 1988. The public, OMB, and Congress are invited to submit written comments to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 6402, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

In accordance with 5 U.S.C. 552a the Department has provided a rep this system to OMB and the Congress. The system description is printed below.

Dated: April 6, 1988.

Harry H. Flickinger
Assistant Attorney General for
Administration.

JUSTICE/OPA-022

SYSTEM NAME:

Miscellaneous Correspondence F

SYSTEM LOCATION:

Office of the Pardon Attorney (O U.S. Department of Justice, suite 490 Park Place Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

CATEGORIES OF INDIVIDUALS COVERED BY SYSTEM:

Individuals who are the named subjects of OPA incoming and outgoing correspondence, but who have not formally applied for or received Executive clemency. Also, individuals who have corresponded with the OPA either directly or by referral, but whose correspondence either may or may not pertain to a particular named individual including the correspondent, or whose correspondence does not contain a request for information under the Freedom of Information/Privacy Acts.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains miscellaneous correspondence originated by OPA or received by OPA, either directly or by referral, excluding correspondence pertaining to (1) individuals who have formally applied for or received Executive clemency and (2) individuals who have made formal requests for records under the Freedom of Information/Privacy Acts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with the United States Constitution, Article II, Section 2; Executive Order of the President dated June 16, 1893; Order of the Attorney General No. 1011-83, 48 FR 22290 (1983), as codified in 28 CFR 1.1 seq.; Order of the Attorney General No. 1012-83, 48 FR 22290 (1983), as codified in 28 CFR 0.35 and 0.36; E.O. 11878 dated September 10, 1975; and 44 U.S.C. 310.

PURPOSE OF THE SYSTEM:

Records in the system are used by employees in the performance of their duties for reference and informational purposes to facilitate efficient, accurate