

**DEPARTMENT OF DEFENSE****Department of the Navy****Privacy Act of 1974; System of Records**

**AGENCY:** Department of the Navy, DoD.  
**ACTION:** Altering a record system.

**SUMMARY:** The Department of the Navy proposes to alter a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

**DATES:** The alteration will be effective on July 27, 1998, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350-2000.  
**FOR FURTHER INFORMATION CONTACT:** Mrs. Doris Lama at (202) 685-6545 or DSN 325-6545.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed altered system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on June 17, 1998, to the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: June 25, 1998.

**L. M. Bynum,**

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

**N05520-4**

**SYSTEM NAME:**

NCIS Investigative Files System  
*(February 22, 1993, 58 FR 10762).*

**CHANGES:**

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

Delete entry and replace with 'Persons in the following categories who require access to classified defense information and others who are of criminal, counterintelligence, security or general investigative interest to NCIS:

Active, reserve, and inactive members of the naval service; civilians, to include applicants for employment with NCIS; both citizen and alien employees located in both the U.S. and in overseas areas and including temporary, part-time, and advisory personnel employed by the Department of the Navy; industrial and contractor personnel; civilian personnel being considered for sensitive positions, boards, conferences, etc. Civilian personnel who worked or resided overseas, e.g., Red Cross personnel. Civilian and military personnel accused, suspected, a witness to, or victims of felonious type offenses, or lesser offenses impacting on the good order, discipline, morale or security of the Department of the Navy; civilian personnel seeking access to or seeking to conduct or operate any business or other function aboard a Department of the Navy installation, facility or ship; civilians and civilian or military personnel who are subjects, co-subjects, witnesses, and victims in law enforcement and investigative cases in which law enforcement and investigative authorities (Federal, state, and local) have requested laboratory analysis of submitted evidence for law enforcement purposes; civilians and civilian, contract and military personnel upon whom evidence is stored at a Consolidated Evidence Facility; civilian, contract, or military personnel involved in the loss, compromise, or unauthorized disclosure of classified material/information; civilians, contract, and civilian and military personnel who were/are of counterintelligence interest to the Department of the Navy. Persons under investigation and parties to the conversation whose conversations have been intercepted during wire, electronic and oral surveillance operations conducted by or on behalf of NCIS.'

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Delete entry and replace with 'Official investigative reports prepared by NCIS or other Federal, state, local or foreign law enforcement or investigative body. NCIS information reports (NIRs) and their predecessor NCIS operations reports (NORs) and their predecessor NCIS Reports of Investigations (ROI). NCIS NIRS, ROIs, and other similar documents and NIRs document information received by NCIS which is of interest to the naval services or other law enforcement or investigative bodies. The Counterintelligence Directorate still uses the ROI format to document its investigative activities. Requests for, documentation pertaining to, results of wire, electronic and oral intercepts; polygraph examinations and summaries; physical surveillances; mail cover or

search; and other law enforcement and counterintelligence investigative methods. Also may contain biographic data, intelligence/counterintelligence debriefing reports, information concerning U.S. personnel who are missing, captured, or detained by a hostile entity. The information may be of criminal, counterintelligence, or general investigative interest.

Action Lead Sheets, investigative summaries, memoranda for the files and correspondence relating to specific cases and contained in the individual dossier.

**Polygraph Data.** A listing of persons who submitted to polygraph examination by NCIS examiners. The data includes the examinee's name, location and results of the examination and the identity of the examiner. Also, copies of examination records created in support of criminal investigations. This data includes statistical and technical data sheets, questions sheets, charts, numerical evaluation forms, subject statements, consent forms, medical waivers, interview logs, personal data sheets, and related documents.

Case Control and Management documents which serve as the basis for recording, conducting, controlling, and guiding the investigative activity. Records identifying confidential sources and contacts with them. Index to persons reported by 'Name Only'.

**Regional Laboratory Report Records.** Records reporting and documenting laboratory analysis of submitted evidence.

**Consolidated Evidence Inventory Records.** Reporting and documenting evidence analyzed, stowed, transferred, or destroyed. Wire, Electronic, and Oral Interceptions Index Records. Listing of persons who were subjects of wire, electronic, or oral communications intercept operations. The data includes the name of the person who is the subject of the surveillance and citizenship; Social Security Number; and date/place of birth, if known; to the extent known names of each identifiable person whose communications were intercepted; telephone numbers or radio call signs involved; case number; address of location of each interception; activity maintaining the case file; and date or dates of the interceptions.

**Case Control and Narcotics Data Records.** Automated records used only for statistical purposes in accounting for productivity, manhour expenditures; various statistical data concerning narcotics usage and used solely for statistical purposes.

**Screening Board Reports.** These reports set forth the results of oral

examination of applicants for a position as a Special Agent with NCIS.

*Personnel Security Investigations.*

Requests for and results of investigations or inquiries conducted by U.S. Navy or other Department of Defense, Federal, state, or local investigative agency. Record includes: personal history statements; fingerprint cards; personnel security questionnaire; medical and/or educational records and waivers for release; requests for and National Agency checks; local agency checks; military records; birth records; employment records; credit records and waivers for release; interviews of education, employment, and credit references; interviews of listed and developed character references; interviews of neighbors; etc.'

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 18 U.S.C. 2510-2520 and 3504; 44 U.S.C. 3101; 47 U.S.C. 605; Executive Memorandum of June 26, 1939, Investigations of Espionage, Counterespionage and Sabotage Matters; DoD Regulation 5200.2-R, Personnel Security Program Regulation; DoD Directive 5200.26, Defense Investigative Program; DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense; DoD Directive 5210.48, DoD Polygraph Program; DoD Regulation 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons; DoD Directive 5505.9, Interception of Wire, Electronic, and Oral Communications for Law Enforcement; Secretary of the Navy Instruction 3820.2D, Investigative and Counterintelligence Collection and Retention Guidelines Pertaining to the Department of the Navy; Secretary of the Navy Instruction 5520.3B, Criminal and Security Investigations and Related Activities Within the Department of the Navy; Secretary of the Navy Instruction 5520.4B, Department of the Navy Polygraph Program; OPNAV Instruction 5510.1H, Department of the Navy Information and Personnel Security Program Regulation; E.O. 9397 (SSN); E.O. 10450, Security Requirements for Government Employees, in particular sections 2, 3, 4, 5, 6, 7, 8, 9, and 14; and E.O. 12333, United States Intelligence Activities.'

**PURPOSE(S):**

Delete entry and replace with 'The information in this system is (was) collected to meet the investigative,

counterintelligence, and security responsibilities of the Department of the Navy. This includes personal, personnel security, internal security, criminal, and other law enforcement matters all of which are essential to the effective operation of the Department of the Navy.

The records in this system are used for the following purposes: Suitability for access or continued access to classified information; suitability for promotion, employment, or assignment; suitability for access to military installations or industrial firms engaged in government projects/contracts; suitability for awards or similar benefits; use in current law enforcement investigation or program of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; to assist Federal, state and local agencies that perform law enforcement or quasi-law enforcement functions; to assist Federal, state and local agencies that perform victim/witness assistance services, child protection services or family support or sailor services; insurance claims including workmen's compensation; provide protective operations under the DoD Distinguished Visitor Protection Program and to assist the U.S. Secret Service in meeting its responsibilities; assist local law enforcement agencies in meeting their responsibilities for complying with Congressionally mandated records checks such as Brady Handgun Violence Prevention Act checks; used for public affairs or publicity purposes such as wanted persons announcements, etc; referral of matters under their cognizance to federal, state or local law enforcement authorities including criminal prosecution, civil court action or regulatory order; advising higher authorities and naval commands of the important developments impacting on security, good order or discipline; reporting of statistical data to naval commands and higher authority; input into the Defense Security Service managed Defense Clearance and Investigations Index (DCII) database under system notice V5-02. Wire, Electronic, and Oral Interceptions Index is maintained to enable NCIS to quickly locate records of intercept activities in response to motions for discovery and inquiries.

Users of the records in this system include NCIS employees who require access for operational, administrative, or supervisory purposes; DoD criminal investigative and intelligence units; DoD components making suitability determinations.'

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

Delete paragraphs one, three, and five, and add the following three paragraphs 'To the Immigration and Naturalization Service, Department of Justice, for use in alien admission and naturalization inquiries conducted under Section 105 of the Immigration and Naturalization Act of 1952, as amended.

To the Department of Veterans Affairs for use in benefit determinations.

To the White House for the purpose of personnel actions requiring approval of the President of the United States as provided for in DoD Instruction 1320.4.'

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**RETRIEVABILITY:**

Delete entry and replace with 'NCIS closed case paper files are filed by numeric sequential number, alphabetic by topical title, and geographic location; microfilm files are filed by dossier number; and electronic/optically imaged files by case control and Social Security Number. In order to locate the file it is necessary to query the Defense Clearance and Investigations Index using the name of the subject and at least one other personal identifier such as date of birth, place of birth, or Social Security Number. Polygraph electronic systems also use the polygraph approval number. Open case files may also be retrieved from NCIS automated systems by a control number assigned at the time the investigation is initiated.

Copies of the files in the Naval Criminal Investigative Service Field Offices, Naval Criminal Investigative Service Resident Agencies, and Polygraph sites are retrieved by name. Polygraph sites can also retrieve copies of the file by polygraph approval number.

Consolidated Evidence Facility and Regional Forensic Lab information is retrieved by name, case control number, submitting agency log number, log numbers, or lab numbers. Wire, Electronic, and Oral Intercept Index records are retrieved by a combination of name, address, Social Security Number, telephone number/radio call sign, or case designation.'

**SAFEGUARDS:**

Delete entry and replace with 'Buildings employ alarms, security guards, and or rooms with security controlled areas accessible only to authorized persons. Classified and highly sensitive paper records are maintained in General Service Administrative approved security containers. Paper and microform records in NCIS records office are stored

in open shelves and filing cabinets in security controlled areas accessible only to authorized persons. Electronically and optically stored records are maintained in 'fail-safe' system software with password protected access. Records are accessible only to authorized persons with a need-to-know who are properly screened, cleared and trained. Noncurrent and master copy of microfilmed files are retired to the Washington National Records Center where retrieval is restricted to NCIS authorized personnel.'

#### RETENTION AND DISPOSAL:

Delete entry and replace with '*Counterintelligence (CI) Records*:'

CI records are retained in the active file until the case is closed; then destroyed 25 years after the date of last action. Major CI investigations are retired to the NCIS records office upon case closure; then transferred to the National Archives and Records Administration (NARA) when 25 years old.

Source records are retained in the active file until the operation is complete; then destroyed 75 years after the date of the last action.

Reciprocal CI investigative files regarding individuals or organizations under investigative jurisdiction of the requesting agency are disposed of as prescribed above for CI investigative records; except when the request is for CI personnel security matters; then the file is destroyed after one year.

CI defensive briefings are retained until case closure, retired to the NCIS records office; then destroyed after 15 years. Foreign national marriage and visa applicant investigations are retired to the NCIS records office upon case closure; then destroyed after one year except when the investigation surfaces significant derogatory material. These files are destroyed after five years.

Records pertaining to CI polygraph examinations conducted in support of CI activities are filed with the case file and disposed of in accordance with the guidance for the associated file. CI Security Polygraph Program (CSP) records are maintained in the active file until no longer needed; then disposed of after the final quality control review as follows: (1) CSP cases favorably resolved are destroyed after the final quality assurance review, except at NCIS Polygraph Units which retain the CSP investigative reports only; destroying it when no longer needed or after one year (2) CSP cases other than favorably resolved are destroyed 25 years after completion of the final quality assurance review, except when an existing criminal investigation exists.

In such cases the CSP Package is incorporated into the investigative file and disposed of in accordance with the disposition guidance for the dossier (3) audio tape recordings of routine CSP examinations with no significant responses are erased when no longer needed or after 90 days. Recordings referred for further investigation are incorporated into the investigative case file and disposed of in accordance with the disposition guidance for the dossier.

#### *Personnel investigations:*

Completed NCIS investigative files on Personnel Security Investigations (PSI's) are destroyed after 15 years unless significant incidents or adverse information is developed, in which case they are destroyed after 25 years. PSI files on persons considered for affiliation with DoD will be destroyed within one year if the affiliation is not consummated.

Special Agent applicant records are retained for one year if the applicant declines offer of employment and five years if the applicant is rejected for employment. Non-DoD-affiliated applicant records are destroyed when no longer needed or after 90 days. Records for applicants who are accepted are retired to NCIS records office upon case closure; then destroyed 10 years after release, separation, transfer, retirement, or resignation.

Internal personnel inquiries records are retired to NCIS records office after case closure; then destroyed 25 years after the date of last action or 10 years after termination of employment, whichever is later.

Limited inquiries records are retired to NCIS records office at inquiry closure; then destroyed after 5 years.

Support applicant records are retired to NCIS records office at case closure; then destroyed after 15 years.

#### *Law Enforcement Records:*

Criminal investigative files are destroyed after 25 years, except (1) controlled death investigations which are destroyed 75 years after date of case closure (2) files of cases determined to be of historical value are transferred to NARA 25 years after the date of the last action, except Grand Jury material which is destroyed at the time of transfer.

Incident Complaint Reports (ICR) received from Navy Shore Patrol and Marine Corps military police offices pertaining to categories of investigations/reports under the jurisdiction of NCIS are destroyed when 25 years old. Cases referred but determined not under NCIS jurisdiction are destroyed when no longer needed.

Criminal intelligence operations files are retired to NCIS records office upon

closure; then destroyed 15 years after closure for Group 1 records and five years for Group 2.

Protective operations files involving protective details of distinguished persons are destroyed when five years old, except records where a threat or attempted threat materialized are destroyed when 25 years old.

Law enforcement source (also called 'cooperating witness') records are retired to NCIS records office after case closure and destroyed 15 years after the date of last action.

Information reports consisting of incidental information impacting on the security or discipline of commands or of interest to other law enforcement elements are destroyed when 25 years old.

Reciprocal investigative files regarding requests for investigative assistance from other Federal, state and local law enforcement agencies are disposed of as prescribed for the criminal investigative reports and ICRs, as appropriate.

Polygraph examinations conducted for criminal investigations are quality assured and filed in the associated criminal investigation. Disposition is in accordance with the guidance for the investigative case file.

Wire, Electronic, Oral Interception Index computer entries are deleted upon destruction or transfer to NARA of the case file containing intercept information. Disposition of the case files is governed by the NARA approved retention period applied to the case dossier. Hardcopy records used to create the index are destroyed upon verification that the indexing information has been fully and accurately entered into the automated index.

National Crime Information Center (NCIC) records that support Department of the Navy entries into the FBI's National Crime Information Center are destroyed after the related entry is deleted from the National Crime Information Center computer. Microfiche copies are destroyed when all cases on the fiche are cleared from the National Crime Information Center.

#### *Laboratory fingerprint card files are disposed of as follows:*

(1) one fingerprint card set is forwarded to the Federal Bureau of Investigation; the other set is destroyed when 75 years old

(2) fingerprint card indices and related correspondence are destroyed when all administrative needs have expired.

Counterintelligence records on persons not affiliated with DoD must be destroyed within 90 days or one year

under criteria set forth in DoD Directive 5200.27, unless retention is required by law or specifically approved by the Secretary of the Navy.

Files retained in the Naval Criminal Investigative Service Field Offices and Naval Criminal Investigative Service Resident Agencies and Polygraph sites are temporary and are destroyed after 90 days or one year, as appropriate.

Destruction of records will be by shredding, burning, or pulping for paper records; burning for microform records; and magnetic erasing for computerized records. Optical digital data and CD ROM records are destroyed as specified by NAVSO P-5239-26, 'Remanence Security Guidebook' of September 1993.'

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#### RECORD SOURCE CATEGORIES:

Delete entry and replace with 'From individual, DoD and Military Department records; Federal Agency records; foreign law enforcement agencies, security, intelligence, investigatory, or administrative authorities; state, county, and municipal records; employment records of public schools, colleges, universities, technical and trade schools; hospital records; real estate agencies; credit bureaus; financial institutions which maintain credit information on individuals such as loan and mortgage companies, credit unions, banks, etc.; transportation companies (airlines, railroad, etc.); other private records sources deemed necessary in order to complete an investigation; miscellaneous records such as: telephone directories, city directories; Who's Who in America; Who's Who in Commerce and Industry; Who Knows What, a listing of experts in various fields; American Medical Directory; Martindale-Hubbell Law Directory; U.S. Postal Guide; Insurance Directory; Dunn and Bradstreet; and the U.S. Navy BIDX (Biographical Index); any other type of miscellaneous records deemed necessary to complete the investigation or inquiry; the interview of individuals who have knowledge of the subject's background and activities; the interview of witnesses, victims, confidential sources, and or other individuals deemed necessary to complete the investigation.'

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#### N05520-4

##### SYSTEM NAME:

NCIS Investigative Files System.

##### SYSTEM LOCATION:

Primary System: Director, Naval Criminal Investigative Service,

Washington Navy Yard, Building 111, 716 Sicard Street, SE, Washington, DC 20388-5380.

Decentralized Segments - Located at the Naval Criminal Investigative Service (NCIS) Field Offices (FO), Resident Agencies (RA), and Polygraph sites worldwide. Naval Criminal Investigative Service Regional Offices retain copies of certain portions of some investigative files and related documentation for up to one year. The number and location of these Naval Criminal Investigative Service Field Offices, Naval Criminal Investigative Service Resident Agencies, and Polygraph sites are subject to change in order to meet the requirements of the Department of the Navy.

Naval Criminal Investigative Service Regional Forensic Laboratories retain records of lab analysis of evidence submitted for law enforcement purposes.

Consolidated Evidence Facilities maintain evidence inventory records.

Current locations of NCIS decentralized segments may be obtained from the Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 716 Sicard Street, SE, Washington, DC 20388-5380.

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

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and local) have requested laboratory analysis of submitted evidence for law enforcement purposes; civilians and civilian, contract and military personnel upon whom evidence is stored at a Consolidated Evidence Facility; civilian, contract, or military personnel involved in the loss, compromise, or unauthorized disclosure of classified material/information; civilians, contract, and civilian and military personnel who were/are of counterintelligence interest to the Department of the Navy. Persons under investigation and parties to the conversation whose conversations have been intercepted during wire, electronic and oral surveillance operations conducted by or on behalf of NCIS.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

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Action Lead Sheets, investigative summaries, memoranda for the files and correspondence relating to specific cases and contained in the individual dossier.

*Polygraph Data.* A listing of persons who submitted to polygraph examination by NCIS examiners. The data includes the examinee's name, location and results of the examination and the identity of the examiner. Also, copies of examination records created in support of criminal investigations. This data includes statistical and technical data sheets, questions sheets, charts, numerical evaluation forms, subject statements, consent forms, medical waivers, interview logs, personal data sheets, and related documents.

Case Control and Management documents which serve as the basis for recording, conducting, controlling, and guiding the investigative activity. Records identifying confidential sources and contacts with them. Index to persons reported by 'Name Only'.

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*Case Control and Narcotics Data Records.* Automated records used only for statistical purposes in accounting for productivity, manhour expenditures; various statistical data concerning narcotics usage and used solely for statistical purposes.

*Screening Board Reports.* These reports set forth the results of oral examination of applicants for a position as a Special Agent with NCIS.

*Personnel Security Investigations.* Requests for and results of investigations or inquiries conducted by U.S. Navy or other Department of Defense (DoD), Federal, state, or local investigative agency. Record includes: personal history statements; fingerprint cards; personnel security questionnaire; medical and/or educational records and waivers for release; requests for and National Agency checks; local agency checks; military records; birth records; employment records; credit records and waivers for release; interviews of education, employment, and credit references; interviews of listed and developed character references; interviews of neighbors; etc.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 18 U.S.C. 2510-2520 and 3504; 44 U.S.C. 3101; 47 U.S.C. 605; Executive Memorandum of June 26, 1939, Investigations of Espionage, Counterespionage and Sabotage Matters; DoD Regulation 5200.2-R, Personnel

Security Program Regulation; DoD Directive 5200.26, Defense Investigative Program; DoD Directive 5200.27, Acquisition of Information Concerning Persons and Organizations Not Affiliated with the Department of Defense; DoD Directive 5210.48, DoD Polygraph Program; DoD Regulation 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons; DoD Directive 5505.9, Interception of Wire, Electronic, and Oral Communications for Law Enforcement; Secretary of the Navy Instruction 3820.2D, Investigative and Counterintelligence Collection and Retention Guidelines Pertaining to the Department of the Navy; Secretary of the Navy Instruction 5520.3B, Criminal and Security Investigations and Related Activities Within the Department of the Navy; Secretary of the Navy Instruction 5520.4B, Department of the Navy Polygraph Program; OPNAV Instruction 5510.1H, Department of the Navy Information and Personnel Security Program Regulation; E.O. 9397 (SSN); E.O. 10450, Security Requirements for Government Employees, in particular sections 2, 3, 4, 5, 6, 7, 8, 9, and 14; and E.O. 12333, United States Intelligence Activities.

#### **PURPOSE(S):**

The information in this system is (was) collected to meet the investigative, counterintelligence, and security responsibilities of the Department of the Navy. This includes personal, personnel security, internal security, criminal, and other law enforcement matters all of which are essential to the effective operation of the Department of the Navy.

The records in this system are used for the following purposes: Suitability for access or continued access to classified information; suitability for promotion, employment, or assignment; suitability for access to military installations or industrial firms engaged in government projects/contracts; suitability for awards or similar benefits; use in current law enforcement investigation or program of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; to assist Federal, state and local agencies that perform law enforcement or quasi-law enforcement functions; to assist Federal, state and local agencies that perform victim/witness assistance services, child protection services or family support or sailor services; insurance claims including workmen's compensation; provide protective operations under the DoD Distinguished

Visitor Protection Program and to assist the U.S. Secret Service in meeting its responsibilities; assist local law enforcement agencies in meeting their responsibilities for complying with Congressionally mandated records checks such as Brady Handgun Violence Prevention Act checks; used for public affairs or publicity purposes such as wanted persons announcements, etc; referral of matters under their cognizance to federal, state or local law enforcement authorities including criminal prosecution, civil court action or regulatory order; advising higher authorities and naval commands of the important developments impacting on security, good order or discipline; reporting of statistical data to naval commands and higher authority; input into the Defense Security Service managed Defense Clearance and Investigations Index (DCII) database under system notice V5-02. Wire, Electronic, and Oral Interceptions Index is maintained to enable NCIS to quickly locate records of intercept activities in response to motions for discovery and inquiries.

Users of the records in this system include NCIS employees who require access for operational, administrative, or supervisory purposes; DoD criminal investigative and intelligence units; DoD components making suitability determinations.

#### **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:

To federal intelligence agencies for matters under their purview.

To other investigative units (federal, state, or local) for whom the investigation was conducted, or who are engaged in regulatory, criminal investigative and intelligence activities; to defense counsel in the course of acquiring information.

To commercial insurance companies in those instances in which they have a legitimate interest in the results of the investigation, but only to that extent and provided an unwarranted invasion of privacy is not involved.

To victims of crimes to the extent necessary to pursue civil and criminal remedies.

To the Immigration and Naturalization Service, Department of Justice, for use in alien admission and naturalization inquiries conducted

under Section 105 of the Immigration and Naturalization Act of 1952, as amended.

To the Department of Veterans Affairs for use in benefit determinations.

To the White House for the purpose of personnel actions requiring approval of the President of the United States as provided for in DoD Instruction 1320.4.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices also apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:**

**STORAGE:**

Maintained on paper records in file folders, audio and audiovisual tapes, microimaging, electronic systems, magnetic tape, optical digital data disks, CD ROM, and computer output products. Some laboratory documents are stored in loose-leaf notebooks or bound record books.

**RETRIEVABILITY:**

NCIS closed case paper files are filed by numeric sequential number, alphabetic by topical title, and geographic location; microfilm files are filed by dossier number; and electronic/optically imaged files by case control and Social Security Number. In order to locate the file it is necessary to query the Defense Clearance and Investigations Index using the name of the subject and at least one other personal identifier such as date of birth, place of birth, or Social Security Number. Polygraph electronic systems also use the polygraph approval number. Open case files may also be retrieved from NCIS automated systems by a control number assigned at the time the investigation is initiated.

Copies of the files in the Naval Criminal Investigative Service Field Offices, Naval Criminal Investigative Service Resident Agencies, and Polygraph sites are retrieved by name. Polygraph sites can also retrieve copies of the file by polygraph approval number. Consolidated Evidence Facility and Regional Forensic Lab information is retrieved by name, case control number, submitting agency log number, log numbers, or lab numbers. Wire, Electronic, and Oral Intercept Index records are retrieved by a combination of name, address, Social Security Number, telephone number/radio call sign, or case designation.

**SAFEGUARDS:**

Buildings employ alarms, security guards, and or rooms with security controlled areas accessible only to

authorized persons. Classified and highly sensitive paper records are maintained in General Service Administrative approved security containers. Paper and microform records in NCIS records office are stored in open shelves and filing cabinets in security controlled areas accessible only to authorized persons. Electronically and optically stored records are maintained in 'fail-safe' system software with password protected access. Records are accessible only to authorized persons with a need-to-know who are properly screened, cleared and trained. Noncurrent and master copy of microfilmed files are retired to the Washington National Records Center where retrieval is restricted to NCIS authorized personnel.

**RETENTION AND DISPOSAL:**

*Counterintelligence (CI) Records:*

CI records are retained in the active file until the case is closed; then destroyed 25 years after the date of last action. Major CI investigations are retired to the NCIS records office upon case closure; then transferred to the National Archives and Records Administration (NARA) when 25 years old.

Source records are retained in the active file until the operation is complete; then destroyed 75 years after the date of the last action.

Reciprocal CI investigative files regarding individuals or organizations under investigative jurisdiction of the requesting agency are disposed of as prescribed above for CI investigative records; except when the request is for CI personnel security matters; then the file is destroyed after one year.

CI defensive briefings are retained until case closure, retired to the NCIS records office; then destroyed after 15 years. Foreign national marriage and visa applicant investigations are retired to the NCIS records office upon case closure; then destroyed after one year except when the investigation surfaces significant derogatory material. These files are destroyed after five years.

Records pertaining to CI polygraph examinations conducted in support of CI activities are filed with the case file and disposed of in accordance with the guidance for the associated file. CI Security Polygraph Program (CSP) records are maintained in the active file until no longer needed; then disposed of after the final quality control review as follows: (1) CSP cases favorably resolved are destroyed after the final quality assurance review, except at NCIS Polygraph Units which retain the CSP investigative reports only; destroying it when no longer needed or

after one year (2) CSP cases other than favorably resolved are destroyed 25 years after completion of the final quality assurance review, except when an existing criminal investigation exists. In such cases the CSP Package is incorporated into the investigative file and disposed of in accordance with the disposition guidance for the dossier (3) audio tape recordings of routine CSP examinations with no significant responses are erased when no longer needed or after 90 days. Recordings referred for further investigation are incorporated into the investigative case file and disposed of in accordance with the disposition guidance for the dossier.

*Personnel investigations:*

Completed NCIS investigative files on Personnel Security Investigations (PSI's) are destroyed after 15 years unless significant incidents or adverse information is developed, in which case they are destroyed after 25 years. PSI files on persons considered for affiliation with DoD will be destroyed within one year if the affiliation is not consummated.

Special Agent applicant records are retained for one year if the applicant declines offer of employment and five years if the applicant is rejected for employment. Non-DoD-affiliated applicant records are destroyed when no longer needed or after 90 days. Records for applicants who are accepted are retired to NCIS records office upon case closure; then destroyed 10 years after release, separation, transfer, retirement, or resignation.

Internal personnel inquiries records are retired to NCIS records office after case closure; then destroyed 25 years after the date of last action or 10 years after termination of employment, whichever is later.

Limited inquiries records are retired to NCIS records office at inquiry closure; then destroyed after 5 years.

Support applicant records are retired to NCIS records office at case closure; then destroyed after 15 years.

*Law Enforcement Records:*

Criminal investigative files are destroyed after 25 years, except (1) controlled death investigations which are destroyed 75 years after date of case closure (2) files of cases determined to be of historical value are transferred to NARA 25 years after the date of the last action, except Grand Jury material which is destroyed at the time of transfer.

Incident Complaint Reports (ICR) received from Navy Shore Patrol and Marine Corps military police offices pertaining to categories of investigations/reports under the jurisdiction of NCIS are destroyed when

25 years old. Cases referred but determined not under NCIS jurisdiction are destroyed when no longer needed.

Criminal intelligence operations files are retired to NCIS records office upon closure; then destroyed 15 years after closure for Group 1 records and five years for Group 2.

Protective operations files involving protective details of distinguished persons are destroyed when five years old, except records where a threat or attempted threat materialized are destroyed when 25 years old.

Law enforcement source (also called 'cooperating witness') records are retired to NCIS records office after case closure and destroyed 15 years after the date of last action.

Information reports consisting of incidental information impacting on the security or discipline of commands or of interest to other law enforcement elements are destroyed when 25 years old.

Reciprocal investigative files regarding requests for investigative assistance from other Federal, state and local law enforcement agencies are disposed of as prescribed for the criminal investigative reports and ICRs, as appropriate.

Polygraph examinations conducted for criminal investigations are quality assured and filed in the associated criminal investigation. Disposition is in accordance with the guidance for the investigative case file.

Wire, Electronic, Oral Interception Index computer entries are deleted upon destruction or transfer to NARA of the case file containing intercept information. Disposition of the case files is governed by the NARA approved retention period applied to the case dossier. Hardcopy records used to create the index are destroyed upon verification that the indexing information has been fully and accurately entered into the automated index.

National Crime Information Center (NCIC) records that support Department of the Navy entries into the FBI's National Crime Information Center are destroyed after the related entry is deleted from the National Crime Information Center computer. Microfiche copies are destroyed when all cases on the fiche are cleared from the National Crime Information Center.

*Laboratory fingerprint card files are disposed of as follows:*

(1) one fingerprint card set is forwarded to the Federal Bureau of Investigation; the other set is destroyed when 75 years old

(2) fingerprint card indices and related correspondence are destroyed

when all administrative needs have expired.

Counterintelligence records on persons not affiliated with DoD must be destroyed within 90 days or one year under criteria set forth in DoD Directive 5200.27, unless retention is required by law or specifically approved by the Secretary of the Navy.

Files retained in the Naval Criminal Investigative Service Field Offices and Naval Criminal Investigative Service Resident Agencies and Polygraph sites are temporary and are destroyed after 90 days or one year, as appropriate.

Destruction of records will be by shredding, burning, or pulping for paper records; burning for microform records; and magnetic erasing for computerized records. Optical digital data and CD ROM records are destroyed as specified by NAVSO P-5239-26, 'Remanence Security Guidebook' of September 1993.

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

Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, 716 Sicard Street, SE, Washington, DC 20388-5380.

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, Code 00JF, 716 Sicard Street, SE, Washington, DC 20388-5380.

Requests must contain the full name of the individual and at least one additional personal identifier such as date and place of birth, or Social Security Number. Persons submitting written requests must properly establish their identity to the satisfaction of the Naval Criminal Investigative Service. This can be accomplished by providing an unsworn declaration that states 'I declare under perjury or penalty under the laws of the United States of America that the foregoing is true and correct.'

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for their representative to act on their behalf.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Director, Naval Criminal Investigative Service, Washington Navy Yard, Building 111, Code 00JF, 716 Sicard Street, SE, Washington, DC 20388-5380.

Requests must contain the full name of the individual and at least one

additional personal identifier such as date and place of birth and Social Security Number. Persons submitting written requests must properly establish their identity to the satisfaction of the Naval Criminal Investigative Service. This can be accomplished by providing an unsworn declaration that states 'I declare under perjury or penalty under the laws of the United States of America that the foregoing is true and correct.'

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for their representative to act on their behalf.

#### CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

#### RECORD SOURCE CATEGORIES:

From individual, DoD and Military Department records; Federal Agency records; foreign law enforcement agencies, security, intelligence, investigatory, or administrative authorities; state, county, and municipal records; employment records of public schools, colleges, universities, technical and trade schools; hospital records; real estate agencies; credit bureaus; financial institutions which maintain credit information on individuals such as loan and mortgage companies, credit unions, banks, etc.; transportation companies (airlines, railroad, etc.); other private records sources deemed necessary in order to complete an investigation; miscellaneous records such as: telephone directories, city directories; Who's Who in America; Who's Who in Commerce and Industry; Who Knows What, a listing of experts in various fields; American Medical Directory; Martindale-Hubbell Law Directory; U.S. Postal Guide; Insurance Directory; Dunn and Bradstreet; and the U.S. Navy BIDX (Biographical Index); any other type of miscellaneous records deemed necessary to complete the investigation or inquiry; the interview of individuals who have knowledge of the subject's background and activities; the interview of witnesses, victims, confidential sources, and or other individuals deemed necessary to complete the investigation.

#### EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2), since the information is compiled and maintained by the Naval Criminal Investigative

Command, which performs as its principle function the enforcement of criminal laws.

Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1-R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

Records maintained in connection with providing protective services to the President and other individuals under 18 U.S.C. 3506, may be exempt pursuant to 5 U.S.C. 552a(k)(3).

Records maintained solely for statistical research or program evaluation purposes and which are not used to make decisions on the rights, benefits, or entitlement of an individual except for census records which may be disclosed under 13 U.S.C. 8, may be exempt pursuant to 5 U.S.C. 552a(k)(4).

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information, contact the system manager.

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BILLING CODE 5000-04-F

## DEPARTMENT OF ENERGY

### Energy Information Administration

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Agency information collection activities: proposed collection; comment request.

**SUMMARY:** The Energy Information Administration (EIA) is soliciting comments concerning the proposed modifications and extensions of the following Electric Power Forms:

EIA-411, "Coordinated Bulk Power Supply Program Report;"

EIA-412, "Annual Report of Public Electric Utilities;"

EIA-417R, "Electric Power Systems Emergency Report;"

EIA-759, "Monthly Power Plant Report;"

EIA-767, "Steam-Electric Plant Operation and Design Report;"

EIA-826, "Monthly Electric Utility Sales and Revenue Report with State Distributions;"

EIA-860, "Annual Electric Generator Report;"

EIA-861, "Annual Electric Utility Report;"

EIA-867, "Annual Nonutility Power Producer Report;" and

EIA-900, "Monthly Nonutility Sales for Resale Report."

**DATES:** Written comments must be submitted on or before August 31, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the DOE contact listed below of your intention to do so as soon as possible.

**ADDRESSES:** Send comments to John G. Colligan, Energy Information Administration, Electric Power Division, EI-53, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0650; telephone (202) 426-1174; e-mail jcolliga@eia.doe.gov; and FAX (202) 426-1311.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of forms and instruction sets should be directed to John Colligan at the address listed above.

#### SUPPLEMENTARY INFORMATION:

I. Background

II. Current Actions

III. Request for Comments

#### I. Background

In order to fulfill its responsibilities under the Federal Energy Administration Act of 1974 (Pub. L. 93-275) and the Department of Energy Organization Act (Pub. L. 95-91), the EIA is obliged to carry out a central, comprehensive, and unified energy data and information program. As part of this program, EIA collects, evaluates, assembles, analyzes, and disseminates data and information related to energy resource reserves, production, demand, and technology, and related economic and statistical information relevant to the adequacy of energy resources to meet demands in the near and longer term future for the Nation's economic and social needs.

The EIA, as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1995 (Pub. L. 104-13)), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Also, EIA will later seek approval by the Office of Management and Budget (OMB) for the collections under Section 3507(h) of the Paperwork Reduction Act of 1995 (Pub. L. 104-13, Title 44, U.S.C. Chapter 35).

#### Confidentiality Notice

The issue of the confidential treatment of data collected on any of the forms listed above is being addressed and will be resolved as a separate matter under other **Federal Register** notices. Whatever final confidentiality procedures are implemented will be applied to each of the EIA survey forms above as appropriate.

#### II. Current Actions

The EIA will request (a) a 3-year extension, through December 31, 2001, for all forms listed, and (b) modifications to the specific forms as described below. The proposed changes the EIA is requesting through this action reflect the current state of the electric power industry.

Additional changes may be required, prior to the new expiration date, in order to be up-to-date with the rapidly changing industry.

Form EIA-411, "Coordinated Bulk Power Supply Program," Propose changing planning projections period (Items 1, 2, and 4) from 10 years to 5 years. The form and instructions will be modified to show this changes.

Form EIA-412, "Annual Report of Public Electric Utilities," Propose changing the reporting threshold from 120,000 MWh to 150,000 MWh. The instructions will be modified to show this change.

Form EIA-417R, "Annual Summary of Emergency Occurrences," no change.

Form EIA-759, "Monthly Power Plant Report," no change.

Form EIA-767, "Steam-Electric Plant Operation and Design Report," no change.

Form EIA-826, "Monthly Electric Utility Sales and Revenue Report with State Distributions." Propose adding