

and (8), (f), and (g) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a (k) (1) and (k) (2) from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

**Freedom of Information/Privacy Act Records (JUSTICE/USA-009).**

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the U.S. Attorneys Offices for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemption claimed for this system of records applies only to records obtained from such other U.S. Attorneys Offices systems and only to the same extent as the records contained in such other systems have been exempted.

(e) The system of records listed under paragraph (d) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 522) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making a determination with regard to disclosure, access, and the Department of Justice in claiming correction, the purpose of the Privacy Act in providing such exemptions and such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

3. Section 16.88 is amended by adding paragraphs (c) and (d) to read as follows:

**§ 16.88 Exemption of Antitrust Division Systems—Limited access as indicated.**

(c) The following system of records is exempt from 5 U.S.C. 552a (c) (3), (d), (e) (4) (G) and (H), and (f).

(1) Antitrust Caseload Evaluation System (ACES)—Monthly Report. (Justice/ATR-009)

These exemptions apply only to the extent that information in these systems

is subject to exemption pursuant to 5 U.S.C. 552a(k) (2). It is noted however that the provisions of 5 U.S.C. 552a are not applicable to these systems by virtue of 5 U.S.C. 552a(d) (5).

(d) Exemption from the particular subsections are justified for the following reasons:

(1) Exemption from subsection (c) (3) is justified because these systems are maintained in aid of ongoing antitrust enforcement investigations and proceedings. The release of the accounting of disclosures made under subsection (b) of the Act would permit the subject of an investigation of an actual or potential criminal or civil violation to determine whether he is the subject of an investigation. Disclosure of the accounting would therefore present a serious impediment to antitrust law enforcement efforts.

(2) 5 U.S.C. 552a(d) does not apply to these systems by virtue of 5 U.S.C. 552a(d) (5). In addition, exemptions from subsections (d), (e) (4) (G) and (H), and (f), all related to matters concerned with individual access to information in systems of records, are justified under 5 U.S.C. 552a(k) (2) because access to the information retrievable from this system and compiled for law enforcement purposes could result in the premature disclosure of the identity of the subject of an investigation of an actual or potential criminal or civil violation and information concerning the nature of that investigation. This information could enable the subject to avoid detection or apprehension. This would present a serious impediment to effective law enforcement since the subject could hinder or prevent the successful completion of the investigation.

4. Section 16.90 is amended by adding paragraphs (g) and (h) to read as follows:

**§ 16.90 Exemption of Civil Rights Division Systems—Limited access, as indicated.**

(g) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j) (2) from subsections (c) (3), (d), and (f) of 5 U.S.C. 552a; in addition, the following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(k) (2) from subsections (c) (3), and (d) of 5 U.S.C. 552a: Freedom of Information/Privacy Act Records (JUSTICE/CRT-010).

These exemptions apply only to the extent that the records contained in this system have been obtained from other systems of records maintained by the Civil Rights Division for which exemptions from one or more of the foregoing provisions of the Privacy Act of 1974 have been promulgated. The exemptions claimed for this system of records apply only to records obtained from such other Civil Rights Division systems and only to the same extent as the records contained in such other systems have been exempted.

(h) The system of records listed under paragraph (g) of this section is exempted for the following reasons:

(1) In the course of processing requests for records pursuant to the Freedom of Information Act (5 U.S.C. 552) or for access or correction of records pursuant to the Privacy Act (5 U.S.C. 552a), it is frequently necessary to search for records in systems of records for which exemptions have been claimed pursuant to 5 U.S.C. 552a (j) or (k). When records are located in said systems, it is frequently necessary to prepare copies for the purpose of consulting with agency personnel or with other agencies, either with regard to determining whether or to what extent the records should be disclosed, or access provided, or correction made or denied, or for review in the event of administrative appeal or judicial review.

(2) If records otherwise exempt pursuant to published rules should lose their exempt character when taken from such exempt systems for the purpose of compliance with the Freedom of Information Act and the Privacy Act in reviewing such records and making determination with regard to disclosure, access, and correction, the purpose of the Privacy Act in providing such exemptions, and of the Department of Justice in claiming such exemptions would be defeated and nullified. The proper, efficient, and timely processing of citizens' requests pursuant to said Acts would be hindered and impeded.

5. Section 16.92 is revised as follows:

**§ 16.92 Exemption of Land and Natural Resources Division Systems—Limited access, as indicated.**

(a) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (d):

(1) Docket Card System (JUSTICE/LDN-003).

These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a (k) (2).

(b) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c) (3) because that portion of the Docket Card System relating to enforcement of criminal provisions of the Refuse Act of 1899 (33 U.S.C. 407), Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), Section 5 of the Outer Continental Shelf Act (43 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 1857 et seq.) and the Noise Control Act of 1972 (42 U.S.C. 4901), is being exempted from access and contest; the provision for disclosure of accounting is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of confidential informants and to facilitate the enforcement of the criminal provisions of the above statutes.

(c) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (d):

(1) Freedom of Information/Privacy Act Records System. (Justice/LDN-005).

These exemptions apply only to the extent that information in this system is

subject to U.S.C. 552a

(d) Exemptions from subsections (c) (3), (d), (e) (1), (e) (4) (G), (H) and (I), and (f) of 5 U.S.C. 552a:

(1) From that portion of the Freedom of Information/Privacy Act which relates to the disclosure of records which are being exempted from access and contest; the provision for disclosure of accounting is not applicable.

(2) From that portion of the Freedom of Information/Privacy Act which relates to the disclosure of records which are being exempted from access and contest; the provision for disclosure of accounting is not applicable.

6. Section 16.98 is amended by adding paragraphs (g) and (h) to read as follows:

**§ 16.98 Exemption of Antitrust Division Systems—Limited access, as indicated.**

(g) The following system of records is exempted from 5 U.S.C. 552a (c) (3), (d), (e) (1), (e) (4) (G), (H), and (I), and (f) of 5 U.S.C. 552a:

(1) Antitrust Caseload Evaluation System (ACES)—Monthly Report. (Justice/ATR-009)

These exemptions apply only to the extent that information in these systems

is subject to exemption pursuant to 5 U.S.C. 552a (k) (2).

(2) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c) (3) because that portion of the Docket Card System relating to enforcement of criminal provisions of the Refuse Act of 1899 (33 U.S.C. 407), Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), Section 5 of the Outer Continental Shelf Act (43 U.S.C. 1151 et seq.), the Clean Air Act (42 U.S.C. 1857 et seq.) and the Noise Control Act of 1972 (42 U.S.C. 4901), is being exempted from access and contest; the provision for disclosure of accounting is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of confidential informants and to facilitate the enforcement of the criminal provisions of the above statutes.

(c) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (d):

(1) Freedom of Information/Privacy Act Records System. (Justice/LDN-005).

These exemptions apply only to the extent that information in this system is