

We do not anticipate that any injuries, serious injuries, or mortalities would occur as a result of PRBO's proposed activities, and we do not propose to authorize injury, serious injury or mortality. These species may exhibit behavioral modifications, including temporarily vacating the area during the proposed seabird and pinniped research activities to avoid the resultant acoustic and visual disturbances. Due to the nature, degree, and context of the behavioral harassment anticipated, the activities are not expected to impact rates of recruitment or survival. Further, these proposed activities would not take place in areas of significance for marine mammal feeding, resting, breeding, or calving and would not adversely impact marine mammal habitat.

We have preliminarily determined, provided that PRBO carries out the previously described mitigation and monitoring measures, that the impact of conducting the proposed seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in central California, November, 2012 through November, 2013, may result, at worst, in a temporary modification in behavior and/or low-level physiological effects (Level B harassment) of small numbers of certain species of marine mammals.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, we have preliminarily determined that the total taking from the proposed activities will have a negligible impact on the affected species or stocks; and that impacts to affected species or stocks of marine mammals would be mitigated to the lowest level practicable.

#### **Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses**

Section 101(a)(5)(D) of the Marine Mammal Protection Act also requires us to determine that the authorization will not have an unmitigable adverse effect on the availability of marine mammal species or stocks for subsistence use. There are no relevant subsistence uses of marine mammals in the study area (northeastern Pacific Ocean) that implicate section 101(a)(5)(D) of the Act.

#### **Endangered Species Act**

The Steller sea lion, eastern U.S. stock is listed as threatened under the Act and occurs in the research area. NMFS' Office of Protected Resources, Permits and Conservation Division conducted a

formal section 7 consultation under this Act. On November 18, 2008, NMFS issued a Biological Opinion (2008 BiOp) and concluded that the issuance of an Incidental Authorization is likely to affect, but not likely to jeopardize the continued existence of Steller sea lions. NMFS has also issued an incidental take statement (ITS) for Steller sea lions pursuant to section 7 of the Act. The ITS contains reasonable and prudent measures for implementing terms and conditions to minimize the effects of this take. We have reviewed the 2008 BiOp and determined that there is no new information regarding effects to Steller sea lions; the action has not been modified in a manner which would cause adverse effects not previously evaluated; there has been no new listing of species or no new designation of critical habitat that could be affected by the action; and the action will not exceed the extent or amount of incidental take authorized in the 2008 BiOp. Therefore, the proposed Authorization does not require the reinitiation of section 7 consultation under the Act.

#### **National Environmental Policy Act (NEPA)**

To meet our NEPA requirements for the issuance of an Authorization to PRBO, we prepared an Environmental Assessment (EA) in 2007 that was specific to seabird research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore and evaluated the impacts on the human environment of our authorization of Level B harassment resulting from seabird research in Central California. At that time, we determined that conducting the seabird research would not have a significant impact on the quality of the human environment and issued a Finding of No Significant Impact (FONSI) and, therefore, it was not necessary to prepare an environmental impact statement for the issuance of an Authorization to PRBO for this activity. In 2008, we prepared a supplemental EA (SEA) titled "Supplemental Environmental Assessment For The Issuance Of An Incidental Harassment Authorization To Take Marine Mammals By Harassment Incidental To Conducting Seabird And Pinniped Research In Central California And Environmental Assessment For The Continuation Of Scientific Research On Pinnipeds In California Under Scientific Research Permit 373-1868-00," to address new available information regarding the effects of PRBO's seabird and pinniped research activities that may have cumulative impacts to the

physical and biological environment. At that time, we concluded that issuance of an Authorization would not significantly affect the quality of the human environment and issued a FONSI for the 2008 SEA regarding PRBO's activities. In conjunction with this year's application, we have again reviewed the 2007 EA and the 2008 SEA and determined that there are no new direct, indirect or cumulative impacts to the human and natural environment associated with the Authorization requiring evaluation in a supplemental EA and we, therefore, preliminarily reaffirm the 2008 FONSI. A copy of the EA, SEA, and the NMFS FONSI for this activity is available upon request (see **ADDRESSES**).

#### **Proposed Authorization**

As a result of these preliminary determinations, we propose to authorize the take of marine mammals incidental to PRBO's proposed seabird and pinniped research activities in the northeast Pacific Ocean, provided they incorporate the previously mentioned mitigation, monitoring, and reporting requirements. The duration of the Incidental harassment Authorization would not exceed one year from the date of its issuance.

#### **Information Solicited**

We request interested persons to submit comments and information concerning this proposed project and our preliminary determination of issuing a take authorization (see **ADDRESSES**). Concurrent with the publication of this notice in the **Federal Register**, we will forward copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 19, 2012.

**Matthew J. Brookhart,**

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

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## **BUREAU OF CONSUMER FINANCIAL PROTECTION**

[Docket No. CFPB-2012-013]

### **Privacy Act of 1974, as Amended**

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of a Revised Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial

Protection, hereinto referred to as the Consumer Financial Protection Bureau (“CFPB” or the “Bureau”), gives notice of the establishment of a revised Privacy Act System of Records.

**DATES:** Comments must be received no later than October 29, 2012. The new system of records will be effective November 6, 2012, unless the comments received result in a contrary determination.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Electronic: [privacy@cfpb.gov](mailto:privacy@cfpb.gov).*
- *Mail or Hand Delivery/Courier:*

Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435-7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:**

Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau 1700 G Street NW., Washington, DC 20552, (202) 435-7220.

**SUPPLEMENTARY INFORMATION:** The CFPB revises its Privacy Act System of Records Notice (“SORN”)

“CFPB.0013—CFPB External Contact Database.” In revising this SORN, the CFPB is expanding its system of records to include photographs of CFPB employees and members of the public who attend a CFPB sponsored event or an event where the CFPB is participating. In addition, a new routine use is being added to authorize the CFPB to disclose PII from the system in the form of photographs to the general public through photographs on the CFPB’s Web site, blog postings and other social media, in reports, and in other publications used to promote the CFPB and to support internal communications. Additionally, this notice includes non-substantive changes to the text of the Categories of Individuals, Categories of Records, and Routine Uses of Records Maintained in the System.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (“Act”), Public Law 111-203, Title X, established the CFPB to administer and

enforce federal consumer financial protection law. The CFPB will maintain the records covered by this notice.

The report of the revised system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A-130, “Federal Agency Responsibilities for Maintaining Records About Individuals,” dated November 30, 2000,<sup>1</sup> and the Privacy Act, 5 U.S.C. 552a(r).

The revised system of records entitled “CFPB.013—CFPB External Contact Database” is published in its entirety below.

Dated: September 21, 2012.

**Claire Stapleton,**

*Chief Privacy Officer, Bureau of Consumer Financial Protection.*

**CFPB.013**

**SYSTEM NAME:**

CFPB External Contact Database.

**SYSTEM LOCATION:**

Consumer Financial Protection Bureau, 1700 G Street NW., Washington DC, 20552.

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

Individuals covered by this system include all individuals involved in CFPB communications with external affairs related activities including: (1) Media representatives (including, without limitations, newspaper, magazine, radio or television station, wire service, internet or any other form of media) who request interviews or meetings with the CFPB staff; (2) individuals who accompany the CFPB staff on official travel; (3) CFPB employees or members of the public attending a CFPB sponsored event, work activity, or an event in which the CFPB participated; (4) individuals who request building passes for access to the CFPB facility (including, without limitations, media representatives, correspondents, technicians, and/or producers); (5) individuals who request information from the CFPB Communications Office concerning specific issues and/or topics; (6) individuals who have been contacted

<sup>1</sup> Although pursuant to Section 1017(a)(4)E, of the Consumer Financial Protection Act, Public Law 111-203, the CFPB is not required to comply with OMB-issued guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

for media events, interviews or meetings, occasions, invitations, travel opportunities or the placement of articles; (7) individuals on the mailing list for the CFPB speeches or updates; (8) individuals who request the CFPB accept a speaking engagement, accept an honor, attend a function, or request information about the CFPB, and its mission and/or policies, etc.; (9) individuals who have participated in a survey or focus group sponsored by the CFPB; (10) CFPB contacts of nongovernmental organizations throughout the United States (media, external affairs, educational, etc.); (11) officials of federal, state, and local governments; (12) assignment information of current and former CFPB staff; (13) CFPB staff authorized to perform domestic speaking/media engagements; and (14) CFPB staff involved in external affairs related communications.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in the system will include information related to communications with external affairs contacts. Such records include without limitation: (1) Contact information (name, business phone number, email address) for individuals who are involved in the operation of the CFPB’s external affairs activities; (2) domestic travel records, including dates, places visited and purpose of trip, biographies, speaking engagements, and interviews; (3) communications between CFPB staff and individuals representing the media, non-profits, academia, and the private sector; (4) photographs of CFPB employees and members of the public attending a CFPB sponsored event or an event in which the CFPB participated; (5) information necessary to obtain entry into CFPB facility, such as name, address, telephone number, date of birth, Social Security numbers, state of citizenship; (6) press releases; (7) names of local media organizations, non-profit, academia, and private sector organizations; (8) information on CFPB staff who ask the CFPB for permission to publish information about themselves or articles they have authored; (9) information on individuals who have participated in either a survey or focus group sponsored by the CFPB; (10) invitations sent to the CFPB to participate in or attend a speaking engagement, including the names of requesters and/or the organizations they represent, phone numbers, email addresses, assigned action officials and status; (11) automated and hard copy travel records, usually containing names, titles, addresses, organizations,

telephone/fax/internet numbers, when necessary for travel documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Public Law 111–203, Title X, sections 1011, 1012, 1021, codified at 12 U.S.C. 5491, 5492, 5511.

**PURPOSE(S):**

The purpose of the system is to enable the CFPB to communicate with the American public about its mission and activities. The information will be used to facilitate the CFPB's activities, including external contacts with the media, non-profits, academia, and the private sector. The information collected will also facilitate CFPB events and press conferences.

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

These records may be disclosed, consistent with the CFPB Disclosure of Records and Information Rules promulgated at 12 CFR part 1070 *et seq.* to:

(1) Appropriate agencies, entities, and persons when: (a) The CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) Another federal or state agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(3) To the Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Contractors, agents, or other authorized individuals performing work

on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities;

(6) The U.S. Department of Justice ("DOJ") for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body before which the CFPB is authorized to appear, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the litigation, and such proceeding names as a party or interests:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components;

(7) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(8) A grand jury pursuant either to a federal or state grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury, where the subpoena or request has been specifically approved by a court. In those cases where the Federal Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge;

(9) Appropriate agencies, entities, and persons, to the extent necessary to secure information relevant to the CFPB's external affairs activities, including external contacts with the media, non-profits, academia, and the private sector;

(10) Members of the media, federal, state, and local government officials or other recipients of the CFPB's external affairs communications to inform them about attendees and invited guests of the CFPB media events and press briefings; and

(11) To the public, members of the media, federal, state, and local government officials, or other recipients of CFPB reports, viewers of the CFPB's Web site, blog postings, and other social

media, and recipients of other public relations materials issued by the CFPB about the activities of the CFPB.

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

**STORAGE:**

Paper and electronic records.

**RETRIEVABILITY:**

Records are retrievable by the name of the individual or organization, date of event or date of received inquiry or request, or assigned file number, email address or by some combination thereof.

**SAFEGUARDS:**

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

**RETENTION AND DISPOSAL:**

The CFPB will maintain electronic and paper records indefinitely until the National Archives and Records Administration (NARA) approves the CFPB's records disposition schedule.

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

Consumer Financial Protection Bureau, Media Relations Officer, 1700 G Street NW., Washington, DC 20552.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, "Disclosure of Records and Information." Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

**RECORD ACCESS PROCEDURES:**

See "Notification Procedures" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification Procedures" above.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained directly from the individual who is the subject of these records, and/or the agency or organization that the individual represents; and the CFPB staff involved in the external affairs operations.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

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